



Queensland

Liquor and Other Acts Amendment Act 2005

Act No. 61 of 2005



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Queensland

Liquor and Other Acts Amendment Act 2005

Act No. 61 of 2005

An Act to amend the *Liquor Act 1992*, the *Liquor Amendment Act 2005*, the *Body Corporate and Community Management Act 1997* and the *Property Agents and Motor Dealers Act 2000*

[Assented to 28 November 2005]

The Parliament of Queensland enacts—**Part 1 Preliminary****1 Short title**

This Act may be cited as the *Liquor and Other Acts Amendment Act 2005*.

2 Commencement

- (1) Parts 4 and 5 commence on 1 December 2005.
- (2) The following provisions commence on 1 January 2006—
 - section 3
 - section 4(2), to the extent it inserts the definitions *Anzac Day event*, *development approval*, *post-amended Act*, *pre-amended Act* and *relevant period*
 - sections 5 to 24 and 32 to 35
 - section 36, other than to the extent it inserts new sections 274 and 275.
- (3) Section 26, to the extent it inserts new section 142AL, commences on 1 April 2006.
- (4) The remaining provisions of this Act commence on 1 March 2006.

Part 2 Amendment of Liquor Act 1992**3 Act amended in pt 2**

This part amends the *Liquor Act 1992*.

4 Amendment of s 4 (Definitions)

- (1) Section 4, definition *trading period*—

omit.

- (2) Section 4—

insert—

‘Anzac Day event, for an RSL or Services Club, means an event or occasion organised by the club to commemorate Anzac Day.

approved training course means a course approved by the chief executive about the responsible service of liquor.

commencement, for part 12, division 6, see section 268.

crowd controller, for part 5, division 6, see section 142AD.

current training course certificate, for part 5, division 6, see section 142AD.

development approval see the *Integrated Planning Act 1997*, schedule 10.

exit, of premises, for part 5, division 6, see section 142AD.

incident register, for part 5, division 6, see section 142AD.

patron, in relation to licensed premises or premises to which a permit relates, includes a person entering or seeking to enter the premises to use the areas, facilities or services on offer at the premises.

post-amended Act, for part 12, division 6, see section 268.

pre-amended Act, for part 12, division 6, see section 268.

relevant period, for a development approval, means the first of the following periods to end—

- (a) the currency period for the approval under the *Integrated Planning Act 1997*, section 3.5.21;¹
- (b) 4 years after the day the approval takes effect.

trading period—

¹ *Integrated Planning Act 1997*, section 3.5.21 (When approval lapses)

(a) for part 5, division 5, see section 142AA(1); and

(b) for part 5, division 6, see section 142AD.

training course certificate, for part 5, division 6, see section 142AD.

training register, for part 5, division 6, see section 142AD.’.

(3) Section 4, definition *approval*, after ‘course’—

insert—

‘or approved training course’.

5 Insertion of new s 4D

After section 4C—

insert—

‘4D Notes in text

‘A note in the text of this Act is part of the Act.’.

6 Amendment of s 9 (Ordinary trading hours)

(1) Section 9(3)(a)(ii), after ‘(b)’—

insert—

‘or (c)’.

(2) Section 9(3)(b), before ‘premises’—

insert—

‘licensed’.

(3) Section 9(3)—

insert—

‘(c) of licensed premises on the premises of an RSL or Services Club—subject to subsection (2), include the period from 5a.m. until 1p.m. on Anzac Day.’.

(4) Section 9(6), before ‘premises’, first mention—

insert—

‘licensed’.

7 Amendment of s 10 (When supply of liquor is in association with eating a meal)

Section 10(b)—

omit, insert—

‘(b) after the consumer orders the meal and before he or she finishes eating it; or’.

8 Amendment of s 59 (Authority of general licence)

After section 59(1)(d)(ii)—

insert—

‘Note—

Premises approved by the chief executive under subsection (1)(d) are detached bottle shops under this Act.’.

9 Amendment of s 102A (Restriction on grant of extended hours permit)

Section 102A—

insert—

- ‘(2) The chief executive may grant an extended hours permit to authorise a licensee to sell liquor between 5a.m. and 1p.m. on Anzac Day if—
- (a) the chief executive is satisfied the licensee has entered into an agreement with an RSL or Services Club to sell liquor under the permit at an Anzac Day event for the club; and
 - (b) the permit authorises the sale of liquor only at the event.’.

10 Amendment of s 102C (Other application for an extended hours permit that includes trading between 5a.m. and 7a.m.)

Section 102C(2)—

omit, insert—

- ‘(2) The chief executive must not grant the application unless—

- (a) the extension of the trading hours is restricted to a time coinciding with an event the chief executive reasonably considers to be a special event, and the special event—
 - (i) happens in the locality in which the licensed premises are situated; or
 - (ii) is, in the chief executive’s opinion, of particular significance or special interest to the regular patrons of the licensed premises; or

Example of a special event—

premier sporting fixture

- (b) the chief executive is satisfied the applicant has entered into an agreement with an RSL or Services Club to sell liquor under the permit at an Anzac Day event for the club.’.

11 Amendment of s 102F (Restriction on grant of catering away permit)

Section 102F—

insert—

- ‘(4) Despite subsection (3), the chief executive may grant a catering away permit to authorise a licensee to sell liquor between 5a.m. and 1p.m. on Anzac Day if—
 - (a) the chief executive is satisfied the licensee has entered into an agreement with an RSL or Services Club to sell liquor under the permit at a public event that is an Anzac Day event for the club; and
 - (b) the permit authorises the sale of liquor only at the event.’.

12 Amendment of s 109 (Nominees)

Section 109—

insert—

- ‘(12) For this section, a person may not be nominee for a licence if the person is the holder of a licence for which there is no nominee under this Act.’.

13 Amendment of s 111 (Variation of licence)

(1) Section 111(1)—

omit, insert—

‘(1) A licensee may apply to vary a licence by amending or revoking a condition of the licence.

‘(1A) The holder of a special facility licence or limited licence also may apply to vary the licence by altering the times when business may be conducted under authority of the licence.

‘(1B) The holder of a producer/wholesaler licence also may apply to vary the licence by changing the description of the licensed premises under the licence.’.

(2) Section 111(3)(a), ‘6a.m.’—

omit, insert—

‘5a.m.’.

14 Amendment of s 116 (Public interest relevant to applications)

Section 116(1)(b), after ‘59(1)(d)’—

insert—

‘to sell liquor on a detached bottle shop’.

15 Amendment of s 117 (Advice about application etc.)

(1) Section 117(1), from ‘an application’, first mention, to ‘permit’, first mention—

omit, insert—

‘a relevant application’.

(2) Section 117(2)(b), before ‘application’—

insert—

‘relevant’.

(3) Section 117(3)(a), before ‘application’, first mention—

insert—

‘relevant’.

(4) Section 117—

insert—

‘(4) In this section—

relevant application means—

- (a) an application to which section 116 applies; or
- (b) an application for a club licence; or
- (c) an application for an adult entertainment permit; or
- (d) another application the chief executive reasonably considers may adversely affect the amenity, quiet or good order of a locality.’.

16 Amendment of s 118 (Advertisement of applications)

(1) Section 118—

insert—

‘(6A) Despite subsection (1)(a), an application for variation of a special facility licence or limited licence is not required to be advertised under this section unless the chief executive, by written notice given to the applicant, requires it to be advertised.

‘(6B) In deciding whether to require an application mentioned in subsection (7) to be advertised under this section, the chief executive must have regard to the nature of the proposed variation.’.

(2) Section 118(6A) to (7)—

renumber as section 118(7) to (9).

17 Amendment of s 121 (Conference of concerned persons and decision by chief executive)

(1) Section 121(6), from ‘6 months’—

omit, insert—

‘12 months and may be renewed only on application made to the chief executive.’.

(2) Section 121—

insert—

‘(7) The application must be made within the period the chief executive decides and advises the holder of the permit.’.

18 Amendment of s 121A (Renewal of permits for extension of hours beyond 3a.m.)

(1) Section 121A(1), ‘As soon as practicable’—

omit, insert—

‘Within 4 days’.

(2) Section 121A(2), ‘14 days of’—

omit, insert—

‘28 days after’.

(3) Section 121A—

insert—

‘(2A) If the chief executive receives comments or objections under subsection (2), the chief executive must give the applicant a copy of the comments or objections within 5 days after receiving them.

‘(2B) The applicant may, within 14 days after receiving a copy of the comments or objections under subsection (3), make written representations to the chief executive about them.’.

(4) Section 121A(3)(b) and (c)—

renumber as section 121A(3)(c) and (d).

(5) Section 121A(3)—

insert—

‘(b) written representations made under subsection (4); and’.

(6) Section 121A—

insert—

‘(4) If the chief executive does not decide the application within 65 days after receiving it, the chief executive is taken to have refused to renew the permit.’.

- (7) Section 121A(2A) to (4)—
renumber as section 121A(3) to (6).

19 Amendment of s 123 (Chief executive may grant provisional licence)

- (1) Section 123(3)(b), from ‘within’ to ‘year’—
omit, insert—
‘within the relevant period for the development approval’.
- (2) Section 123(3)(c), ‘stated time’—
omit, insert—
‘relevant period’.

20 Amendment of s 123A (Chief executive may grant authority to trade for staged development)

- Section 123A(3)(c), ‘1 year’—
omit, insert—
‘2 years’.

21 Amendment of s 123B (Provisional licence or staged development approval)

- (1) Section 123B(1)—
omit, insert—
- ‘(1) A provisional licence remains in force for the relevant period for the development approval in relation to which the licence is granted.
- ‘(1A) A staged development approval remains in force for the stated reasonable time from the day on which the approval is granted.’.
- (2) Section 123B(2), ‘stated time’—
omit, insert—
‘relevant period for the development approval in relation to which the licence is granted’.

- (3) Section 123B(4), ‘1 year’—
omit, insert—
‘2 years’.
- (4) Section 123B(5), ‘more than once’—
omit, insert—
‘a maximum of 4 times’.

22 Amendment of s 123C (Effect of provisional licence)

Section 123C(3), ‘within the time stated in the licence’—
omit, insert—
‘while it is in force’.

23 Amendment of s 131 (Nominees when application to continue trading in certain circumstances)

Section 131—
insert—

- ‘(2) For this section, a person may not be nominee for a licence if the person is the holder of a licence for which there is no nominee under this Act.’.

24 Amendment of s 133 (Request to surrender)

- (1) Section 133(3)(b)(ii), ‘application’—
omit, insert—
‘request’.
- (2) Section 133(3)(c), ‘club licence’—
omit, insert—
‘licence held by a club’.
- (3) Section 133—
insert—
- ‘(3A) Despite subsection (3)(b)(i), the request need not be accompanied or supported by a consent mentioned in that

subparagraph if, after making reasonable efforts, the appropriate person can not obtain the consent.

‘(3B) If subsection (3A) applies to a request under subsection (1), the chief executive must as soon as practicable give written notice of the request to each owner, mortgagee or lessee of the licensed premises, or part of the licensed premises, under the licence who—

- (a) holds an interest in the licence; and
- (b) has given the chief executive particulars about the interest under section 44A.

‘(3C) However, subsection (3B) does not require the chief executive to give the notice to—

- (a) the appropriate person who made the request; or
- (b) a person whose consent accompanied or supported the request.’

(4) Section 133(5), ‘subsection (4)’—

omit, insert—

‘subsection (3B) or (4)’.

(5) Section 133(8), definition *appropriate person*, paragraph (b)(iii), ‘application’—

omit, insert—

‘request’.

25 Amendment of s 142AB (Licences and permits subject to lock out condition)

Section 142AB(4)—

omit.

26 Insertion of new pt 5, div 6

Before part 5A—

insert—

**‘Division 6 Certain provisions about conditions
of licences and permits for Brisbane
City Council area**

‘Subdivision 1 Preliminary

‘142AD Definitions for div 6

‘In this division—

crowd controller means a holder of a crowd controller’s licence in force under the *Security Providers Act 1993*.

current training course certificate means a training course certificate that is in force.

exit, of premises, does not include an exit that is not ordinarily used by patrons of the premises while the premises are open for business.

Example—

an emergency exit

incident register see section 142AI(1)(a).

trading period means the period starting at 8p.m. on any day and ending at 7a.m. on the following day.

training course certificate means a certificate in the approved form—

- (a) given to a person, for satisfactorily completing the approved training course, by someone who holds an approval under part 5A as a trainer for the course; and
- (b) stating the certificate remains in force for 3 years after it is given to the person.

training register see section 142AI(2)(a).

‘142AE Application of div 6

- (1) This division applies in the area of the Brisbane City Council to licensed premises and premises to which a permit relates if the licensee or permittee is authorised under this Act to sell or

supply liquor on the premises at any time after 1a.m. during the trading period.

- ‘(2) However, this division does not apply to—
- (a) licensed premises if the licensee is authorised, under section 9(13), to sell or supply liquor on the premises only after 1a.m. on New Year’s Day; or
 - (b) that part of licensed premises that—
 - (i) is used principally for the residential accommodation of guests staying at the premises; or
 - (ii) is a detached bottle shop.
- ‘(3) Also, this division does not apply on Anzac Day to—
- (a) licensed premises if an extended hours permit for that day has been granted for the premises under section 102C; or
 - (b) licensed premises on the premises of an RSL or Services Club.
- ‘(4) In addition—
- (a) sections 142AG and 142AH do not apply to licensed premises at Brisbane Airport, Airport Drive, Brisbane known as the Brisbane International Terminal building and the Brisbane Domestic terminal building; and
 - (b) section 142AG does not apply to the following—
 - (i) licensed premises on which the licensee is authorised to sell or supply liquor under an on-premises (meals) licence;
 - (ii) licensed premises at Suncorp Stadium, Castlemaine Street, Milton;
 - (iii) licensed premises at the Queensland Sport and Athletics Centre, Kessels Road, Nathan;
 - (iv) licensed premises at the Brisbane Cricket Ground, Vulture Street, Woolloongabba;
 - (v) licensed premises at the Brisbane Convention and Exhibition Centre, corner of Glenelg and Merivale Streets, South Brisbane;

- (vi) licensed premises at the Brisbane Entertainment Centre, Melaleuca Drive, Boondall; and
- (c) section 142AG does not apply to licensed premises or premises to which a permit relates during a trading period in which the premises are not open for business after 1a.m.

‘142AF Purpose of div 6

- ‘(1) This division has, in relation to the licensee or permittee, the same purpose as the purpose mentioned in section 148A(1).²
- ‘(2) This division does not limit section 148A.

‘Subdivision 2 Conditions of licences and permits

‘142AG Conditions about crowd controllers

‘It is a condition of the licensee’s or permittee’s licence or permit that the licensee or permittee—

- (a) must ensure that at least the number of crowd controllers prescribed under a regulation are engaged in maintaining order in and around the licensed premises or premises to which the permit relates—
 - (i) while the premises are open for business during the trading period; and
 - (ii) for at least 1 hour after the premises close for business during or at the end of the trading period; and
- (b) must not allow a crowd controller to be engaged under paragraph (a) unless the crowd controller—
 - (i) has a current training course certificate; and
 - (ii) has given the licensee or permittee a copy of the certificate and the crowd controller’s licence

2 Section 148A (Obligations of licensees and permittees relating to the service, supply and promotion of liquor)

granted under the *Security Providers Act 1993*, section 14(1); and

- (iii) is dressed in a way that distinguishes the crowd controller from patrons of the premises; and
- (c) must keep each crowd controller's certificate and licence, given to the licensee or permittee under paragraph (b)(ii), with the licensee's or permittee's training register while the crowd controller is engaged in maintaining order in and around the premises.

'142AH Conditions about closed-circuit television equipment

'It is a condition of the licensee's or permittee's licence or permit that the licensee or permittee—

- (a) must have closed-circuit television equipment at each entrance and exit of the licensed premises or premises to which the permit relates that provides access for patrons of the premises during the trading period; and
- (b) must display signage at the premises in a way that is likely to make the patrons aware that closed-circuit television equipment is installed under paragraph (a); and
- (c) must ensure the equipment—
 - (i) meets the minimum requirements for the equipment prescribed under a regulation; and
 - (ii) is operational and recording for the period starting at 8p.m. in a trading period in which the premises are open for business and ending at least 1 hour after the premises close for business during or at the end of the trading period; and
- (d) must stop selling or supplying liquor on the premises, and close the premises, if the equipment is not operational and recording during the trading period while the premises are open for business at any time between 1a.m. and when the premises would ordinarily otherwise close for business; and
- (e) must not allow the equipment to be operated by anyone other than—

- (i) the licensee, permittee or nominee for the licence or permit; or
 - (ii) another person responsible for the day-to-day management of the premises; and
- (f) must keep each recording made by the equipment in a secure place, and available for inspection and viewing by an investigator, at the premises until the recording—
- (i) is erased or destroyed under paragraph (h); or
 - (ii) is earlier given to an investigator; and
- (g) must not allow a recording to be viewed at the premises by anyone other than an investigator or a person mentioned in paragraph (e); and
- (h) must ensure a recording, unless it is earlier given to an investigator, is erased or destroyed by a person mentioned in paragraph (e)—
- (i) if the recording does not show an incident required to be recorded in the licensee's or permittee's incident register—not earlier than 28 days after the recording is made (the *retention period*), but within 30 days after the retention period ends; or
 - (ii) otherwise—not earlier than 1 year after the retention period for the recording ends.

'142AI Conditions about incident and training registers

- (1) It is a condition of the licensee's or permittee's licence or permit that the licensee or permittee—
- (a) must keep a register (an *incident register*) containing the information prescribed under a regulation about each incident at the licensed premises or premises to which the permit relates—
 - (i) in which a person is injured; or
 - (ii) requiring a person to be removed from the premises; and
 - (b) must ensure that, for each incident recorded in the register under paragraph (a), the register is signed as

- correct by each crowd controller or member of staff involved in the incident; and
- (c) must keep the register in a secure place, and available for inspection by an investigator, at the premises; and
 - (d) must not allow the register to be inspected at the premises by anyone other than—
 - (i) an investigator; or
 - (ii) the licensee, permittee or nominee for the licence or permit; or
 - (iii) a crowd controller or member of staff involved in an incident recorded in the register; or
 - (iv) another person responsible for the day-to-day management of the premises.
- ‘(2) Also, it is a condition of the licensee’s or permittee’s licence or permit that the licensee or permittee—
- (a) must keep a register (a *training register*) containing the information prescribed under a regulation about—
 - (i) current training course certificates kept by the licensee or permittee under section 142AG(c) or 142AK(2); or
 - (ii) matters relating to training persons involved in the service or supply of liquor at the licensed premises or premises to which the permit relates; and
 - (b) must keep the register available for inspection by an investigator at the premises.

‘142AJ Conditions about house policy

- ‘(1) It is a condition of the licensee’s or permittee’s licence or permit that the licensee or permittee—
- (a) must have a house policy for the licensed premises or premises to which the permit relates; and
 - (b) must keep the house policy available for inspection at the premises by an investigator and patrons of the premises; and

- (c) must display signage at the premises in a way that is likely to make the patrons aware that—
 - (i) the licensee or permittee has a house policy; and
 - (ii) the house policy is available for inspection by the patrons; and
 - (d) must ensure all staff of the premises, and crowd controllers engaged in maintaining order in and around the premises, are aware of, and perform their duties at the premises in compliance with, the house policy.
- ‘(2) Also, it is a condition of the licensee’s or permittee’s licence or permit that the licensee or permittee must, as soon as practicable after preparing a house policy, give the chief executive a notice in the approved form about the policy.

- ‘(3) In this section—

house policy, for licensed premises or premises to which a permit relates, means a document containing information about the procedures and practices, relating to the matters prescribed under a regulation, for the conduct of business at the premises.

‘142AK Conditions about training course certificates for particular persons

- ‘(1) It is a condition of the licensee’s or permittee’s licence or permit that each of the following persons must have a current training course certificate—
- (a) if the licensee or permittee is an individual—the licensee or permittee;
 - (b) the nominee, if any, for the licence or permit;
 - (c) a member of staff of the licensed premises or premises to which the permit relates who is involved in the service or supply of liquor at the premises.

Examples of staff involved in the service or supply of liquor—

bartenders, glass collectors, floor hostesses or room service staff

- ‘(2) However, the condition mentioned in subsection (1)(c) does not apply to a licence or permit, in relation to a person who becomes a member of staff of the licensed premises or

premises to which the permit relates after the commencement of this section, until 30 days after the person becomes a member of the staff.

- (3) Also, it is a condition of the licensee's or permittee's licence or permit that the licensee or permittee must keep with the licensee's or permittee's training register a copy of the current training course certificates held by persons mentioned in subsection (1).

'142AL Conditions about drinking practices

'It is a condition of the licensee's or permittee's licence or permit that the licensee or permittee must not conduct on the licensed premises or premises to which the permit relates—

- (a) a competition or game in which—
- (i) contestants or players consume liquor on the premises; or
 - (ii) free or discounted liquor is given as a prize for consumption on the premises; or

Examples of a competition or game—

- 'drink to win'
 - 'last man standing'
 - 'all you can drink'
 - 'skolling competition'
- (b) another activity, prescribed under a regulation, that may encourage the rapid or excessive consumption of liquor or promote intoxication.

'142AM Compliance with conditions

'The holder of a licence or permit subject to a condition under this subdivision must comply with the condition.

Maximum penalty—100 penalty units.

‘Subdivision 3 Application of ss 134 and 136 to conditions under sdiv 2

‘142AN Application of ss 134 and 136

‘For this Act—

- (a) a reference in section 134(1)(a)(ii) to a condition specified in the permit; or
- (b) a reference in section 136(1)(a)(iii) to a condition stated in the licence;

is taken to include a reference to a condition of the permit or licence imposed under subdivision 2.’.

27 Amendment of pt 5A (Trainers for licensee’s course)

Part 5A, heading, after ‘course’—

insert—

‘and approved training course’.

28 Amendment of s 142B (Applying for approval as trainer)

Section 142B(1), after ‘course’—

insert—

‘or approved training course’.

29 Amendment of s 142C (Deciding application)

Section 142C(2), after ‘course’—

insert—

‘or approved training course’.

30 Amendment of s 142G (Deciding application)

Section 142G(2) and (3)(b), after ‘course’—

insert—

‘or approved training course’.

31 Amendment of s 142L (Grounds for cancellation)

Section 142L(b), after ‘course’—

insert—

‘or approved training course’.

32 Amendment of s 154 (Alteration etc. and maintenance of licensed premises)

(1) Section 154—

insert—

‘(2A) Before giving an approval, the chief executive may ask the applicant to give the chief executive a management plan relating to the proposed alteration, rebuilding, change or increase.

‘(2B) The management plan must include information the chief executive considers appropriate having regard to—

(a) the business that is the primary purpose conducted under the licence; and

(b) the nature of the alteration, rebuilding, change or increase.

‘(2C) If the chief executive asks the applicant for a management plan under subsection (3), the chief executive must not give the approval unless the applicant complies with the request.’.

(2) Section 154(2A) to (3)—

renumber as section 154(3) to (6).

33 Amendment of s 155 (Minors on premises)

Section 155(4), definition *exempt minor*, paragraph (e), after ‘executive’—

insert—

‘or stated in a condition of the licence or permit’.

34 Amendment of s 228 (Suspension of licence for offences concerning minors)

- (1) Section 228, heading, after ‘minors’—
insert—
‘and other persons’.
- (2) Section 228, from ‘suspended—’—
omit, insert—
‘suspended.’.
- (3) Section 228—
insert—
- ‘(2) As soon as practicable after the second conviction is recorded, the chief executive must give the holder of the licence written notice of the suspension.
- ‘(3) The suspension—
- (a) takes effect immediately the notice is given to the holder of the licence; and
- (b) continues until—
- (i) the end of 60 days after the day the notice is given; or
- (ii) if an earlier day is stated in the notice—the end of the earlier day.
- ‘(4) The notice must state the reasons for the suspension.’.

35 Amendment of s 233 (Evidentiary provisions)

- (1) Section 233(2)(c)—
omit.
- (2) Section 233(2)(d)—
insert—
‘(iv) the offence was committed on Good Friday;’.
- (3) Section 233(2)(d) to (g)—
renumber as section 233(2)(c) to (f).

- (4) Section 233(3)(a), ‘restricted area’—
omit, insert—
 ‘licence or’.

36 Insertion of new pt 12, div 6

After section 267—

insert—

‘Division 6 Transitional provisions for Liquor and Other Acts Amendment Act 2005

‘268 Definitions for div 6

‘In this division—

commencement means the day the provision in which the term is used commences.

post-amended Act means this Act as in force after the commencement.

pre-amended Act means this Act as in force before the commencement.

‘269 Dealing with nomination of nominee

‘(1) Subsection (2) applies if, on the commencement—

- (a) a person has been nominated under section 109 or 115 of the pre-amended Act to be nominee for a licence; and
- (b) the person—
 - (i) is not taken to be or has not become, under section 109, the nominee for the licence; and
 - (ii) is the holder of a licence for which there is no nominee under this Act.

‘(2) For the purposes of this Act—

- (a) the person's nomination as nominee for the licence mentioned in subsection (1)(a) is taken to have been withdrawn; and
 - (b) section 109 of the post-amended Act applies in relation to the licence, including, for example, to the nomination of a person to be nominee for the licence.
- '(3) Subsection (4) applies if, on the commencement—
- (a) a person has been nominated under section 131 of the pre-amended Act to be nominee for a licence; and
 - (b) the application, under section 129, for which the nomination was made has not been granted by the chief executive; and
 - (c) the person is the holder of a licence for which there is no nominee under this Act.
- '(4) For the purposes of this Act—
- (a) the person's nomination as nominee for the licence mentioned in subsection (3)(a) is taken to have been withdrawn; and
 - (b) section 131 of the post-amended Act applies in relation to the licence, including, for example, to the nomination of a person to be nominee for the licence.

'270 Particular person ceases to be nominee

- '(1) This section applies to a person who, on the commencement—
- (a) is the nominee under this Act for a licence; and
 - (b) is the holder of a licence for which there is no nominee.
- '(2) On the commencement, the person ceases to be the nominee for the licence mentioned in subsection (1)(a).

'271 Application for variation of particular licence

'Despite section 118 of the post-amended Act, section 118 of the pre-amended Act continues to apply to an application for variation of a special facility licence or limited licence made and not decided before the commencement.

‘272 Application for renewal of extended hours permit

‘Despite section 121A of the post-amended Act, section 121A of the pre-amended Act continues to apply to an application for renewal of an extended hours permit made under section 121(6) of the pre-amended Act and not decided before the commencement.

‘273 Provisional licences continue in force

- ‘(1) This section applies to a provisional licence in force immediately before the commencement.
- ‘(2) The provisional licence remains in force for the relevant period for the development approval in relation to which the licence was granted.
- ‘(3) The provisional licence may be renewed under section 123B(2) of the post-amended Act whether or not it has been renewed under section 123B(2) of the pre-amended Act.
- ‘(4) This section applies despite—
 - (a) section 123B(3); and
 - (b) a time stated in the provisional licence under section 123(3)(b) of the pre-amended Act.

‘274 Provision about current training course certificates

- ‘(1) For the purposes of this Act, a person is taken to have a current training course certificate from the commencement if the person has a statement of attainment given to the person by a registered training organisation within 3 years before the commencement for successfully completing the unit of competency called THHBFB09B (Provide responsible service of alcohol) from the Hospitality (THH02) training package endorsed by ANTA.
- ‘(2) However, subsection (1) applies to a particular statement of attainment mentioned in the subsection only for 3 years after it was given to the person.
- ‘(3) In this section—

- ‘(1) Section 4, definition *trading period*—
omit, insert—
trading period, for part 5, division 6, see section 142AD.’.

Part 4 **Amendment of Body Corporate and Community Management Act 1997**

39 **Act amended in pt 4**

This part amends the *Body Corporate and Community Management Act 1997*.

40 **Insertion of new ch 5, pt 1A**

Chapter 5, before part 1—
insert—

‘Part 1A **Preliminary**

‘205A **Definitions for ch 5**

‘In this chapter—

attach, in relation to an information sheet and a contract, means attach in a secure way so that the information sheet and the contract appear to be a single document.

Examples of ways an information sheet may be attached to a contract—

- stapling
- binding

disclosure statement means—

- (a) for an existing lot—a statement complying with section 206(2) to (4); or
- (b) for a proposed lot—a statement complying with section 213(2) to (4).

electronic communication see the *Electronic Transactions (Queensland) Act 2001*, schedule 2.

residential property see the *Property Agents and Motor Dealers Act 2000*, section 17.

warning statement see the *Property Agents and Motor Dealers Act 2000*, section 364.

‘205B Relationship with Electronic Transactions (Queensland) Act

‘To remove any doubt, it is declared that the use of electronic communication under this chapter is subject to the *Electronic Transactions (Queensland) Act 2001*.’.

41 Amendment of s 206 (Statement to be given by seller to buyer)

- (1) Section 206, heading, ‘Statement’—
omit, insert—
‘Information’.
- (2) Section 206(1), from ‘a statement’—
omit, insert—
‘a disclosure statement.’.
- (3) Section 206(2), ‘The statement’—
omit, insert—
‘The disclosure statement’.
- (4) Section 206(3), (4) and (8), ‘statement’—
omit, insert—
‘disclosure statement’.
- (5) Section 206(5) and (6)—
omit, insert—
- ‘(5) If the lot the subject of the contract is not residential property, the seller must give the buyer an information sheet (the

information sheet) in the approved form with the contract in a way mentioned in section 206A.

- ‘(6) If the lot the subject of the contract is residential property, the seller must ensure that an information sheet (the *information sheet*) in the approved form and a warning statement are given as required under the *Property Agents and Motor Dealers Act 2000*, section 366, 366A or 366B.’.
- (6) Section 206(7)—
omit, insert—
- ‘(7) If the contract has not already been settled, the buyer may cancel the contract if—
- (a) the seller has not complied with subsection (1); or
 - (b) the seller has not complied with subsection (5) or (6), whichever is applicable.’.

(7) Section 206(9)—
omit.

42 Insertion of new s 206A

After section 206—

insert—

‘206A How the information sheet must be given for s 206(5)

- ‘(1) This section states the ways the information sheet must be given for section 206(5).
- ‘(2) If the seller gives the buyer the information sheet with the contract by fax, the seller must fax the documents in the following order—
- (a) a single cover page;
 - (b) the information sheet;
 - (c) the contract;
 - (d) any other documents.
- ‘(3) If the seller gives the buyer the information sheet with the contract by electronic communication other than fax, the seller must give the information sheet and the contract as a

single document that is protected against unauthorised change, with the information sheet appearing as the first or top page of the document.

- ‘(4) If the seller gives the buyer the information sheet with the contract in a way other than by electronic communication, the seller must attach the information sheet to the contract as its first or top page.’.

43 Amendment of s 207 (Contents of contract)

Section 207(a), ‘statement’—

omit, insert—

‘disclosure statement’.

44 Amendment of s 208 (Buyer may rely on information)

Section 208, ‘statement’—

omit, insert—

‘disclosure statement’.

45 Amendment of s 209 (Cancelling contract for inaccuracy of statement)

- (1) Section 209, ‘statement’—

omit, insert—

‘disclosure statement’.

- (2) Section 209(1)(b)(i), ‘statement’s’—

omit, insert—

‘disclosure statement’s’.

46 Amendment of s 213 (Statement to be given by seller to buyer)

- (1) Section 213, heading, ‘Statement’—

omit, insert—

‘Information’.

- (2) Section 213(1), from ‘a statement’—
omit, insert—
‘a disclosure statement.’
- (3) Section 213(2), (3), (4) and (7), ‘first statement’—
omit, insert—
‘disclosure statement’.
- (4) Section 213(5)—
omit, insert—
- ‘(5) If the proposed lot the subject of the contract is not residential property, the seller must give the buyer an information sheet (the *information sheet*) in the approved form with the contract in a way mentioned in section 213A.
- ‘(5A) If the proposed lot the subject of the contract is residential property, the seller must ensure that an information sheet (the *information sheet*) in the approved form and a warning statement are given as required under the *Property Agents and Motor Dealers Act 2000*, section 366, 366A or 366B.’
- (5) Section 213(6)—
omit, insert—
- ‘(6) If the contract has not already been settled, the buyer may cancel the contract if—
- (a) the seller has not complied with subsection (1); or
 - (b) the seller has not complied with subsection (5) or (5A), whichever is applicable.’
- (6) Section 213(8)—
omit.

47 Insertion of new section 213A

After section 213—

insert—

‘213A How the information sheet must be given for s 213(5)

- ‘(1) This section states the ways the information sheet must be given for section 213(5).
- ‘(2) If the seller gives the buyer the information sheet with the contract by fax, the seller must fax the documents in the following order—
- (a) a single cover page;
 - (b) the information sheet;
 - (c) the contract;
 - (d) any other documents.
- ‘(3) If the seller gives the buyer the information sheet with the contract by electronic communication other than fax, the seller must give the information sheet and the contract as a single document that is protected against unauthorised change, with the information sheet appearing as the first or top page of the document.
- ‘(4) If the seller gives the buyer the information sheet with the contract in a way other than by electronic communication, the seller must attach the information sheet to the contract as its first or top page.’.

48 Amendment of s 214 (Variation of first statement by further statement)

Section 214, ‘first statement’—

omit, insert—

‘disclosure statement’.

49 Amendment of s 215 (Statements and information sheet form part of contract)

Section 215(1), ‘first statement’—

omit, insert—

‘disclosure statement’.

50 Amendment of s 216 (Buyer may rely on information)

Section 216, ‘first statement’—

omit, insert—

‘disclosure statement’.

51 Amendment of s 217 (Cancelling contract for inaccuracy of statement)

Section 217(b)(iv), ‘first statement’—

omit, insert—

‘disclosure statement’.

52 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

‘attach, for chapter 5, see section 205A.

disclosure statement, for chapter 5, see section 205A.

electronic communication, for chapter 5, see section 205A.

residential property, for chapter 5, see section 205A.

warning statement, for chapter 5, see section 205A.’.

Part 5 Amendment of Property Agents and Motor Dealers Act 2000

53 Act amended in pt 5

This part amends the *Property Agents and Motor Dealers Act 2000*.

54 Amendment of s 363 (Purposes of ch 11)

Section 363(b)—

omit, insert—

‘(b) to require all proposed relevant contracts or relevant contracts for the sale of residential property in Queensland to include consumer protection information, including a statement that a relevant contract is subject to a cooling-off period; and’.

55 Amendment of s 364 (Definitions for ch 11)

(1) Section 364, definition *warning statement*—

omit.

(2) Section 364—

insert—

‘**attached**, in relation to a warning statement, any information sheet and a contract, means attached in a secure way so that the warning statement, any information sheet and the contract appear to be a single document.

Examples of ways a warning statement and any information sheet may be attached to a contract—

- stapling
- binding

disclosure statement see the *Body Corporate and Community Management Act 1997*, section 205A.

electronic communication see the *Electronic Transactions (Queensland) Act 2001*, schedule 2.

information sheet see the *Body Corporate and Community Management Act 1997*, section 206(5) or (6) or 213(5) or (5A).

unit sale means a sale of a lot included in a community titles scheme, or proposed to be included in a community titles scheme, within the meaning of the *Body Corporate and Community Management Act 1997*.

warning statement means a statement in the approved form that includes the information mentioned in section 366D(1).’.

(3) Section 364, definition *cooling-off period*, ‘the contract’—

omit, insert—

‘the relevant contract’.

- (4) Section 364, definition *termination penalty*, ‘the contract’—
omit, insert—
 ‘the relevant contract’.

56 Insertion of new s 364A

After section 364—

insert—

‘364A Relationship with Electronic Transactions (Queensland) Act

‘To remove any doubt, it is declared that the use of electronic communication under this chapter is subject to the *Electronic Transactions (Queensland) Act 2001*.’.

57 Amendment of s 365 (When parties are bound under a relevant contract)

- (1) Section 365(1) and (2)—

omit, insert—

- ‘(1) The buyer and the seller under a relevant contract are bound by the relevant contract when—
- (a) for a relevant contract, other than a relevant contract relating to a unit sale—the buyer or the buyer’s agent receives the warning statement and the relevant contract from the seller or the seller’s agent in a way mentioned in subsection (2); or
- (b) for a relevant contract relating to a unit sale—the buyer or the buyer’s agent receives the warning statement, the information sheet and the relevant contract in a way mentioned in subsection (2A).

Note—

See the *Electronic Transactions (Queensland) Act 2001*, section 11 for a requirement about consent and section 24 for rules about when an electronic communication is received.

- ‘(2) For a relevant contract, other than a relevant contract relating to a unit sale, the ways are—

-
- (a) by fax, but only if the documents mentioned in subparagraphs (i), (ii), (iii) and (iv) are sent in the following order—
- (i) a single cover page that includes a clear statement directing the attention of the buyer or the buyer’s agent to the warning statement and the relevant contract;
 - (ii) the warning statement;
 - (iii) the relevant contract;
 - (iv) any other documents; and
- (b) by electronic communication other than fax, if the electronic communication contains—
- (i) a message that includes a clear statement directing the attention of the buyer or the buyer’s agent to the warning statement and the relevant contract; and
 - (ii) a single document, consisting only of the warning statement and the relevant contract, that is protected against unauthorised change, with the warning statement appearing as the first or top page of the document; and

Example of electronic communication—

- email
- (c) by being handed or otherwise receiving the documents mentioned in paragraph (a)(ii) and (iii) other than by electronic communication, if—
- (i) the warning statement is attached to the relevant contract and appears as the first or top page; and
 - (ii) the seller or the seller’s agent directs the attention of the buyer or the buyer’s agent to the warning statement and the relevant contract.

Example of receipt other than by electronic communication—

- post

Examples of how attention may be directed—

- by oral advice

- by including a paragraph in an accompanying letter
- (2A) For a relevant contract relating to a unit sale, the ways are—
- (a) by fax, but only if the documents mentioned in subparagraphs (i), (ii), (iii), (iv) and (v) are sent in the following order—
 - (i) a single cover page that includes a clear statement directing the attention of the buyer or the buyer's agent to the warning statement, the information sheet and the relevant contract;
 - (ii) the warning statement;
 - (iii) the information sheet;
 - (iv) the relevant contract;
 - (v) any other documents; and
 - (b) by electronic communication other than fax, if the electronic communication contains—
 - (i) a message that includes a clear statement directing the attention of the buyer or the buyer's agent to the warning statement, the information sheet and the relevant contract; and
 - (ii) a single document, consisting only of the warning statement, the information sheet and the relevant contract, that is protected against unauthorised change, with the warning statement appearing as the first or top page of the document and the information sheet appearing immediately after the warning statement; and

Example of electronic communication—

- email
- (c) by being handed or otherwise receiving the documents mentioned in paragraph (a)(ii), (iii) and (iv) other than by electronic communication, if—
- (i) the warning statement and the information sheet are attached to the relevant contract with the warning statement appearing as the first or top page of the document and the information sheet

appearing immediately after the warning statement; and

- (ii) the seller or the seller's agent directs the attention of the buyer or the buyer's agent to the warning statement, the information sheet and the relevant contract.

Example of receipt other than by electronic communication—

- post

Examples of how attention may be directed—

- by oral advice
- by including a paragraph in an accompanying letter'.

- (2) Section 365(3) and (5), 'by the contract'—

omit, insert—

'by the relevant contract'.

- (3) Section 365(6), definition *buyer's agent*, 'the contract'—

omit, insert—

'the relevant contract'.

58 Amendment of s 365A (Buyer to receive copy of property valuation buyer pays for)

Section 365A(1)(a), 'the contract'—

omit, insert—

'the relevant contract'.

59 Amendment of s 365B (Lawyer's disclosure to buyer about independence)

Section 365B(1), after 'a relevant contract'—

insert—

'or a proposed relevant contract'.

60 Replacement of ch 11, pt 2

Chapter 11, part 2—

omit, insert—

‘Part 2 Warning statements**‘366 Warning statement if proposed relevant contract is faxed**

- ‘(1) This section applies if a proposed relevant contract is faxed to a proposed buyer or the proposed buyer’s agent for signing, whether or not the proposed relevant contract has been signed by the seller.
- ‘(2) If the proposed relevant contract does not relate to a unit sale, the seller or the seller’s agent must, when faxing the proposed relevant contract, fax the documents mentioned in paragraphs (a), (b), (c) and (d) in the following order—
 - (a) a single cover page that includes a clear statement directing the proposed buyer’s attention to the warning statement and the proposed relevant contract;
 - (b) the warning statement;
 - (c) the proposed relevant contract;
 - (d) any other documents.
- ‘(3) If the proposed relevant contract does relate to a unit sale, the seller or the seller’s agent must, when faxing the proposed relevant contract, fax the documents mentioned in paragraphs (a), (b), (c), (d), (e) and (f) in the following order—
 - (a) a single cover page that includes a clear statement directing the proposed buyer’s attention to the warning statement, the information sheet, the proposed relevant contract and, if a disclosure statement has not already been given to the buyer or to the buyer’s agent, the disclosure statement;
 - (b) the warning statement;
 - (c) the information sheet;
 - (d) the proposed relevant contract;

- (e) if the disclosure statement has not already been given to the buyer or the buyer's agent, the disclosure statement;
 - (f) any other documents.
- '(4) If subsection (2) or (3) is not complied with—
- (a) if the seller faxed the documents—the seller; or
 - (b) if the seller's agent faxed the documents—the seller's agent;
- commits an offence.
- Maximum penalty—200 penalty units.
- '(5) It is a defence to a prosecution for an offence against subsection (4) for the seller or the seller's agent to prove that the seller or the seller's agent gave notice to the proposed buyer or the proposed buyer's agent under section 366C.

'366A Warning statement if proposed relevant contract is given by electronic communication other than fax

- '(1) This section applies if a proposed relevant contract is given to a proposed buyer or the proposed buyer's agent by electronic communication, other than fax, for signing, whether or not the proposed relevant contract has been signed by the seller.
- '(2) If the proposed relevant contract does not relate to a unit sale, the seller or the seller's agent must ensure that the electronic communication contains—
 - (a) a message that includes a clear statement directing the proposed buyer's attention to the warning statement and the proposed relevant contract; and
 - (b) a single document, consisting only of the warning statement and the proposed relevant contract, that is protected against unauthorised change, with the warning statement appearing as the first or top page of the document.
- '(3) If the proposed relevant contract does relate to a unit sale, the seller or the seller's agent must ensure that the electronic communication contains—

- (a) a message that includes a clear statement directing the proposed buyer's attention to the warning statement, the information sheet, the proposed relevant contract and, if the disclosure statement has not already been given to the buyer or the buyer's agent, the disclosure statement; and
 - (b) a single document, consisting only of the warning statement, the information sheet and the proposed relevant contract, that is protected against unauthorised change, with the warning statement appearing as the first or top page of the document and the information sheet appearing immediately after the warning statement.
- '(4) Despite subsection (3)(b), the disclosure statement may form part of the single document mentioned in that provision if it does not appear before the information sheet.
- '(5) If subsection (2) or (3) is not complied with—
- (a) if the seller gave the electronic communication—the seller; or
 - (b) if the seller's agent gave the electronic communication—the seller's agent;
- commits an offence.
- Maximum penalty—200 penalty units.
- '(6) It is a defence to a prosecution for an offence against subsection (5) for the seller or the seller's agent to prove that the seller or the seller's agent gave notice to the proposed buyer or the proposed buyer's agent under section 366C.

'366B Warning statement if proposed relevant contract is given in another way

- '(1) This section applies if a proposed relevant contract is given to a proposed buyer or the proposed buyer's agent for signing in a way other than by electronic communication.
- '(2) The seller or the seller's agent must ensure that the proposed relevant contract has attached a warning statement and, if the proposed relevant contract relates to a unit sale, an information sheet with the warning statement appearing as its

first or top page and any information sheet appearing immediately after the warning statement.

- ‘(3) If the proposed relevant contract does not comply with subsection (2)—
- (a) if the seller gave the proposed relevant contract—the seller; or
 - (b) if the seller’s agent gave the proposed relevant contract—the seller’s agent;

commits an offence.

Maximum penalty—200 penalty units.

- ‘(4) If the seller or the seller’s agent hands the proposed relevant contract to the proposed buyer, the seller or the seller’s agent must direct the proposed buyer’s attention to the warning statement and, if the proposed relevant contract relates to a unit sale, the information sheet and any disclosure statement.

Note—

A contravention of this subsection is not an offence. Under section 366D(3), in the circumstances of this subsection a warning statement is of no effect unless it is signed by the buyer.

- ‘(5) Subsection (6) applies if the seller or the seller’s agent gives the proposed relevant contract to the proposed buyer or the proposed buyer’s agent in a way other than by handing the proposed contract to the proposed buyer or the proposed buyer’s agent.
- ‘(6) The seller or the seller’s agent must include with the proposed relevant contract a statement directing the proposed buyer’s attention to the warning statement and, if the proposed relevant contract relates to a unit sale, the information sheet and any disclosure statement.

Maximum penalty—200 penalty units.

- ‘(7) It is a defence to a prosecution for an offence against subsection (3) or (6) for the seller or the seller’s agent to prove that the seller or the seller’s agent gave notice to the proposed buyer or the proposed buyer’s agent under section 366C.

‘366C Error in process may be corrected before relevant contract is signed

- ‘(1) This section applies if, before a proposed relevant contract has been signed by both the seller and the proposed buyer—
- (a) the seller or the seller’s agent fails to comply with a requirement under this part for the proposed relevant contract; or
 - (b) the use of an electronic transaction for the proposed relevant contract does not comply with the *Electronic Transactions (Queensland) Act 2001*.

Note—

See the *Electronic Transactions (Queensland) Act 2001*, section 11 for a requirement about consent and section 14 for rules about requirements for signatures when using electronic communications.

- ‘(2) For the defence mentioned in section 366(5), 366A(6) or 366B(7), the seller or the seller’s agent may notify the proposed buyer or the proposed buyer’s agent of the failure to comply at any time before the proposed relevant contract has been signed by both the seller and the proposed buyer.
- ‘(3) The notice must identify the failure to comply and—
- (a) state that the proposed relevant contract is withdrawn; and
 - (b) advise whether new documents complying with the requirements of this part will be given to the proposed buyer or the proposed buyer’s agent.

‘366D Content and effectiveness of warning statements

- ‘(1) The warning statement for a proposed relevant contract or relevant contract must include the following information—
- (a) the relevant contract is subject to a cooling-off period;
 - (b) when the cooling-off period starts and ends;
 - (c) a recommendation that the buyer or proposed buyer seek independent legal advice about the proposed relevant contract or relevant contract before the cooling-off period ends;

- (d) what will happen if the buyer terminates the relevant contract before the cooling-off period ends;
 - (e) the amount or the percentage of the purchase price that will not be refunded from the deposit if the relevant contract is terminated before the cooling-off period ends;
 - (f) a recommendation that the buyer or proposed buyer seek an independent valuation of the property before the cooling-off period ends;
 - (g) if the seller under the proposed relevant contract or relevant contract is a property developer, that a person who suffers financial loss because of, or arising out of, the person's dealings with a property developer or the property developer's employees can not make a claim against the claim fund.
- ‘(2) A statement purporting to be a warning statement is of no effect unless the words on the statement are presented in substantially the same way as the words are presented on the approved form.
- Example—*
- If words on the approved form are presented in 14 point font, the words on the warning statement must also be presented in 14 point font.
- ‘(3) If the seller or the seller's agent hands a proposed relevant contract to the buyer for signing, a warning statement is of no effect unless the buyer signs the warning statement before signing the proposed relevant contract.
- ‘(4) If a proposed relevant contract is given to the buyer for signing and subsection (3) does not apply, a warning statement is of no effect unless the buyer signs the warning statement.
- ‘(5) For subsection (3), the buyer's signature on the warning statement is taken to be proof that the buyer signed the warning statement before signing the proposed relevant contract unless the contrary is proved.

‘367 Buyer’s rights if a warning statement is not given or is not effective

- ‘(1) This section applies if—
- (a) a warning statement requirement for a proposed relevant contract is not complied with and notice is not given under section 366C; or
 - (b) a warning statement is of no effect under section 366D(2), (3) or (4).
- ‘(2) The buyer under a relevant contract may terminate the relevant contract at any time before the relevant contract settles by giving signed, dated notice of termination to the seller or the seller’s agent.
- ‘(3) The notice of termination must state that the relevant contract is terminated under this section.
- ‘(4) If the relevant contract is terminated, the seller must, within 14 days after the termination, refund any deposit paid under the relevant contract to the buyer.
- Maximum penalty—200 penalty units.
- ‘(5) If the seller, acting under subsection (4), instructs a licensee acting for the seller to refund the deposit paid under the relevant contract to the buyer, the licensee must immediately refund the deposit to the buyer.
- Maximum penalty—200 penalty units.
- ‘(6) If the relevant contract is terminated, the seller and the person acting for the seller who prepared the relevant contract are liable to the buyer for the buyer’s reasonable legal and other expenses incurred by the buyer in relation to the relevant contract after the buyer signed the relevant contract.
- ‘(7) If more than 1 person is liable to reimburse the buyer, the liability of the persons is joint and several.
- ‘(8) An amount payable to the buyer under this section is recoverable as a debt.
- ‘(9) In this section—
- warning statement requirement***, for a proposed relevant contract, means—

- (a) if the proposed relevant contract is sent by fax—a requirement to comply with section 366(2) or (3); or
- (b) if the proposed relevant contract is given by electronic communication other than fax—a requirement to comply with section 366A(2) or (3); or
- (c) if the proposed relevant contract is given in a way other than by electronic communication—a requirement to comply with section 366B(2), (4) or (6).’.

61 Amendment of s 368 (Terminating contract during cooling-off period)

- (1) Section 368, heading, ‘contract’—
omit, insert—
‘relevant contract’.
- (2) Section 368, ‘the contract’—
omit, insert—
‘the relevant contract’.

62 Amendment of s 369 (Waiving cooling-off period)

- (1) Section 369(1), (2) and (3)(c)(i), ‘the contract’—
omit, insert—
‘the relevant contract’.
- (2) Section 369(1), ‘proposed contract’—
omit, insert—
‘proposed relevant contract’.

63 Amendment of s 370 (Shortening cooling-off period)

- Section 370(1) and (2)(c)(i), ‘the contract’—
omit, insert—
‘the relevant contract’.

64 Amendment of s 371 (Application of pt 4)

Section 371, ‘the contract’—

omit, insert—

‘the relevant contract’.

65 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘attached, for chapter 11, see section 364.

disclosure statement, for chapter 11, see section 364.

electronic communication, for chapter 11, see section 364.

information sheet, for chapter 11, see section 364.

unit sale, for chapter 11, see section 364.’.