

Liquor (Approval of Adult Entertainment Code) Regulation 2024

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, the Honourable Yvette D’Ath MP, Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, provide this human rights certificate with respect to the *Liquor (Approval of Adult Entertainment Code) Regulation 2024* (Regulation) made under the *Liquor Act 1992* (Liquor Act).

In my opinion, the 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

Section 103N of the Liquor Act provides that there is to be an adult entertainment code (code) and that the code prescribes the live entertainment that may be performed for an audience, by a person performing an act of an explicit sexual nature (adult entertainment), on licensed premises or premises to which a community liquor permit or restricted liquor permit relates under an adult entertainment permit. The code is not effective until it is approved by the Governor in Council under a regulation.

The Regulation replaces the existing *Liquor (Approval of Adult Entertainment Code) Regulation 2002*, following the decriminalisation of sex work upon commencement of the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*.

The amendments are minor and involve:

- removing references to the *Prostitution Act 1999* and *Prostitution Regulation 2014*, as the prostitution licensing framework has been repealed;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a reference to ‘prostitution’ with ‘commercial sexual services’ as the prostitution licensing framework has been repealed;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; and
- updating Liquor Act references by replacing references to ‘section 103E’ with ‘section 103N’ for accuracy.

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

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Regulation does not affect or engage any human rights.

Conclusion

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

YVETTE D'ATH
Attorney-General and Minister for Justice and
Minister for the Prevention of Domestic and Family Violence

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