

Liquor Amendment Regulation (No. 2) 2014

Explanatory notes for SL 2014 No. 89

made under the

Liquor Act 1992

General Outline

Short title

Liquor Amendment Regulation (No. 2) 2014

Authorising law

Sections 103R, 141C, 142AI, 142ZH, 202(3) and 235 of the *Liquor Act 1992* (Liquor Act)

Policy objectives and the reasons for them

The objective of the amendment regulation is to:

- introduce a new fee for adult entertainment controllers; and
- make a number of other amendments to the *Liquor Regulation 2002* (Liquor Regulation) consequential to the *Liquor (Red Tape Reduction) and Other Legislation Amendment Act 2013*.

On 27 November 2013, the *Liquor (Red Tape Reduction) and Other Legislation Amendment Act 2013* (No. 62/2013) (Liquor RTR Act) amended the Liquor Act to:

- allow individuals to apply for a five year approval to be a controller, without requiring nomination from an adult entertainment permit (AEP) holder (to commence 1 July 2014);
- increase the maximum term of an AEP from one to three years (commenced on assent on 27 November 2013); and
- remove the requirement to keep a responsible service of alcohol training register for the licensee and staff involved in the supply of liquor (commenced on assent on 27 November 2013).

Consequential amendments are therefore required to the Liquor Regulation to:

- amend Schedule 1 of the Liquor Regulation to prescribe a fee for the new approval as an adult entertainment controller, remove the obsolete fee for an application to change the controller for an AEP, and update the fee description to refer to three years for an application for an AEP, instead of one year; and

- remove obsolete sections 37F and 39A of the Liquor Regulation, which prescribed the information to be kept in a training register.

Achievement of policy objectives

The policy objectives are achieved by:

- amending Schedule 1 of the Liquor Regulation to prescribe a fee of \$444.50 to accompany an application for approval to be a controller;
- omitting Schedule 1, section 3(d)(iv) of the Liquor Regulation to remove the reference to the fee to change the controller for an AEP;
- amending Schedule 1 of the Liquor Regulation to change fee reference for approval for an AEP from a year to a term not longer than three years;
- omitting section 37F of the Liquor Regulation to remove the prescribed information referred to in the omitted section 142AI(2)(a) of the Liquor Act; and
- omitting section 39A of the Liquor Regulation to remove the prescribed information referred to in the replaced section 141C(3)(a) of the Liquor Act.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the policy objectives of the Liquor Act.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no significant costs associated with the amendments.

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 proposals for changes to the AEP maximum term, changes to the stand-alone adult entertainment controller fee, and for removal of the requirement to keep a responsible service of alcohol training register were submitted to the Liquor and Gaming Red Tape Reduction Expert Panel (Expert Panel) by Cabarets Queensland. A majority of the representatives on the Expert Panel supported the proposals. As the amendments are consequential to amendments made by the Liquor RTR Act, no further consultation has been undertaken with industry.

Liquor Amendment Regulation (No. 2) 2014

The Department of Premier and Cabinet and Queensland Treasury and Trade were consulted on the amendments and had no specific concerns regarding the proposals.

The Office of Best Practice Regulation has been consulted in relation to the proposals, and has advised that a Regulatory Impact Statement is not required.