



Queensland

Liquor and Other Legislation Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 34

made under the

Liquor Act 1992

Wagering Act 1998

General outline

Short title

Liquor and Other Legislation Amendment Regulation (No. 1) 2013

Authorising law

- *Liquor Act 1992* (Liquor Act) sections 60(1)(d), 154A, 235(2)(a) and 235(2)(h)
- *Wagering Act 1998* (Wagering Act) section 205(2)(a)

Policy objectives and the reasons for them

The objectives of the Regulation are to:

- amend the *Liquor Regulation 2002* (Liquor Regulation) to remove the requirement for detached bottle shop applicants to provide written approval of the premises owner, if the owner is not the licensee;
- amend the *Wagering Regulation 1999* (Wagering Regulation) to remove the requirement for the chief executive to approve the

place of operation of permanent wagering agencies for most agents; and

- clarify in the Wagering Regulation that the holder of a liquor licence may also operate a permanent wagering agency at a place other than at their licensed premises.

At present, the Liquor Regulation requires applicants who wish to establish or transfer the location of a detached bottle shop to provide the premises owner's written agreement to the application. Securing the right to occupy premises for a detached bottle shop can be considered a matter for the contracting parties, rather than the regulator. If there is no right of occupancy at any stage, then the applicant would cease trading by virtue of the requirements of the lease agreement and/or be subject to other action by the premises owner. Additionally, applicants have expressed difficulty in obtaining written consent from owners. This can cause delays in the application process through no fault of the applicant. Removing the requirement for the owner's written consent will improve the efficiency of the application process.

Under section 205(2) of the *Wagering Act 1998* (Wagering Act), a wagering agent is prohibited from carrying out operations at a place other than a place that is of a kind prescribed under the regulation and stated in the agency agreement. Section 11 of the Wagering Regulation lists the kinds of places appropriate for a wagering agent to conduct operations. Currently, an appropriate place for a permanent wagering agent who is not a casino licensee, casino operator or holder of a licence under the Liquor Act, is part of a retail shop or other commercial premises approved by the chief executive. For a wagering agent who holds a licence under the Liquor Act, an appropriate place currently would be part of the premises, approved by the chief executive. Removing the requirement for chief executive approval for most agents will reduce regulatory burden and provide greater certainty for business and reduce administrative burden on the Office of Liquor and Gaming Regulation in relation to processing these applications.

The Wagering Regulation currently restricts a person who holds a liquor licence to only operating a wagering agency on the licensed premises. A minor clarifying amendment is proposed to correct this unintended restriction so that it is clear that the holder of a liquor licence may also operate a wagering agency at another place which is not on the licensed premises.

Achievement of policy objectives

The amendments to sections 7 and 12 of the Liquor Regulation remove the requirement for licensees applying to establish or relocate a detached bottle shop to provide the commissioner with the premises owner's written agreement to the application. The commissioner will still have the power to require the applicant to give further information about the application if considered necessary to make a decision.

The amendments to section 11 of the Wagering Regulation remove the requirement for the chief executive to approve the place of operation for agents who are not a casino licensee, casino operator or the holder of a licence under the Liquor Act, and replace this process with specific criteria on what is considered to be an appropriate place of operation (with a particular focus on the protection of minors). The amendments also remove the requirement for the chief executive to approve the place of operation for wagering agents who operate on a commercial hotel or community club liquor licensed premises.

These amendments will reduce regulatory burden and increase certainty for business, and will improve the clarity of the legislation.

Consistency with policy objectives of authorising law

The regulation is consistent with the main purposes and objects of the Liquor Act and the Wagering Act.

Benefits and costs of implementation

The amendments will result in cost and time savings for applicants for detached bottle shops, detached bottle shop premises owners, certain wagering agents and the government. There are no implementation costs associated with the proposal.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles as it does not affect the rights and liberties of individuals and does not erode the institution of Parliament.

Consultation

The Queensland Hotels Association supports the proposal to remove the requirement for detached bottle shop applicants to provide the owner's written consent.

Tatts Group was consulted on the proposal to remove chief executive approval of certain wagering agent places of operation and replace with a criteria based approach, and have no objection.

Commencement

The Amendment Regulation is to commence on notification.

Notes on Provisions

Clause 1 states that the short title of the regulation is the *Liquor and Other Legislation Amendment Regulation (No. 1) 2013*.

Clause 2 states that part 2 of the amendment regulation amends the *Liquor Regulation 2002*.

Clause 3 omits section 7(1)(d)(ii) of the *Liquor Regulation 2002* to remove the requirement for an application to establish a detached bottle shop to include evidence of a premises owner's written approval. The clause also renumbers section 7(1) to accommodate this omission.

Clause 4 omits section 12(a) of the *Liquor Regulation 2002* to remove the requirement for an application to relocate a detached bottle shop relocation to include evidence of a premises owner's written approval. The clause also renumbers section 12 to accommodate this omission.

Clause 5 states that part 3 amends the *Wagering Regulation 1999*.

Clause 6 amends section 11 of the *Wagering Regulation 1999*.

Clause 6(1) amends section 11(b)(i) of the *Wagering Regulation 1999* to remove the requirement for the chief executive to approve the wagering agent's place of operation, and inserts specific criteria that define an appropriate place where a wagering agent who is not a casino licensee, casino operator or the holder of a licence under the *Liquor Act 1992* may operate permanently. The criteria regarding the use of frosted or opaque glass or perspex to enclose or partly enclose the part is not intended to

affect the ability of agents to place design art or permitted advertising on the shop front.

Clause 6(2) amends section 11(e) of the *Wagering Regulation 1999* to remove the requirement for the chief executive to approve a place of operation on the liquor licensed premises for a holder of a commercial hotel and community club licence. Clause 6(2) also amends section 11(e) and 11(f) to clarify that a holder of a licence under the *Liquor Act 1992*, or a licence under the *Liquor Act 1992* along with a gaming machine licence under the *Gaming Machine Act 1991* may operate a wagering agency at another appropriate place which is not on the liquor licensed premises.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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