

Liquor Amendment Regulation (No. 1) 2017

Explanatory notes for SL 2017 No. 168

Made under the

Liquor Act 1992

General Outline

Short Title

Liquor Amendment Regulation (No. 1) 2017.

Authorising law

Sections 103IB(2)(b) and 235 of the *Liquor Act 1992*.

Policy objectives and the reasons for them

The policy objective of the *Liquor Amendment Regulation (No. 1) 2017* (Amendment Regulation) is to amend section 42 of the *Liquor Regulation 2002* (Liquor Regulation) to make a consequential change arising from passage of the *Liquor and Other Legislation Amendment Act 2017* (LOLA Act).

On 9 March 2017, the LOLA Act amended the *Liquor Act 1992* (Liquor Act) to strengthen the rigour and clarity of the temporary late-night extended hours permit framework. Prior to the commencement of the LOLA Act, subsection 103I(4) of the Liquor Act provided that an application could be made for an extended hours permit for a community club licence that, if granted, would extend trading hours on a particular day to include trading between 7a.m. and 9a.m. Further, under subsection 103I(5)(b), the club to which the community club licence related was required to be a sporting club for a sport prescribed by regulation. Currently, section 42 of the Liquor Regulation prescribes “golf” and “lawn bowls” as sports for sporting clubs.

The LOLA Act repealed section 103I and restructured the provisions across four new sections in the Liquor Act. Accordingly, the regulation-making power under section 103I(5)(b) was removed and replicated in a new section 103IB(2)(b). To ensure ongoing accuracy and integrity, it is necessary to amend section 42 of the Liquor Regulation to replace the obsolete references to section 103I(5)(b) of the Liquor Act with references to the new regulation-making power for sporting clubs under section 103IB.

The proposed technical amendments do not change the operation of the legislation.

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by amending section 42 of the Liquor Regulation to replace references to section 103I(5)(b) with references to section 103IB of the Liquor Act.

The Amendment Regulation also makes minor amendments to the heading of section 42 of the Liquor Regulation to reflect current drafting practice.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the Liquor Act.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

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

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Justice and Attorney-General applied a self-assessable exclusion from undertaking further regulatory impact analysis (category “a” – regulatory proposals that make consequential amendments; and “f” – regulatory proposals that correct technical errors or amend legislation to take account of current Queensland drafting practice).