

BETTER REGULATION AND FAIR TRADING AMENDMENT (MISCELLANEOUS) BILL 2024

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The Bill amends various statutes across the Better Regulation, Fair Trading, and Gaming and Racing portfolios to modernise provisions, reduce regulatory burden and provide greater consistency and clarity where needed. The Bill is the result of a regular and ongoing review of legislation within the portfolio to improve regulatory quality.

The amendments within this Bill can be generally classed as minor or of a housekeeping nature. The Bill will ensure the Fair Trading laws remain fit for purpose and keep pace with the developments in the community and modern technology and practices. Amendments to the *Liquor Act 2007* are required to provide permanency and clarity to councils about the powers available to them in relation to approving outdoor dining and performance.

Objectives: What is the policy's objective couched in terms of the public interest?

There is a strong public interest in ensuring the accuracy, coherence and quality of NSW legislation. NSW Fair Trading regulates a broad range of important sectors in the community. It is critical that the legislation it administers remains relevant and is kept up to date. Otherwise there is a risk that consumers and businesses could lose confidence in the laws being administered or it could lead to an increase in misunderstandings and disputes.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The issues addressed by the amendments and the targeted outcomes in the Bill can only be achieved through legislative amendment. If a miscellaneous bill was not used to deal with these amendments, it is likely that the Parliament would otherwise have to dedicate significant time and resources to considering a high number of separate amending bills.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The main alternative to making the Bill that was considered was the 'do nothing' option. If the amendments were not made, then the legislation will continue to contain inconsistencies and inaccuracies, remain burdensome and outdated, and potentially confusing to stakeholders.

Another option was to make the amendments in a piecemeal fashion over time. Some amendments could be progressed in the Statute Law program while others could wait until more significant amendments are made to each principal Act. Under this option there would be a risk that some of the amendments in the Bill would never be made. The consolidation of the amendments in one Bill is the most effective and efficient way to ensure that the NSW Parliament can consider the amendments without undue delay.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The amendments in the Bill will commence on assent. Once the relevant provisions in the Bill commence, the amendments will take effect.

The Minister for Better Regulation and Fair Trading is responsible for administering most of the legislation being amended. NSW Fair Trading, within the Department of Customer Service, supports the Minister in administering this legislation. Fair Trading will inform stakeholders of the changes where relevant and implement any operational changes

required. The Minister for Gaming and Racing administers the *Liquor Act 2007*, and changes to this legislation will be communicated to relevant stakeholders by Liquor & Gaming NSW, supported by the Office of the 24-Hour Economy Commissioner and Transport for NSW.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The views of stakeholders were sought and considered in making the policy. A number of amendments are the result of consultation and feedback from NSW Fair Trading operational staff who apply the legislation daily, with relevant stakeholders through other legislative consultation processes, and a general stewardship approach to the legislation.

Government agencies were also consulted in developing certain reforms. For example, consultation with the Department of Communities and Justice (DCJ) was carried out on the harmonisation of the meaning of 'business days' in Schedule 3 of the Bill. DCJ are considering adopting the same definition in the *Interpretation Act 1987*. Reforms that remove references to outdated technology and requirements for a notice to be published in a newspaper are based on NSW Treasury's report, *Regulating for NSW's Future*, which was publicly released in July 2020.

Changes to Part 12 of the *Liquor Act 2007* were consulted extensively when introduced under the *Vibrancy Reforms Act 2023*. This included the use of cross-agency working groups, targeted consultation sessions and community feedback to ensure the changes were fit for purpose.

A number of amendments in the Bill were not broadly consulted on, as they are technical in nature and do not constitute a change in practice. They were developed in consultation with the Parliamentary Counsel's Office.