

SECOND READING SPEECH – THE HON. PETER GUTWEIN MP

Liquor Licensing Amendment (Liquor and Gaming Administrative Restructuring) Bill 2015

Madam Speaker

This Bill amends the *Gaming Control Act 1993* and the *Liquor Licensing Act 1990* to establish a single statutory body overseeing the administration and regulation of liquor licensing and gambling activities in Tasmania, and introduces a new decision making model for liquor regulation.

This Government recognises the important contribution the liquor and gambling industries make to the Tasmanian economy and lifestyle. We are proud of our international reputation as a leading producer of some of Australia's premium wines, our award winning whiskies and the recently opened cider trail. These are all part of what makes Tasmania such a desirable place to live and visit.

Tasmania is also home to the oldest Australian casino and hosts the only Betting Exchange operating in Australia.

We are committed to ensuring that these industries are well regulated and that regulation is undertaken in the most efficient and effective manner, promoting growth and sustainability, while also minimising the harm that can result from the misuse of their products.

This Bill delivers on the Government's commitment to reduce the number of boards and committees in Tasmania.

This Bill also introduces a new decision making model for liquor regulation which will streamline the application process, benefitting industry through less red tape and reduced administrative timeframes.

Importantly, these changes will not diminish current statutory controls and harm minimisation initiatives.

Madam Speaker

The current Tasmanian Gaming Commission and Licensing Board will be amalgamated to form the Tasmanian Liquor and Gaming Commission.

This amalgamation was announced as part of the 2014-15 State Budget following the Government's review of all boards and committees.

The review identified that while both the Commission and Board provide a valuable service to the Tasmanian community there is a material overlap in the industry sector that these bodies regulate and moving to a single body responsible for both liquor and gaming would create regulatory efficiencies and would generate savings to the Government.

Moving to a single statutory body will bring Tasmania in line with Victoria which has the Victorian Commission for Gambling and Liquor Regulation, and New South Wales with their Independent Liquor and Gaming Authority.

Madam Speaker

A key priority of this Government is making Tasmania more attractive for economic investment and creating jobs, by cutting red and green tape.

The Bill delivers on this commitment by introducing a new decision making model for liquor regulation.

Under this model the Commissioner for Licensing will take on the responsibility for the majority of functions of the Licensing Board.

This will include the power to grant licences leading to a more streamlined process where straightforward applications can be processed in real time and the decision timeframe for other applications can be reduced by weeks. This will benefit both the regulator and industry.

Madam Speaker

These changes, while creating efficiencies, will in no way remove the rights of interested parties to participate in the decision making process regarding applications for liquor licences. The requirement for advertising and the 14 day period to make representations remains.

Transparency of decisions will also remain, with the Commissioner continuing to publish written decisions on refused, contentious or non-standard applications to give clarity and guidance to industry and the community.

Where there is community concern, the Commissioner will continue the custom and practice of the Board to hold open hearings.

This legislation is good news for Tasmanian businesses.

The new Commission will undertake the existing functions of the Tasmanian Gaming Commission, and will hear appeals against decisions made by the Commissioner for Licensing with respect to liquor matters.

This will provide an extra appeal process available to parties prior to appealing to the Supreme Court, which can often be costly and time consuming.

The new Commission will also hear applications for liquor licences where the Commissioner for Licensing determines that it is in the best interests of the community for it to make a determination. It is expected that open hearings will be held in these instances, as is currently the custom and practice of the Licensing Board.

This may happen, for example, where there is a conflict of interest, for example, the Commissioner hearing a matter that would impact on him/her directly such as on a neighbouring property; or in circumstances where there is sufficient division of community opinion that it would be in the community interest that the matter be heard directly by the Commission..

It is difficult to prescribe in legislation all of the circumstances under which it would be in the community interest for the Commissioner to elevate licence decisions to the Commission. Accordingly, the Commissioner will publish a guideline to provide clarity around the parameters that will apply when deciding to refer a decision to the Commission.

Madam Speaker

The Government is committed to ensuring that Tasmania has the best harm minimisation measures and regulation in Australia.

None of the current statutory controls or harm minimisation initiatives will be watered down when the amalgamation and change to the decision making model for liquor regulation commence early in the 2015-16 financial year.

This Bill moves to strengthen the existing regulation of the industry sector by enhancing administrative efficiency, and supporting the hospitality industry by streamlining the administrative process for applying for a liquor licence and enabling applications to be dealt with on a continual, rather than monthly basis.

This in addition to red tape reduction and budget savings from the amalgamation provide for a strategy for better regulation of the industry sector.

It is also important to note that a review of the Liquor Licensing Act is underway and will provide recommendations to further enhance the effectiveness of liquor regulation in Tasmania. As outlined in *Our Plan for the Next 365 Days* this government plans to introduce legislation resulting from the review by September this year. Accordingly, there are no changes to the legislative framework for the sale of liquor arising from the Review included in this legislation.

This Government has declared Tasmania “open for business” and this legislation is delivering on that statement.

Madam Speaker, I commend the Bill to the House.