

COVID-19 Emergency Response and Other Legislation Amendment (Postponement) Regulation 2021

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, provide this human rights certificate with respect to the *COVID-19 Emergency Response and Other Legislation Amendment (Postponement) Regulation 2021* (Postponement Regulation) made under the *COVID-19 Emergency Response and Other Legislation Amendment Act 2020* (Amendment Act).

In my opinion, the Postponement Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The purpose of the Postponement Regulation is to delay the automatic commencement of section 45(2) of the Amendment Act on 5 December 2021.

Section 45(2) of the Amendment Act omits section 75(4A) from the *Liquor Act 1992* (Liquor Act). Section 75(4A) was inserted by section 45(1) of the Amendment Act to provide an exemption from the existing restriction which prevents distillers with a producer/wholesaler licence from selling liquor to the public in amounts exceeding 2.5% of total sales (2.5% exemption). The 2.5% exemption was intended as a temporary measure to allow for the continuation of eased trading restrictions for artisan distillers (being those producing 400 to 450,000 litres of artisan spirits annually), prior to a new artisan producer licence being established.

Following assent of the *Liquor (Artisan Liquor) Amendment Act 2021* on 15 March 2021, a new artisan producer licence came into effect in Queensland on 4 May 2021.

The Postponement Regulation extends the period before automatic commencement of section 45(2) of the Amendment Act to the end of 4 December 2022, with the effect that the provision will commence, and remove the 2.5% exemption on 5 December 2022, unless earlier commenced by proclamation.

This will provide affected artisan distiller producer/wholesaler licensees the maximum possible time to transfer to the new artisan producer licence without losing the benefit of the 2.5% exemption.

Human Rights Issues

The Postponement Regulation does not affect or engage a human right.

Conclusion

I consider that the Postponement Regulation is compatible with the *Human Rights Act 2019* because it does not limit human rights.

THE HONOURABLE SHANNON FENTIMAN MP
ATTORNEY-GENERAL AND MINISTER FOR JUSTICE,
MINISTER FOR WOMEN AND MINISTER FOR THE PREVENTION OF DOMESTIC
VIOLENCE AND FAMILY VIOLENCE

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