

Office of Liquor and Gaming Regulation

REGULATOR PERFORMANCE REPORT 2020-21

Regulation plays an important role in keeping Queenslanders safe and healthy, by ensuring business and individuals act in a way that is consistent with legislative and community expectations. Excessive regulation, however, can be an impediment to business growth and innovation, especially where the regulatory burden is not proportionate to the issues that regulation is trying to address. The Queensland Government recognises the importance of streamlining regulation to make it easier to do business.

To achieve this, the Queensland Government has identified a number of model practices that support the achievement of policy objectives through better interactions between regulators and their stakeholders, resulting in reduced burden/costs for all parties. These practices are consistent with similar principles adopted in other jurisdictions nationally and internationally.

The **five model practices** are:

1. ensure regulatory activity is proportionate to risk and minimises unnecessary burden
2. consult and engage meaningfully with stakeholders
3. provide appropriate information and support to assist compliance
4. commit to continuous improvement
5. be transparent and accountable in actions.

The Office of Liquor and Gaming (OLGR) works with and across the liquor and gaming industry in a way which upholds and extends on the five model practices.

OLGR's key clients and stakeholders include:

- licensees, permit holders and their staff
- licence and permit applicants
- liquor and gaming industry associations
- not-for-profit organisations
- community groups and individuals affected by the sale and supply of liquor and gambling activities
- other government and regulatory control bodies



MODEL PRACTICE 1 - Ensure regulatory activity is proportionate to risk and minimises unnecessary burden

Supporting Principles

- A proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions
- Regulations do not unnecessarily impose on regulated entities
- Regulatory approaches are updated and informed by intelligence gathering so that effort is focussed toward risk

How our work aligns with the model practice

- OLGR adopts an escalation model of enforcement, where the conduct and compliance history of a venue can have a significant bearing on any action taken.
- Inspection programs are risk-targeted having regard to both inherent (e.g. type of licence held, trading hours) and specific (e.g. compliance history from our previous inspections and investigations) and intelligence (such as Police incident data).
- OLGR is continuously looking at how licensing processes and services can be improved, particularly with regards to processing times, without unduly impacting its role in minimising harm and the impact on amenity.
- OLGR imposes different levels of suitability scrutiny and community consultation in accordance with the risk posed by an applicant.
- Noting the continuing impacts of COVID-19 on industry, OLGR is working closely with industry to identify pressures and communicate government requirements and restrictions in a simple and practical way, ensure licensing and compliance practices are responsive to new and emerging pressures.

How we're continuing to improve regulatory activities and business practices

- In November 2020, OLGR launched its online individual licensing portal which provides for an expedited and automated licensing process. This has resulted in reductions in processing times. For example, processing times for new approved manager applications dropped to 15 days and most renewals are currently completed in around five days. Currently, around 70% of occupational licence applications are processed through this service.
- OLGR is looking at introducing additional licence types to the OLGR online portal, allowing more applications to be processed online.
- A new licensee guide is being finalised which will make it easier for new licensees to understand their obligations and avoid common pitfalls when starting out in the industry. The guide will be available on the OLGR website.



How we're continuing to improve regulatory activities and business practices

- In an effort to ease burden as a result of COVID-19, government waived liquor and wine annual licence fees for the 2020-21 licensing period. Application fees for extended liquor trading hours and liquor licensed area variations were also waived between February and July 2020.
- In response to the COVID-19 public health emergency, government acted quickly to implement a range of important temporary legislative measures to help Queensland respond to, and recover from, the emergency. This included the issuing of 'takeaway liquor authorities' to various liquor licensees, allowing the legal sale of takeaway liquor in circumstances where it would not ordinarily be able to occur. These authorities continue to play an important role in helping businesses to keep their doors open during the COVID-19 pandemic.
- In May 2021 amendments to the Liquor Act provided for a new licence type known as an Artisanal Producer. In an effort to facilitate a rapid transition to the new regime, OLGR accepted and processed applications prior to the law coming into effect, as well as providing for an expedited licensing process for those licensees transitioning over from another licence type.
- OLGR is currently reviewing peak trading period liquor inspections with a view to minimising impost on licensees during these busy periods, while retaining a sound regulatory approach which ensures activity is proportionate to risk. Changes have also been made to gaming focussed inspections, with legislative compliance checks streamlined.
- OLGR now captures comprehensive data on liquor-based inspections undertaken by co-regulators. This allows for improved targeting of resources and reduces the likelihood of OLGR officers undertaking inspections shortly after the Queensland Police Service (QPS) has assessed the venue's liquor compliance. Further, if QPS findings at inspections are favourable, OLGR has determined that the frequency of OLGR inspections can be reduced, further easing the regulatory burden on industry.
- OLGR is undertaking work to develop a contemporary risk and evidence-based regulatory strategy to shape future regulatory practices and processes. The strategy is being constructed on best practice principles for a modern regulator in the liquor and gaming space, with clear goals of contributing to Queensland's economic recovery while balancing the benefits and costs of liquor and gaming to the community, delivering public value and focusing regulatory activity based upon risk. Informed by extensive consultation, assessment of available data and national and international best practice, the strategy will ensure OLGR remains a viable, responsive and contemporary regulator.



MODEL PRACTICE 2 - Consult and engage meaningfully with stakeholders

Supporting Principles

- Formal and informal consultation mechanisms are in place for stakeholder input
- Engagement is undertaken in ways that help regulators develop an understanding of regulated operating environment
- Cooperative and collaborative relationships are being established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.

How our work aligns with the model practice

- OLGR is a regular participant in cross-jurisdictional forums including the Australasian Liquor Licensing Authorities Forum (ALLAF), Australian Casino and Gaming Regulators' CEO Forum and the interjurisdictional liquor and gaming regulators managers' conference.
- OLGR has formed a joint taskforce with the Queensland Police Service (QPS) to improve coordination, communication, cooperation and consistency between the agencies in regulating the Queensland Liquor Act.
- OLGR also chairs a number working groups with other Australia gaming regulators to discuss the merits and potential harms of proposals and systems that will operate across jurisdictional borders. This is designed, in part, to achieve consistency in assessment and have a full understanding of the implications of a proposal.
- Through collaboration with the Office of Fair Trading, OLGR compliance officers conduct inspections under the Security Providers Act 1993 when undertaking liquor compliance functions at licensed premises.
- OLGR works closely with local business and community stakeholders through two key place-based initiatives:
 - Safe Night Precinct (SNP) local boards that manage and plan to address community safety and amenity issues, and can raise funds and apply for grants from local, state and federal governments
 - Liquor Accords made up of industry, government and in some instances community stakeholders, and are active in implementing place-based management initiatives to minimise alcohol-related impacts in and around licensed premises.
- Licensing processes provide opportunity for the community to comment on applications and OLGR convenes an objections conference to work through concerns raised.

How we're continuing to improve regulatory activities and business practices

- OLGR regularly consults with its liquor and gaming regulator contemporaries to adopt best practice solutions to emergent issues – including to manage the impacts of government requirements and restrictions as a result of COVID-19.
- The OLGR has taken a lead role in monitoring and enforcing COVID-19 related Public Health Act requirements. In doing so OLGR has been an active participant in a range of stakeholder groups, including those developed to promote efficient and consistent compliance monitoring and enforcement across different business sectors. These operate at both a whole of State and local level.
- OLGR is working with other Australian jurisdictions to implement the National Consumer Protection Framework for online wagering.
- Regular liaison and collaboration is occurring with interstate regulatory counterparts, QPS and AUSTRAC regarding gaming related money laundering risks.
- The Australia/NZ Gaming Machine National Standards Working Party is working towards the establishment of a set of gaming machine features/behaviours of interest and a reporting framework to ensure they can be properly assessed before any approval is considered by one of the participating jurisdictions.
- Consultation with a broad range of stakeholders in the Queens Wharf Brisbane project continues to be a core focus in order to meet strict development and commercial timeframes. This includes the consortium members, legal advisors and other Government departments.
- Early in 2021, OLGR commenced a liquor accord reinvigoration project to support existing accords to become more beneficial to their members as Queensland emerges from restrictions on businesses resulting from COVID-19. This included hosting a liquor accord roundtable where a representative group of accords came together to discuss challenges. Benefits have already been realised through improved OLGR web content, sharing of resources and the establishment of a new Qld Liquor Accords Facebook group. This group, which is industry led, provides a platform for liquor accords and liquor licensees to share ideas and innovative solutions for issues they may be facing. OLGR is also developing a web-based resource pack to assist existing, and potential new, accords to remain current and relevant.
- Regional compliance officers continue to regularly attend Liquor Accord and SNP Board meetings to share information, seek feedback and gather information on key local issues.
- OLGR has initiated a program of regular visits to licensees. Each month senior executives visit a range of licensees across various geographical areas to speak directly with licensee about local challenges and opportunities and hear first-hand some of the issues impacting their businesses. These visits span the full spectrum of licensees, from people who have taken up the artisan liquor licence to larger industry members looking at greenfield developments in growth corridors.



MODEL PRACTICE 3 - Provide appropriate information and support to assist compliance

Supporting principles

- Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience
- Advice is consistent and decisions are communicated in a manner that clearly articulates what is required to achieve compliance
- Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice.

How our work aligns with the model practice

- Web content is updated regularly to ensure content currency.
- Behind the Bar and Follow the Law training videos are available and provide real-life examples to assist licensees with meeting compliance requirements. The training video scenarios, and accompanying resources, specifically target areas known to present challenges. The materials are available on-line and promoted regularly across networks.
- Priority is given to clear communication around compliance expectations, which is achieved through a range of regular and direct communication mechanisms and through the provision of clear and accessible web content.
- Compliance programs are tailored to ensure fit for purpose compliance activities that do not place unnecessary burden on industry.
- OLGR coordinates consistent messaging for staff to deliver at SNP local board meetings, Liquor Accords and other key industry engagements.
- Commissioner Guidelines and chief executive Gaming Guidelines are published to provide advice to industry on the views the Commissioner is likely to take in regard to certain liquor and gaming licensing decisions.
- Minimum Technical Requirements are published by OLGR to assist gaming operators and approved ID scanner operators submit systems and equipment to comply with standards.



How we're continuing to improve regulatory activities and business practices

- Regular advice is provided to liquor and gaming industries through multiple communication channels – this has been particularly important around the shutdown and reopening of licensed premises due to the COVID-19 pandemic and continues to be a focus as Queensland moves to new mandated public health requirements from December 2021. Vision 6 emails to stakeholders continue to be a key tool providing direct and timely advice to all licensees.
- OLGR continues to work closely with Queensland Health and other key government stakeholders to provide clear advice on COVID-19 compliance requirements.
- OLGR has delivered targeted compliance-focused education visits including the provision of supporting materials and information about resources available to assist licensees to comply with legislation and to discuss business practices. This has extended beyond liquor and gaming to also include COVID-19 Public Health Act requirements.
- OLGR maintains regular communication with industry stakeholders and licensees to assist with compliance activities and demystify expectations, including through articles in key industry journals (QHA Review and Clubs Insight), as well as direct email and social media on priority concerns, and regular articles in the monthly subscription newsletter, Inside Liquor and Gaming.
- Existing liquor and gaming compliance checklist web content is being updated to provide licensees with information on what compliance officers generally check during inspection activity. This will also include a list of documents that officers may ask a licensee for which can be provided at the time of inspection or at a later agreed upon time, whichever the licensee determines is more convenient.
- OLGR officers are always available to talk through regulatory options for anyone interested in participating in the liquor or gaming industries.



MODEL PRACTICE 4 - Commit to continuous improvement

Supporting principles

- Regular review of the approach to regulatory activities, collaboration with stakeholders and other regulators, to ensure it is appropriately risk-based, leverages technological innovation and remains the best approach to achieving outcomes
- To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community
- Staff have the necessary training and support.

How our work aligns with the model practice

- OLGR monitors work in other jurisdictions through regular contact, forums and through significant projects.
- OLGR has delegated authority to empower staff to make decisions more rapidly which is resulting in faster processing times for certain licensing applications.
- Compliance programs are reviewed each year to ensure risks are being targeted in the most effective contemporary manner. New audit and inspection programs are developed as needed to address specific risks.
- Outcome-based periodic reviews of specific programs are undertaken to support continuous improvement e.g. liquor inspection and gaming audit process reviews.
- OLGR undertakes feasibility studies in areas identified as warranting review to ensure the full range of options and their viability are assessed as a core part of the continuous improvement process.
- Understanding the priority for industry in streamlining application and approval processes, OLGR is continually assessing and harnessing opportunities to reduce processing and approval times.

How we're continuing to improve regulatory activities and business practices

- OLGR is developing a contemporary risk and evidence-based regulatory strategy to shape future regulatory practices and processes. The strategy will be constructed on best practice principles for a modern regulator in the liquor and gaming space. It will ensure OLGR remains a viable, responsive and contemporary regulator.
- Work continues on the automation of lottery draws, effectively removing physical supervision, whilst improving the security and integrity of the draws.



- Automation of the online application process for individual licensees is making government services quicker and easier to use.
- Identification and analysis of major risk factors in gaming applications of significant community impact is undertaken to inform revised decision-making process and the identification of appropriate harm minimisations strategies.
- Training needs analyses are conducted for OLGR staff to identify skill gaps and areas for improvement and prepare for succession planning.
- OLGR conducted a review to identify general impediments to efficient licence transfers. Improvements rolled out in 2020 aimed to better support applicants and streamline the licence transfer processes. The review also focussed on internal governance processes, with risk-based process improvements implemented in early 2021 to streamline processing, address known blockages, and allow for an expedited experience for the majority of transfer applicants. Through this review OLGR has reduced processing times for licence transfers by more than 27%, with most transfers taking around 35 days last financial year, despite a 13.5% increase in the number of transfers lodged year-on-year.
- Continued implementation of the regional staff engagement strategy ensures OLGR has a high-performing, motivated and valued regional workforce that delivers quality results.
- OLGR has commenced work on developing a regulatory compliance control assessment, to supplement existing liquor compliance monitoring activities. This assessment places increased emphasis on identifying whether licensees have the necessary controls in place to facilitate compliance and providing advice where deficiencies are identified.
- As part of work underway to review peak trading period liquor inspections, other methods of capturing the necessary compliance information are being considered, including a recently introduced cloud-based data storage system which licensees can use to directly upload requested documents or CCTV footage at a time more convenient for the licensee.
- OLGR is extending and improving complaint assessment and triaging tools. A broader range of complaints are now subject to a risk-based triaging approach which will reduce the burden on businesses by not being subject to investigation where another regulatory response is sufficient to treat the risk. The improvements have been implemented in Brisbane and some regional offices, and are now being extended across the State.
- OLGR has recently reviewed and improved the approach to identify a licensee's overall cultural attitude towards proactive gambling harm minimisation measures and how they are providing patrons with a safer gambling environment. The program directly supports the Gambling Harm Minimisation plan for Queensland 2021-25. In consultation with the Office of Regulatory Policy inspections processes and practices have been revised and now assess 5 key areas of harm minimisation. The program also aims to identify common areas requiring attention by licensees to inform the development of initiatives that promote improvement across the industry as a whole. It will also establish a baseline against which improvement at individual venues and across industry can be measured as actions under the gambling harm minimisation plan continue.



MODEL PRACTICE 5 - Be transparent and accountable in actions

Supporting principles

- Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders
- Timely decisions clearly articulating expectations and reasons
- Indicators of regulator performance are publicly available.

How our work aligns with the model practice

- OLGR's liquor compliance strategy detailing the regulatory approach for compliance monitoring and enforcement is published online.
- More detailed information regarding matters such as noise complaints are included in web content for the benefit of licensees and complainants.
- Detailed billing information and regular statements are provided to clients for technical evaluations and probity investigations.
- Submission timeframes are published for technical evaluations.
- Substantial information on applications and licence details are available on OLGR's public registers, including the following:
 - advertised liquor licence and adult entertainment permit applications published for objections or submissions
 - advertised gaming applications published for community comment
 - pending gaming machine licence applications
 - recently approved liquor and gaming machine licence applications
 - approved licence transfer applications
 - online licence search
 - high-risk venues
- OLGR also provides gaming statistics online. This includes lists of gaming sites by statistical area, local government area and Electronic Gaming Machine (EGM) statistics for hotels and clubs.



How we're continuing to improve regulatory activities and business practices

- Key datasets and reports continue to be published online, including:
 - gaming and liquor statistics updated monthly
 - searchable database of premises with approved liquor licences.
- Since June 2021, as part of its legislative obligations, OLGR publishes reasons for decisions on certain liquor and gaming applications. If an application was advertised for public comment, and objections or adverse comments are received, OLGR publishes the decision and the reasons supporting the decision on its website.
- Existing liquor and gaming compliance checklist web content is being updated to provide licensees with information on what compliance officers generally check during inspection activity. This will also include a list of documents that officers may ask a licensee for which can be provided at the time of inspection.

