




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 20 November 2013

LIQUOR (RED TAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (5.50 pm), in reply: I thank all members for their contributions and I take pleasure in following the contribution of the member for Greenslopes this afternoon. I thank all members for their important debate of the Liquor (Red Tape Reduction) and Other Legislation Amendment Bill 2013, particularly those who expressed support for the bill. I also thank the various stakeholders who have made a valuable input into the policy development stage. In particular, I thank the industry and community representatives who are members of the liquor and gaming red-tape-reduction expert panel, which provided advice on red-tape-reduction opportunities for the consideration of government. Additionally, I thank those members of the Queensland public who made submissions to the public discussion paper released by the Newman government earlier this year on liquor and gambling regulatory reform. More than 300 submissions were received in response to this discussion paper.

As noted in previous statements I have made to this parliament, the liquor and gaming industries play a significant role in the Queensland economy and community. Casinos, hotels and restaurants are important to tourism, and clubs provide valuable services to their local communities. They all provide employment opportunities for Queenslanders. The primary purpose of the bill is to remove unnecessary red tape as part of this government's commitment to reducing the regulatory burden on the liquor and gaming industry and supporting tourism as one of the four pillars of the Queensland economy. The bill is the second red-tape-reduction bill for the liquor and gaming industry that I have put before this parliament. As with the first bill, assented to in June this year, this bill reflects the government's desire to have a balanced and responsible approach to the regulation of liquor and gambling. This approach maintains necessary safeguards to protect community health, safety and amenity, but also removes the unnecessary regulatory burden on industry to foster conditions in which business can prosper and provide benefits for all Queenslanders.

The needs and interests of both industry and the wider community were taken into account during the consideration of the policy to which the bill gives effect. For example, the bill provides a number of amendments to reduce the unnecessary burden on low-risk premises. It amends the Liquor Act 1992 to exempt low-risk restaurants, cafes and small community clubs of 2,000 or fewer members from the requirement to have an approved manager present or reasonably available when the premises do not operate beyond midnight. Marine vessels operating under a subsidiary on-premises licence will also be excluded from the approved manager requirements, regardless of trading hours, due to the low-risk nature of tour vessel operations and strict controls that a captain has over conduct on a ship. These amendments will reduce the legislative burden on the operators of those venues, which are not generally associated with high levels of harm. However, in accordance with our balanced approach, it is the intention to retain the provisions requiring all employees selling liquor to be RSA trained in association with appropriately trained licensees. Further, the Commissioner for Liquor and Gaming will retain the ability to require an approved manager be present or reasonably

available should licensees not operate in accordance with the conditions of their licence or where they create problems in their community.

The bill also provides for an exemption for tour operators from the Liquor Act 1992. This exemption will allow tour operators to sell a maximum of two standard drinks in a day to adult clients during a pre-booked tour without a licence as a convenient gesture of hospitality. It is consistent with the current laws for hairdressers and limousine companies. I note the member for Gregory spoke about now having the ability to get a haircut. I suggest that is probably a good thing, although I would not suggest he—

Mr Johnson: Are you insinuating that I do not get one often enough?

Mr BLEIJIE: Absolutely.

Madam DEPUTY SPEAKER (Miss Barton): Order! Member for Gregory, you are not in your seat.

Mr Johnson: But I am right next to it.

Mr BLEIJIE: I think he had a cheek each side. I was going to suggest that when the honourable member for Gregory goes and gets his haircut, he does not go to the Grosvenor Hotel opposite the State Law Building because the Grosvenor Hotel is currently offering cheap haircuts by topless waitresses.

Ms Trad: So you have been informed.

Mr BLEIJIE: It is opposite the State Law Building, which I go to every day. They do a lunch as well. I would not suggest that the member for Gregory travels to that particular establishment.

The bill also provides flexibility for licensees experiencing significant financial difficulty to enter into an instalment plan with the Commissioner for Liquor and Gaming in order to avoid having their licence suspended or cancelled due to non-payment of their fees. Guidelines will be drafted by the Office of Liquor and Gaming Regulation to ensure that the financial difficulty is in relation to matters beyond the licensees' control, such as a major economic downturn in a region rather than the normal fluctuations in demand that businesses would be expected to manage.

Additionally, the bill removes the legislative requirement for licensees to keep a responsible service of alcohol training register about course certificates held by crowd controllers and staff involved in the service or supply of alcohol in premises, as the register duplicates information already held by licensees. The bill also removes the requirements for approved managers and licensees to hold a current responsible service of alcohol certificate where they already hold a current responsible management of licensed venues certificate. This is because the responsible management course contains significant aspects of responsible service of alcohol training and is considered a higher level course. These amendments will further reduce unnecessary duplication and regulatory burden on approved managers and individual licensees.

Amendments in the bill will extend the term of an adult entertainment permit from the current one year to three years. Given the complexity of the approval process, licensees need to commence reapplying for a permit six months before the permit is due for expiry, creating a continuous application cycle. These amendments will provide both time and cost savings for industry and government, and will provide industry with more business certainty as they can obtain a longer approval period. Amendments in the bill will also allow individuals to apply for their own approval as an adult entertainment permit controller for a period of five years, rather than being tied to an approval made under a particular adult entertainment permit. This amendment will provide controllers with greater flexibility to work across multiple venues, and will reduce red tape and costs for licensees and government associated with approving controllers who work across multiple venues. However, the same high level of probity and compliance assessment currently undertaken when considering the suitability of any adult entertainment related application and the applicant will remain in place.

The bill will reduce the administration burden on licensees, licensed monitoring operators, approved financiers and gaming trainers, as it will allow for the destruction of a gaming machine without first obtaining the Commissioner for Liquor and Gaming's written approval. In light of current technological safeguards and legislative provisions, it is no longer considered necessary for the government to track the destruction of gaming machines. In accordance with best practice regulation, the bill also removes licence application requirements from the Gaming Machine Act 1991 and provides for them in an approved form. This will allow for a more flexible regulatory model and reduces duplication of requirements in the legislation.

The bill will also make a number of miscellaneous amendments to liquor and gaming legislation to reduce red tape, correct omissions and improve legislative clarity and integrity. This includes

amending the Wagering Act to give direct legislative authority under that act for the relevant minister to extend the term of a sports wagering licence. This provision clarifies the existing ministerial power under the act to ensure the flexibility of the minister in making decisions on extensions of licences and retrospectively confirms previous ministerial decisions in regard to licence extensions.

The bill also amends fair trading legislation to reduce red tape, correct omissions and improve legislative clarity and integrity. These amendments include: amendments to the Roman Catholic Church (Incorporation of Church Entities) Act 1994 to provide for more formal legislative recognition of existing legal entities and arrangements established under church canon law, relating to canon law ownership of church property; amendments to the Roman Catholic Church Lands Act 1985 in order to correct the inadvertent omission of a block of land vested to the trustees of the Roman Catholic Archdiocese of Brisbane; and amendments to the Security Providers Act to clarify that unrecorded convictions do not result in automatic disqualification from holding a licence.

I will address a couple of the issues that the member for Mackay raised with respect to the retrospective nature of the amendments with respect to the Wagering Act. The reason we are putting that in place is that, as I recall, I extended by ministerial prerogative one of the licences. Crown Law advice at the time said that it was the ability of the minister to do that. Crown Law then provided further advice that clarified the position and said it would be a better legislative mechanism to do it, hence why it is retrospective in terms of the licence extension.

Another matter the member raised was in relation to the adult entertainment permit. He said it should be one year for new applicants and three years for renewals. I advise the member that there is already a high threshold, stringent probity and permits can be cancelled by the commissioner. If there are any issues or complaints, the commission actually has direct responsibility and they can terminate a licence anyway. To get into the permit application there is a very high threshold—and more so than for liquor applications. There are probity checks and licensing checks.

In terms of criminal motorcycle gangs, there is an amendment in the bill we are going to be debating tomorrow involving a fit and proper test under the liquor legislation. That will mean that anyone involved in the liquor industry will have to be a fit and proper person. If they are a criminal motorcycle gang member they will not satisfy that test and they will not be able to hold a licence. The commissioner can automatically terminate their licence without any problem.

The Security Providers Act issue that the member for Mackay raised related to disqualifying offences. If it is a recorded conviction under 10 years old it is a disqualifying offence. The member also raised the issue of having no approved managers in low-risk venues and the concern about inexperienced 18-years-old being left in charge. The answer to that concern is simply that the liquor and gaming commission will be able to condition problem venues accordingly, as is currently the case.

We trust business will do the right thing. We do have a couple of potential prosecutions about to commence involving licensees in Brisbane who are not doing the right thing. We afforded all the opportunities to licensed venues to cooperate. These ones I am referring to are particularly noise related. They are not doing the right thing. We will now proceed with potential prosecutions.

The member for Mackay raised the issue of financial hardship. He wanted the commissioner to have greater flexibility when it comes to the threshold for instalment payments for smaller venues, particularly in smaller and rural communities. I understand the sentiments of that in terms of rural and regional communities and the financial hardship they face. We will develop the guidelines and they will be very flexible following these changes.

The issue with the threshold is that as soon as we put a threshold in place someone will always miss out because we draw a line in the sand. When we develop the guidelines it will be done on a case-by-case basis. We want to make sure that the guidelines are as flexible as possible to make sure that anyone, particularly those rural and regional communities, have access to instalment plans for the payment of their licence fees.

The other point I will make is that we were in Emerald recently for community cabinet and I talked to some of the publicans there. We went to Thursday Island and I talked to both the publicans up there. They are excited by the opportunities that amendments provide. One of the issues raised by those publicans was the issue of instalment plans. We want to develop the guidelines to make it as easy as possible for rural and regional communities. I take on board the notes that the member for Mackay raised. When we develop the guidelines we will make sure we attempt to do that. Thank you to all members for their contributions.