

HOUSE OF ASSEMBLY

Wednesday, 25 November 2020

The **SPEAKER (Hon. J.B. Teague)** took the chair at 10:30 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which the parliament is assembled and the custodians of the sacred lands of our state.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (10:31): I move without notice:

That standing and sessional orders be so far suspended as to enable Government Business to take precedence over Private Members Business, Bills and Other Motions.

The SPEAKER: There being an absolute majority of members present, I accept the motion. Is it seconded?

An honourable member: Yes, sir.

Motion carried.

The Hon. D.C. VAN HOLST PELLEKAAN: I move:

That the house at its rising adjourn until Tuesday 1 December 2020 at 11am.

Motion carried.

Bills

LIQUOR LICENSING (COVID-19 AND OTHER MEASURES) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (10:32): Obtained leave and introduced a bill for an act to amend the Liquor Licensing Act 1997. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (10:32): I move:

That this bill be now read a second time.

I am pleased to introduce the Liquor Licensing (COVID-19 and Other Measures) Amendment Bill 2020. This bill seeks to make a number of necessary amendments to the Liquor Licensing Act 1997. The COVID-19 pandemic has posed a number of challenges for all of us, and we appreciate the hospitality sector has been under significant strain as a result of the measures imposed to protect the community. I seek leave to insert the balance of the second reading and explanation of clauses in *Hansard*.

Leave granted.

The hospitality sector continues to be a vital part of both our economy and our community. It is our hope that these changes will help get licensees back in business in a way that is both economically viable, and safe for all South Australians.

From 26 March 2020, the Government allowed liquor licence holders operating a community club, on premises licence, restaurant or residential licence to apply for a free short-term temporary licence enabling them to sell a small amount of liquor along with any takeaway meals.

Purchases are limited to either two bottles of wine or one bottle of wine and a six pack of beer, cider or pre-mixed spirits and can only be taken away by the purchaser, or delivered between the hours of 8am and 10pm.

The Bill seeks to ensure that the temporary measures that the Government introduced to support South Australia's hospitality industry during COVID-19, are made permanent.

Mr Speaker, an amendment is also required to allow South Australian liquor businesses to seek funding through crowd sourced funding arrangements.

The Act is incompatible with the Commonwealth crowd-sourced funding legislation, meaning that South Australian businesses cannot use this method of funding. Crowd-sourced funding is a form of fundraising that allows a company to access capital from a large number of investors.

Currently the Act requires that a person must personally attend the office of Consumer and Business Services to inspect documents relating to an application for a liquor licence.

The Bill seeks to allow the Liquor and Gambling Commissioner the power to publish certain documents and material relevant to an application on the website, such as a copy of the plan of the proposed premises. This is a necessary amendment particularly in the COVID environment as it will remove the requirement for a person to visit the office of Consumer and Business Services to inspect an application for a liquor licence.

These amendments will still ensure that the Commissioner can still exclude information that the Commissioner considers to be personal information of a confidential nature or commercial in confidence.

Finally, as a result of recent gaming reforms, a consequential amendment to the Act is also required to ensure consistency in relation to restrictions on the use of facial recognition technology in areas of a licensed premises outside of a gaming room, to ensure that such technology cannot be used in a manner that encourages or provides incentives to a person to gamble.

I commend this Bill to the House and seek leave to insert the explanation of clauses into Hansard without my reading it.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Liquor Licensing Act 1997

4—Amendment of section 6—Persons with authority in a trust or corporate entity

This clause removes the provision that makes a shareholder in a proprietary company a 'person who occupies a position of authority' in the corporate entity.

5—Amendment of section 33—On premises licence

6—Amendment of section 34—Residential licence

7—Amendment of section 35—Restaurant and catering licence

8—Amendment of section 36—Club licence

9—Amendment of section 37—Small venue licence

Under clauses 5 to 9 the licensing authority may, by condition imposed on the relevant licences authorise the licensee to sell liquor between the hours of 8am and 10 pm for consumption off the licensed premises, or to sell it at any time through direct sales transactions, in certain specified circumstances.

10—Amendment of section 42—Mandatory conditions

This clause amends section 42 to impose a new mandatory condition relating to the use of facial recognition systems at licensed premises.

11—Amendment of section 52—Certain applications to be advertised

Section 52 is amended to allow the Commissioner to determine the manner and form of public notice of an application that is required to be advertised under the Act.

12—Amendment of section 52A—Confidentiality of certain documents and material relevant to application

This clause clarifies that exclusion of material under section 52A(2) may be achieved by redacting material or in any other manner the Commissioner thinks fit. The clause also allows the Commissioner to provide written copies of material to a person for inspection in circumstances where other means of inspection are not reasonably practicable for the person.

13—Insertion of section 52B

This clause will allow the Commissioner to publish the whole or any parts of an application that is required to be advertised under the Act, or of other relevant documents and material produced to the licensing authority, on a website.

14—Amendment of section 99—Prohibition of profit sharing

This clause amends section 99 to ensure that the prohibition on profit sharing doesn't apply to shareholders in a body corporate.

Debate adjourned on motion of Hon. A. Koutsantonis.

APPROPRIATION BILL 2020

Estimates Committees

Mr TRELOAR (Flinders) (10:34): I bring up the interim report of Estimates Committee A and move:

That the report be received.

Motion carried.

Mr COWDREY (Colton) (10:34): I bring up the interim report of Estimates Committee B and move:

That the report be received.

Motion carried.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (10:34): I move:

That the interim reports of Estimates Committees A and B be incorporated in the Votes and Proceedings.

Motion carried.

The Hon. D.C. VAN HOLST PELLEKAAN: I move:

That the interim reports of Estimates Committees A and B be taken into consideration forthwith.

Motion carried.

The Hon. D.C. VAN HOLST PELLEKAAN: I move:

That the proposed expenditures be referred back to Estimates Committees A and B for further examination and report by 1 December, in accordance with the timetable as distributed.

Motion carried.

At 10:36 the house adjourned until Tuesday 1 December 2020 at 11:00.