

Justice and Other Legislation Amendment Act 2021

Explanatory notes for SL 2022 No. 4

made under the

Justice and Other Legislation Amendment Act 2021

General Outline

Short Title

Proclamation commencing certain sections of the Justice and Other Legislation Amendment Act 2021

Authorising law

Section 2 of the *Justice and Other Legislation Amendment Act 2021*.

Policy objectives and the reasons for them

The *Justice and Other Legislation Amendment Act 2021* (Amendment Act) was passed by the Legislative Assembly on 18 November 2021 and received Royal Assent on 24 November 2021. The objective of the Proclamation is to commence Part 5 of the Amendment Act, which amends the *Liquor Act 1992* (Liquor Act).

Part 5 (sections 26 to 33) of the Amendment Act amends the Liquor Act to allow licensed restaurant operators to apply for a condition of licence authorising the sale of 1.5 litres of takeaway wine (i.e. two bottles) with a takeaway meal up to 10pm. Restaurant operators are required to apply to the Commissioner for Liquor and Gaming for the condition.

Section 2 of the Amendment Act provides that the provisions in Part 5 relating to the Liquor Act are to commence on a day to be fixed by Proclamation. This approach was taken to provide the Office of Liquor and Gaming Regulation with sufficient time for implementation and communication activities to occur, including necessary systems and process changes.

Achievement of policy objectives

The policy objective is achieved by fixing **31 January 2022** as the commencement date for the provisions in part 5 of the Amendment Act.

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 Proclamation will have the effect of providing restaurants with an ability to sell takeaway wine in conjunction with a takeaway meal. These amendments will benefit restaurant operators by reducing regulatory barriers and supporting the recovery of small business from the economic impacts of the COVID-19 pandemic. The amendments are also anticipated to deliver a tangible public benefit by reflecting contemporary food service standards and changing customer expectations.

Implementation of new administrative systems and processes by the Office of Liquor and Gaming Regulation will be met from within existing budgetary allocations.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

Extensive consultation was undertaken with licensees, peak bodies and community organisations during the development of part 5 of the Amendment Act. No consultation on the Proclamation was undertaken given its machinery nature.

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.