

Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Act 2021

Explanatory notes for SL 2021 No. 45

made under the

Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Act 2021

General Outline

Short Title

Proclamation - Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Act 2021

Authorising law

Section 2 of the *Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Act 2021*.

Policy objectives and the reasons for them

The objective of the Proclamation is to commence certain provisions of the *Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Act 2021* (Amendment Act) that amend liquor and gaming legislation.

Among other things, the Amendment Act implements the next stage of the Government's legislative response to the two-year independent evaluation of the *Tackling Alcohol-Fuelled Violence Policy* (TAFV Policy). It also contains miscellaneous regulatory amendments to liquor and gaming legislation.

Section 2 of the Amendment Act provides that the following provisions relating to liquor and gaming legislation commence on a day to be fixed by proclamation:

- part 4, division 3;
- part 7, division 3; and
- part 10, division 3.

Liquor and gaming licensing decisions

Part 4, division 3 (sections 18 and 19) and part 7, division 3 (sections 39, 41 and 42) amend the *Gaming Machine Act 1991* and *Liquor Act 1992* (Liquor Act) to require relevant information about decisions made for advertised liquor and gaming applications to be published online if community comments, representations, submissions or objections were received.

These provisions will commence on 7 June 2021 to allow sufficient time for relevant implementation activities to occur, including process and system changes that are required to be undertaken by the Office of Liquor and Gaming Regulation (OLGR).

Removal of licensee bans

Part 7, division 3 (sections 40 and 43) amends the Liquor Act to require an approved ID scanning operator to remove licensee bans from the networked ID scanning system 30 days after a licence transfer, unless otherwise requested to remain by the new licensee. The Commissioner for Liquor and Gaming will also be required to provide notice of a transfer to the approved operator that provides the ID scanner for the licensed premises subject to the transfer.

These provisions will commence on 7 June 2021, to allow sufficient time for relevant implementation activities to be undertaken by OLGR and approved operators, including any process and systems changes that are required.

Periodic reviews of safe night precincts

Part 7, division 3 (sections 44 and 45) amends the Liquor Act to require reviews of safe night precincts to be conducted every three years, to ensure that these areas continue to achieve the purposes outlined in Part 6AB of the Liquor Act.

These provisions will commence on 1 July 2021, to allow sufficient time for the establishment of staffing and resources for the reviews of safe night precincts to commence. The first review of safe night precincts must be started as soon as practicable after the commencement of the amendments.

Wagering dividends

Part 10, division 3 (section 71) of the Amendment Act amends the *Wagering Act 1998* to remove a mandatory rounding provision which has in the past inhibited Queensland's exclusive wagering licensee from validly declaring minimum dividends on short-priced favourites.

This provision will commence on 7 June 2021, to allow sufficient time for Queensland's exclusive wagering licensee, UBET QLD Limited, to undertake relevant implementation activities.

Achievement of policy objectives

The policy objective is achieved by fixing:

- **7 June 2021** as the commencement date for the following provisions of the Amendment Act:
 - part 4, division 3;

- part 7, division 3, other than sections 44 and 45;
- part 10, division 3; and
- **1 July 2021** as the commencement date for the following provisions of the Amendment Act:
 - sections 44 and 45.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative means to achieve the policy objectives

Benefits and costs of implementation

The Explanatory Notes for the Amendment Act noted that any costs to Government resulting from the amendments will be met from within existing resources.

Consistency with fundamental legislative principles

The proclamation is consistent with fundamental legislative principles.

Consultation

UBET QLD Limited has been consulted regarding the commencement of the discretionary minimum wagering dividends amendment.

A self-assessment undertaken by the Department of Justice and Attorney-General under the *Queensland Government Guide to Better Regulation* determined that further regulatory impact analysis is not required as the Proclamation falls within the agency-assessed exclusion category (g) 'regulatory proposals that are of a machinery nature'. Accordingly, the Office of Best Practice Regulation was not consulted in relation to the Proclamation.