

Liquor (Approval of Adult Entertainment Code) Regulation 2024

Explanatory notes for SL 2024 No. 231

Made under the *Liquor Act 1992*

General Outline

Liquor (Approval of Adult Entertainment Code) Regulation 2024

Authorising law

Sections 103N and 235 of the *Liquor Act 1992* (Liquor Act).

Policy objectives and the reasons for them

The policy objective of the *Liquor (Approval of Adult Entertainment Code) Regulation 2024* (Regulation) is to repeal the *Liquor (Approval of Adult Entertainment Code) Regulation 2002* and replace it with a new adult entertainment code, which includes consequential amendments following the commencement of the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024* (DSW Act).

The DSW Act repealed the *Prostitution Act 1999* (Prostitution Act) which provided for the prostitution licensing framework. Therefore, amendments to the adult entertainment code are required to remove outdated references to the Prostitution Act and prostitution terminology.

Achievement of policy objectives

The Regulation achieves the policy objectives by replacing the previous adult entertainment code with a new code that includes the following amendments:

- omitting references to the Prostitution Act and the *Prostitution Regulation 2014* as the prostitution licensing framework has been repealed;
- replacing a reference to ‘prostitution’ with ‘commercial sexual services’ as the prostitution licensing framework has been repealed;
- adding a sectional reference to the new definition for ‘commercial sexual services’ under section 4 of the Liquor Act as the prostitution licensing framework has been repealed; and
- updating Liquor Act references by replacing references to ‘section 103E’ with ‘section 103N’ for accuracy.

Consistency with policy objectives of authorising law

The Regulation is consistent with section 3(f) of the Liquor Act which prescribes the objective of regulating the provision of adult entertainment.

The amendments do not change the current prescribed behaviour for adult entertainment, or otherwise impact the current operation of adult entertainment on liquor licensed premises.

Inconsistency with policy objectives of other legislation

The Regulation makes consequential amendments to the adult entertainment code following the commencement of the DSW Act. The Regulation is consistent with the objectives of the DSW Act as it reflects the repeal of the prostitution licensing framework and maintains the status quo on the conduct of adult entertainment on liquor licensed premises.

Benefits and costs of implementation

The Regulation consists of consequential amendments to ensure the AE Code reflects the commencement of the DSW Act and the repeal of the prostitution licensing framework.

There are no costs associated with the implementation of the Regulation.

Consistency with fundamental legislative principles

The Regulation is considered consistent with fundamental legislative principles.

Consultation

No consultation has occurred for the Regulation as it consists of minor, consequential amendments only.