



Queensland

Liquor (Red Tape Reduction) and Other Legislation Amendment Act 2013

Act No. 62 of 2013



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Queensland

Liquor (Red Tape Reduction) and Other Legislation Amendment Act 2013

Act No. 62 of 2013

An Act to amend the Casino Control Act 1982, the Criminal Law (Rehabilitation of Offenders) Act 1986, the Gaming Machine Act 1991, the Liquor Act 1992, the Roman Catholic Church (Incorporation of Church Entities) Act 1994, the Roman Catholic Church Lands Act 1985, the Security Providers Act 1993 and the Wagering Act 1998 for particular purposes

[Assented to 27 November 2013]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Liquor (Red Tape Reduction) and Other Legislation Amendment Act 2013*.

2 Commencement

The following provisions commence on 1 July 2014—

- (a) section 23(2), (4) and (5);
- (b) section 25;
- (c) sections 29 and 30;
- (d) section 35;
- (e) sections 37, 38 and 39;
- (f) section 41;
- (g) section 46;
- (h) schedule 1, part 1.

Part 2 Amendment of Casino Control Act 1982

3 Act amended

This part amends the *Casino Control Act 1982*.

4 Amendment of s 62 (Gaming equipment and chips)

Section 62(6), ‘subsection (3D)’—

omit, insert—

subsection (7)

**Part 3 Amendment of Gaming
Machine Act 1991**

5 Act amended

This part amends the *Gaming Machine Act 1991*.

6 Amendment of s 50 (Delegations)

Section 50(2), ‘section 322(6)’—

omit, insert—

section 315(3)

7 Amendment of s 55D (Community comments)

Section 55D(2), ‘The commission’—

omit, insert—

The commissioner

**8 Amendment of s 56 (Application for gaming machine
licences)**

(1) Section 56(5)(d) to (m)—

omit.

[s 9]

(2) Section 56(5)(n), ‘such other’—
omit, insert—

the

(3) Section 56(5)(n) to (p)—
renumber as section 56(5)(d) to (f).

9 Amendment of s 82 (Consideration of increase application (gaming machines))

(1) Section 82(3)(b)(i) and (iii)—
omit.

(2) Section 82(3)(b)(ii) to (viii)—
renumber as section 82(3)(b)(i) to (vi).

10 Omission of s 88 (Disposal of gaming machines for decrease proposal)

Section 88—
omit.

11 Amendment of s 88A (Notice of decision about decrease proposal)

Section 88A(3)—
omit.

12 Amendment of s 90 (Surrender or disposal of gaming machines on approval of decrease)

Section 90(2), note—
omit.

13 Amendment of s 91C (Dealing with gaming machines on ceasing the conduct of gaming)

- (1) Section 91C(1) and (2)—

omit.

- (2) Section 91C(3), from ‘to whom notice of an approval is given’ to ‘receiving the notice; or’—

omit, insert—

who gives notice under section 91A(2)(b) must dispose of the gaming machines that are on the licensed premises mentioned in the notice—

- (a) within 1 month after giving the notice; or

- (3) Section 91C(3) to (5)—

renumber as section 91C(1) to (3).

14 Amendment of s 95 (Surrender of gaming machine licences)

- (1) Section 95(5)—

omit.

- (2) Section 95(6), ‘Also, the’—

omit, insert—

The

- (3) Section 95(7)—

omit.

- (4) Section 95(8)—

omit, insert—

- (8) Subject to subsection (8A), a licensee who gives a notification under subsection (1)(a) must dispose of the gaming machines that are on the licensed premises—

- (a) within 1 month after giving the notification;
or

[s 15]

- (b) if the commissioner extends, or further extends, the period for the disposal, by written notice given to the licensee in the period or extended period—within the period as extended.

Maximum penalty—200 penalty units.

- (5) Section 95(10), from ‘the later of the following—’—
omit, insert—
the nominated day for the surrender of the licence.
- (6) Section 95(11), definition *clearance day*—
omit.

15 Amendment of s 95A (Surrender of gaming machine licence being replaced—category 1 licensed premises)

- (1) Section 95A(2) and (3), ‘Section 95(2A) to (2C) and (3)’—
omit, insert—
Section 95(2A) to (2C), (3), (4), (6) and (8)
- (2) Section 95A(2)(c) and (3)(c), ‘subsections (5) to’—
omit, insert—
subsections (6), (8) to

16 Amendment of s 95B (Surrender of gaming machine licence being replaced—category 2 licensed premises)

- (1) Section 95B(2), ‘Section 95(2D)’—
omit, insert—
Section 95(2D) to (4), (6) and (8)
- (2) Section 95B(2)(c), ‘subsections (5)’—
omit, insert—
subsections (6), (8) to

17 Amendment of s 104 (Disposal of gaming machines on cancellation of gaming machine licence)

(1) Section 104(3) and (4)—

omit.

(2) Section 104(5), from ‘notice of an approval is given under subsection (3)’ to ‘approval relates—’—

omit, insert—

the information notice for the decision to cancel the licence was given under section 97(15) must dispose of the gaming machines that are on the premises to which the licence related—

(3) Section 104(5), note—

omit.

(4) Section 104(6), ‘(5)(b)’—

omit, insert—

(2)(b)

(5) Section 104(5) and (6)—

renumber as section 104(2) and (3).

18 Omission of s 277 (Destruction of gaming machines)

Section 277—

omit.

19 Omission of s 289 (Gaming machines to be labelled with commissioner’s identification number)

Section 289—

omit.

[s 20]

20 Amendment of s 292 (Protection of sensitive areas of gaming equipment)

Section 292(1)(k) and (l)—

omit.

21 Insertion of new pt 12, div 18

Part 12—

insert—

**Division 18 Transitional provision for
Liquor (Red Tape
Reduction) and Other
Legislation Amendment
Act 2013**

488 Decision on increase application (gaming machines) not finally dealt with before commencement

- (1) This section applies to an increase application (gaming machines) made, but not finally decided before the commencement.
- (2) In considering the application the commissioner may not have regard to the matters mentioned in section 82(3)(b)(i) or (iii) as in force immediately before the commencement.
- (3) In this section—

commencement means commencement of this section.

[s 23]

training course certificate means—

- (a) a certificate given to a person for satisfactorily completing an approved training course; or
- (b) a licensee's course certificate.

(4) Section 4—

insert—

accepted representations—

- (a) for part 5C—see section 142ZC(2); or
- (b) for part 5D, division 5—see section 142ZT(2).

approval means—

- (a) for parts 5A and 5B—an approval under part 5A as a trainer for the licensee's course; or
- (b) for an approved manager—an approval to be an approved manager under part 5C; or
- (c) for a controller—an approval under part 5D for the holder of the approval to work as a controller.

division 5 notice, for part 5D, division 5, see section 142ZT(1).

further action, for part 5D, division 5, see section 142ZR(3)(c).

immediate suspension notice, for part 5D, division 5, see section 142ZR(2).

police information report, for part 5D, see section 142ZO(4).

proposed action—

- (a) for part 5C—see section 142ZB(2)(a); or
- (b) for part 5D, division 5—see section 142ZS(3)(a).

show cause notice—

- (a) for part 5C—see section 142ZB(1); or
- (b) for part 5D, division 5—see section 142ZS(2).

show cause period—

- (a) for part 5C—see section 142ZB(2)(e); or
- (b) for part 5D, division 5—see section 142ZS(3)(e).

- (5) Section 4, definition *controller*, from ‘authorised’ to ‘supervise’—

omit, insert—

who supervises

24 Amendment of s 14B (Other exemptions for the sale of liquor)

- (1) Section 14B(1)(c), after ‘liquor’—

insert—

to an adult

- (2) Section 14B(1)(f), ‘sale at auction’—

omit, insert—

sale to an adult at an auction, other than an auction in a relevant restricted area,

- (3) Section 14B(1)(g), ‘a passenger’—

omit, insert—

an adult passenger

- (4) Section 14B(1)(h), ‘to a guest’—

omit, insert—

, other than accommodation in a relevant restricted area, to an adult guest

[s 24]

- (5) Section 14B(1)(i), from ‘a person’ to ‘described’—
omit, insert—
an adult by the proprietor of a duty free shop, other than a duty free shop in a relevant restricted area, described
- (6) Section 14B(1)(i)(iii), ‘the person’—
omit, insert—
the adult
- (7) Section 14B(1)(j)(iv) to (vi)—
renumber as section 14B(1)(j)(v) to (vii).
- (8) Section 14B(1)(j)—
insert—
(iv) the gift is to be delivered to a place other than a place within a relevant restricted area; and
- (9) Section 14B(1)(k), ‘retirement village to a person’—
omit, insert—
retirement village, other than a retirement village in a relevant restricted area, to an adult
- (10) Section 14B(1)(l)(ii) to (iv)—
renumber as section 14B(1)(l)(iii) to (v).
- (11) Section 14B(1)(l)—
insert—
(ii) the premises are not in a relevant restricted area; and
- (12) Section 14B(1)(l)(v), as renumbered, ‘Day, Good’—
omit, insert—
Day or Good

-
- (13) Section 14B(1)(m)(i), ‘part’—
omit, insert—
place
- (14) Section 14B(1)(m)(ii) to (iv)—
renumber as section 14B(1)(m)(iii) to (v).
- (15) Section 14B(1)(m)—
insert—
- (ii) the liquor is not sold or consumed inside a relevant restricted area; and
- (16) Section 14B(1)(m)(v), as renumbered, ‘Day, Good’—
omit, insert—
Day or Good
- (17) Section 14B(1)—
insert—
- (n) a sale of liquor by a tour operator to an adult participant of a tour if—
 - (i) the sale happens during a tour booked with the operator; and
 - (ii) the liquor is not sold or consumed inside a relevant restricted area; and
 - (iii) the quantity of the liquor sold by the operator to the participant is not more than 2 standard drinks in a day; and
 - (iv) the liquor is not sold or consumed on Christmas Day or Good Friday, before 1p.m. on Anzac Day, or on another day between 5a.m. and 10a.m.

[s 25]

25 Amendment of s 21 (Jurisdiction and powers of tribunal)

Section 21(1)—

insert—

- (ab) the refusal to grant an approval for a controller under section 142ZK; or
- (cb) the suspension or cancellation of an approval for a controller under section 142ZV; or

26 Amendment of s 67B (Principal activity is the provision of accommodation)

Section 67B(2)—

insert—

- (c) to a person attending a function on the premises during ordinary trading hours or approved extended trading hours for consumption on the premises, whether or not the person is eating a meal.

27 Amendment of s 103R (Duration of adult entertainment permit)

Section 103R(a), '1 year'—

omit, insert—

3 years

28 Amendment of s 107A (Additional restriction on grant of licence)

(1) Section 107A(2), from 'successfully' to 'training course'—

omit, insert—

, successfully completed the licensee's course

- (2) Section 107A(3), ‘either or both of the courses’—
omit, insert—
the licensee’s course

29 Insertion of new s 107CA

After section 107C—

insert—

107CA Additional condition on adult entertainment permit

It is a condition of an adult entertainment permit that, if a controller who is the holder of an approval supervises adult entertainment on the permittee’s premises, the licensee or permittee must—

- (a) keep a copy of the controller’s approval on the licensed premises at all times; and
- (b) make a copy of the controller’s approval available for inspection by a police officer or investigator.

30 Omission of s 109B (Controllers)

Section 109B—

omit.

31 Amendment of s 141C (Conditions about training course certificates for particular persons)

Section 141C(3) and (4)—

omit, insert—

- (3) Subject to subsection (2), it is a condition of a licensee’s licence that the licensee must—
 - (a) keep a copy of the training course certificates held by persons mentioned in subsection (1); and

[s 32]

- (b) make each copy kept under paragraph (a) available for inspection by an investigator at the premises.

32 Amendment of s 142AD (Definitions for div 6)

- (1) Section 142AD, definition *training register*—
omit.
- (2) Section 142AD, definition *incident register*, ‘section 142AI(1)(a)’—
omit, insert—
section 142AI(a)

33 Amendment of s 142AG (Conditions about crowd controllers)

Section 142AG(c)—

omit, insert—

- (c) must keep on the licensed premises each of the following for a crowd controller while the crowd controller is engaged in maintaining order in and around the premises—
 - (i) a copy of the crowd controller’s current training course certificate as mentioned in paragraph (b)(i);
 - (ii) the crowd controller’s certificate and licence as given to the licensee under paragraph (b)(ii).

34 Amendment of s 142AI (Conditions about incident and training registers)

(1) Section 142AI, heading, ‘and training registers’—

omit, insert—

register

(2) Section 142AI(2)—

omit.

35 Amendment of s 142N (Application for review)

Section 142N(1)—

insert—

(d) a person whose application for an approval is refused under section 142ZK;

(e) a person whose approval is suspended or cancelled under section 142ZV.

36 Amendment of s 142Q (Applying for approval)

(1) Section 142Q(2)(c)—

omit, insert—

(c) must be the holder of a current licensee’s course certificate.

(2) Section 142Q(3)(b)(i)—

omit, insert—

(i) a copy of the current licensee’s course certificate; and

37 Insertion of new pt 5D

After section 142ZF—

insert—

Part 5D Approval as adult entertainment controller

Division 1 Person to have approval to be controller

142ZG Prohibition on working as controller without approval

- (1) A person must not work as a controller unless the person has a current approval to be a controller.
Maximum penalty—100 penalty units.
- (2) In this section—
current approval does not include an approval for a controller that is suspended or cancelled.

Division 2 Obtaining approval

142ZH Applying for approval

- (1) A person may apply to the commissioner for an approval to be a controller if the person is an adult.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be accompanied by the fee prescribed under a regulation.
- (3) The applicant must also give any other relevant information reasonably required by the commissioner to decide the application.

142ZI Current controller's approval pending decision about approval

- (1) This section applies if—
 - (a) the applicant holds an approval as a controller; and
 - (b) the applicant applies for a new approval under section 142ZH at least 3 months before the last day of the period of the approval.
- (2) The applicant's current approval is taken to continue in force from the day it would, apart from this subsection, have ended until the day on which the first of the following happens—
 - (a) the commissioner grants, or refuses to grant, the application under section 142ZK;
 - (b) the person withdraws the application;
 - (c) the application lapses under section 142ZP.

142ZJ Application to be referred to police commissioner

- (1) The commissioner may ask the police commissioner for a police information report about an applicant under section 142ZH.
- (2) The police commissioner must give a police information report about the applicant to the commissioner.

142ZK Deciding application

- (1) The commissioner must consider the application and either grant, or refuse to grant, the application as soon as practicable after the last of the following happens—

[s 37]

- (a) the commissioner receives all necessary information to decide the application;
 - (b) the commissioner receives the police information report about the applicant from the police commissioner.
- (2) The commissioner may grant the application only if satisfied the applicant is a suitable person to hold the approval.
- (3) In deciding whether the applicant is a suitable person to hold the approval, the commissioner may have regard to the following—
 - (a) whether the applicant has an interest in a brothel;
 - (b) whether the applicant has been convicted of—
 - (i) an indictable offence; or
 - (ii) an offence against this Act or the *Prostitution Act 1999*;
 - (c) whether the applicant has been charged with an offence of a sexual nature involving violence, intimidation, threats or children, including the circumstances surrounding the laying of the charge and whether proceedings in relation to the charge are continuing or have been discontinued;
 - (d) if the applicant has been approved as a controller or nominated and authorised under former section 109B as a controller—the applicant’s previous conduct as a controller;
 - (e) a recommendation included in the police information report given to the commissioner under section 142ZJ;
 - (f) whether the applicant is of good repute who does not have a history of behaviour that

would make the applicant unsuitable to hold the approval.

- (4) For subsection (3)(c), it does not matter whether the offence is alleged to have been committed in Queensland or elsewhere.
- (5) In this section—
former section 109B means section 109B as in force immediately before the commencement of this section.

142ZL Grant of application and duration of approval

- (1) If the commissioner decides to grant the approval, the commissioner must as soon as practicable give the applicant written notice about the decision.
- (2) An approval for a person to work as a controller remains in force, unless sooner cancelled, for the period of 5 years after the grant of the application.

142ZM Refusal to grant application

- (1) If the commissioner decides to refuse to grant the approval, the commissioner must as soon as practicable give the applicant written notice about the decision.
- (2) The written notice must comply with the tribunal Act, section 157(2).

[s 37]

Division 3 Requesting information from police commissioner

142ZN Commissioner may request information from police commissioner during approval

- (1) During the period a controller's approval remains in force, the commissioner may ask the police commissioner for a police information report about the controller.
- (2) The police commissioner must give a police information report about the controller to the commissioner.

142ZO Police commissioner's information report

- (1) This section applies if the commissioner asks the police commissioner for a police information report about a person under section 142ZJ or 142ZN.
- (2) The commissioner must give to the police commissioner particulars the commissioner considers relevant to the request.
- (3) On receiving the request, the police commissioner must—
 - (a) make inquiries about the person's criminal history; and
 - (b) make other inquiries about the person, including inquiries to the Prostitution Licensing Authority, as the police commissioner considers appropriate.
- (4) The police commissioner must make a report about the person (a *police information report*) to the commissioner after receiving the responses to the inquiries.
- (5) The police information report—

- (a) must include reference to or disclosure of convictions of the person mentioned in the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6; and
- (b) may include recommendations about the person.

Division 4 Lapsing of applications

142ZP Lapsing of application

- (1) This section applies if an application for an approval to be a controller is made under this part.
- (2) The commissioner may make a requirement as mentioned in section 142ZH(3) for information to decide the application by giving the applicant a written notice stating—
 - (a) the required information; and
 - (b) the time by which the information must be given to the commissioner; and
 - (c) that, if the information is not given to the commissioner by the stated time, the application will lapse.
- (3) The stated time must be reasonable and, in any case, at least 21 days after the requirement is made.
- (4) The commissioner may give the applicant a further notice extending or further extending the time if the commissioner is satisfied it would be reasonable in all the circumstances to give the extension.
- (5) A notice may be given under subsection (4) even if the time to which it relates has lapsed.

-
- (i) a ground exists to suspend or cancel the approval; and
 - (ii) the ground is serious in nature; and
 - (iii) either—
 - (A) the ground jeopardises the integrity or conduct of the adult entertainment industry; or
 - (B) immediate suspension of the approval is necessary to ensure the safety of the public.
 - (2) The commissioner must immediately give a written notice of the decision (an *immediate suspension notice*) to the holder of the approval.
 - (3) The immediate suspension notice must state the following—
 - (a) the grounds for the immediate suspension;
 - (b) an outline of the facts and circumstances forming the basis for the grounds;
 - (c) the further action the commissioner proposes to take under this division (the *further action*);
 - (d) the grounds for the further action;
 - (e) an invitation to the holder to show within a stated period why—
 - (i) further action should not be taken; and
 - (ii) the immediate suspension should be lifted.
 - (4) The stated period must be a period ending not less than 21 days after the immediate suspension notice is given to the holder.
 - (5) The decision takes effect the day the immediate suspension notice is given to the holder.

[s 37]

142ZS Show cause notice

- (1) This section applies if the commissioner reasonably believes a ground exists to suspend or cancel an approval as a controller, but the commissioner has not given an immediate suspension notice to the holder of the approval.
- (2) The commissioner must give the holder of the approval a written notice under this section (a *show cause notice*).
- (3) The show cause notice must state the following—
 - (a) the action (the *proposed action*) the commissioner proposes taking under this division;
 - (b) the grounds for the proposed action;
 - (c) an outline of the facts and circumstances forming the basis for the grounds;
 - (d) if the proposed action is suspension of the approval—the proposed suspension period;
 - (e) an invitation to the holder to show within a stated period (the *show cause period*) why the proposed action should not be taken.
- (4) The show cause period must be a period ending not less than 21 days after the show cause notice is given to the holder.

142ZT Representations about show cause notice or immediate suspension notice

- (1) The holder of the approval may make representations about the show cause notice or immediate suspension notice (each of which is a *division 5 notice*) to the commissioner within—
 - (a) for a show cause notice—the show cause period; or

- (b) for an immediate suspension notice—the stated period in the notice.
- (2) The commissioner must consider all written representations (the *accepted representations*) made under subsection (1).

142ZU Ending show cause or immediate suspension process

- (1) This section applies if, after considering the accepted representations for a division 5 notice, the commissioner no longer believes a ground exists to suspend or cancel the approval.
- (2) The commissioner must—
 - (a) for a show cause notice—not take the proposed action stated in the show cause notice; or
 - (b) for an immediate suspension notice—revoke the immediate suspension notice.
- (3) If the decision is made to revoke the immediate suspension notice, the suspension ends on the day the decision to revoke the notice is made.
- (4) Notice of the decision and information about the effect of the decision made under subsection (2) must be given to the holder of the approval by the commissioner as soon as practicable after the decision is made.

142ZV Suspension or cancellation

- (1) This section applies—
 - (a) if accepted representations are made for a division 5 notice and, after considering the accepted representations, the commissioner—

[s 37]

- (i) still believes a ground exists to suspend or cancel the approval as a controller; and
 - (ii) believes suspension, a continued suspension or cancellation of the approval is warranted; or
 - (b) if no accepted representations are made for a division 5 notice.
- (2) The commissioner may—
- (a) if the proposed action or further action stated in the division 5 notice was to suspend the approval for a stated period—suspend the approval for not longer than the stated period; or
 - (b) if the proposed action or further action stated in the division 5 notice was to cancel the approval—either cancel the approval or suspend it for a period.
- (3) The commissioner must as soon as practicable give the holder of the approval a written notice about the decision.
- (4) The written notice must comply with the tribunal Act, section 157(2).
- (5) The decision takes effect on—
- (a) the day the notice is given to the holder; or
 - (b) if a later day of effect is stated in the notice—the later day.

142ZW Controller to inform employer of suspension or cancellation of approval

A controller who holds, or held, an approval under this part must inform the licensee for each licensed premises where the controller is employed that—

- (a) the approval for the controller has been suspended under section 142ZR; or
- (b) the approval for the controller has been suspended or cancelled under section 142ZV.

Maximum penalty—40 penalty units.

38 Replacement of s 149 (Employment on licensed premises)

Section 149—

omit, insert—

149 Employment on licensed premises

A licensee must not, other than with the commissioner's prior approval, knowingly permit to be employed on the licensee's behalf on the licensed premises a person who, because of misconduct or bad character—

- (a) has, under this Act or a corresponding previous enactment or under a corresponding law of another State or a Territory—
 - (i) had a licence, permit or other authority relating to the sale or supply of liquor cancelled; or
 - (ii) been refused a licence, permit or other authority relating to the sale or supply of liquor; or
- (b) for premises where adult entertainment is provided under an adult entertainment permit—
 - (i) has had an application for approval as a controller refused under section 142ZK; or

[s 39]

- (ii) has had an approval as a controller cancelled under section 142ZV.

Maximum penalty—100 penalty units.

39 Amendment of s 149B (Supervising adult entertainment)

- (1) Section 149B(1), from ‘the licensee or’ to ‘permit.’—

omit, insert—

at least one of the following to ensure it is being provided in accordance with the Act and the conditions of the permit—

- (a) the licensee or permittee;
- (b) a controller who holds an approval as a controller and is employed or engaged by the licensee or permittee to supervise the entertainment at the relevant time.

- (2) Section 149B(2)(b), ‘a controller whose duty it was’—

omit, insert—

the holder of an approval as a controller who was employed or engaged

40 Amendment of s 153 (Letting or subletting of licensed premises)

Section 153(2)—

omit, insert—

- (2) If a licensee lets or sublets, or enters into a franchise or management agreement for part of the licensed premises (the *relevant part*), the lease, sublease or agreement must not purport to authorise the sale of liquor under the licensee’s licence on the relevant part.

Maximum penalty—40 penalty units.

41 Amendment of s 155AA (Minors must not be in approved area when adult entertainment being provided)

Section 155AA(2), ‘the licensee’s or permittee’s controller’—

omit, insert—

the holder of an approval as a controller who was employed or engaged for the premises

42 Amendment of s 155AD (Who must be present or reasonably available at licensed premises etc.)

Section 155AD—

insert—

- (1A) However, this section does not apply to licensed premises under a subsidiary on-premises licence if the premises are a boat or on a boat.
- (4A) If the premises are low risk premises and are not open for business beyond 12 midnight, the licensee or permittee is exempted from—
 - (a) for a licensee or permittee that is a corporation—subsection (2)(a); or
 - (b) for a licensee or permittee who is an individual—subsection (3)(a).
- (4B) If the premises are low risk premises but are open for business beyond 12 midnight, the licensee or permittee is exempted until 10p.m. from—
 - (a) for a licensee or permittee that is a corporation—subsection (2)(a); or
 - (b) for a licensee or permittee who is an individual—subsection (3)(a).
- (5A) The powers of the commissioner under section 107C to impose a condition on a licence or permit as mentioned in subsection (5) are not limited by subsection (4A) or (4B) even if the relevant premises are low risk premises.

[s 43]

(9) In this section—

low risk premises means premises to which any of the following relates—

- (a) a subsidiary on-premises licence (meals);
- (b) a community club licence if the club has 2000 or fewer members;
- (c) a community other licence;
- (d) a restricted liquor permit.

43 Amendment of s 155AE (Copies of certificates must be available at premises)

Section 155AE(a), ‘current training course certificates and’—
omit.

44 Amendment of s 162 (Taking liquor onto or away from premises subject to subsidiary on-premises licence)

(1) Section 162(1), after ‘67A’—

insert—

or 67B

(2) Section 162(3)—

omit, insert—

(3) Subsection (2) does not apply—

(a) if—

(i) the premises are premises mentioned in section 67A; and

(ii) either of the following applies—

(A) the liquor is wine and it was supplied to the person on the premises lawfully under the licence as authorised under section 67A(2)(b);

- (B) the person brought the liquor onto the premises; or
- (b) if the premises are premises mentioned in section 67B.

45 Amendment of s 209 (Payment of fees by instalments)

- (1) Section 209(1)(b), after ‘personal’—

insert—

or financial

- (2) Section 209(4)—

omit.

46 Insertion of new pt 12, div 14

After section 316—

insert—

**Division 14 Transitional provision for
Liquor (Red Tape
Reduction) and Other
Legislation Amendment
Act 2013**

**317 Former controllers under former s 109B
continue as adult entertainment controllers**

- (1) This section applies to a person who, at the commencement, is a controller.
- (2) The commissioner is taken to have granted an approval to the person as a controller under section 142ZK.
- (3) The approval is taken to—
 - (a) have commenced on the day the controller’s nomination was authorised by written notice from the commissioner to the licensee or

[s 47]

permittee under former section 109B(2);
 and

- (b) remain in force for the period of 5 years from the day mentioned in paragraph (a), unless sooner cancelled under part 5D, division 5 or otherwise ending under this Act.
- (4) The commissioner must give to a controller a notice stating—
 - (a) the controller is taken to have been granted an approval because of subsection (2); and
 - (b) the last day of the period of the approval as a controller under this section, unless the approval is cancelled or otherwise ends as mentioned in subsection (3)(b).
- (5) In this section—

commencement means commencement of this section.

controller means a person who, under former section 109B, was nominated and authorised as a controller.

former section 109B means section 109B as in force immediately before the commencement.

Part 5 Amendment of Roman Catholic Church (Incorporation of Church Entities) Act 1994

47 Act amended

This part amends the *Roman Catholic Church (Incorporation of Church Entities) Act 1994*.

48 Amendment of s 3 (Definitions)

Section 3—

insert—

public juridical person means a juridical person that is a public juridical person under canon law.

49 Amendment of s 9 (Request to incorporate church entity)

(1) Section 9, after subsection (2A)—

insert—

(2AA) Before asking for incorporation of a public juridical person or an associated entity of a public juridical person, the bishop or Corporation of the Bishops must obtain written consent to the making of the request from the public juridical person's competent authority who has jurisdiction for the State.

(2) Section 9(2B), ' , the consent under subsection (2A)'—

omit, insert—

or a public juridical person, the consent under subsection (2A) or (2AA)

(3) Section 9(3)(e), after 'of a religious institute'—

insert—

or a public juridical person

(4) Section 9(3)(f), from 'or an associated entity' to 'subsection (2A)'—

omit, insert—

, a public juridical person or an associated entity of a religious institute or public juridical person—be accompanied by a copy of the consent mentioned in subsection (2A) or (2AA)

[s 50]

50 Amendment of s 11A (Vesting of assets)

Section 11A(2)(a), from ‘institute—’ to ‘section 9(2A)’—

omit, insert—

institute or a public juridical person—only the assets stated in the consent mentioned in section 9(2A) or (2AA)

51 Amendment of s 16 (Request to establish existing church corporation under this part)

(1) Section 16, after subsection (2A)—

insert—

(2AA) However, if the existing church corporation is a public juridical person or an associated entity of a public juridical person, a request for establishment may be made only if the public juridical person’s competent authority who has jurisdiction for the State has given written consent to the making of the request.

(2) Section 16(3)(d), from ‘or an associated’ to ‘subsection (2A)’—

omit, insert—

, a public juridical person or an associated entity of a religious institute or public juridical person—be accompanied by a copy of the consent mentioned in subsection (2A) or (2AA)

52 Insertion of new ss 25A to 25C

Part 5, division 1—

insert—

25A Holding property on trust for unincorporated juridical person

(1) This section applies if an incorporated church entity holds property under canon law on behalf

of a juridical person who is not an incorporated church entity (an *unincorporated juridical person*).

- (2) The incorporated church entity holds the property on trust for—
 - (a) if the property held under subsection (1) is given for a specific trust purpose of the unincorporated juridical person—the specified purpose; or
 - (b) if no purpose is specified—the religious, educational and charitable purposes of the unincorporated juridical person.
- (3) The incorporated church entity may exercise any of the powers of an incorporated church entity under section 25 as a trustee for the benefit of the unincorporated juridical person, in accordance with—
 - (a) canon law; and
 - (b) a law of the State or the general law.
- (4) In proceedings against a trustee involving either of the following, the trustee’s liability is limited to the value of the property held on trust for the unincorporated juridical person—
 - (a) the property held on trust under this section;
 - (b) the transactions or activities conducted as trustee for the unincorporated juridical person.
- (5) However, subsection (4) does not apply to a trustee who acts fraudulently in exercising the powers of a trustee.
- (6) It is sufficient compliance with the *Property Law Act 1974*, section 11(1)(b), if the trustee issues a written certificate that complies with subsection (7) to record the following—

[s 52]

- (a) the property is held on trust by the incorporated church entity;
 - (b) the unincorporated juridical person for which the incorporated church entity holds the property on trust;
 - (c) details of the transactions or activities conducted as trustee for the unincorporated juridical person.
- (7) A certificate mentioned in subsection (6) must be executed by the seal of the incorporated church entity or signed by a person authorised by the incorporated church entity for that purpose.
- (8) The trustee must make a copy of the certificate mentioned in subsection (6) available to a person on request.

25B Variation of purposes of charitable trust

- (1) This section applies to a charitable trust if—
- (a) an incorporated church entity is the trustee of the trust; and
 - (b) the trustee reasonably considers the original purpose of the trust—
 - (i) has been as far as may be fulfilled; or
 - (ii) can not be carried out; or
 - (iii) does not provide a community or religious benefit.
- (2) By resolution, the trustee may vary the charitable purpose of the trust (the *original purpose*) to—
- (a) a different purpose that is also a charitable purpose but closely related to the original purpose; or
 - (b) if the trustee is reasonably satisfied it is not practicable to comply with paragraph

- (a)—another purpose that is charitable and connected to the church.
- (3) The trustee must make a copy of the resolution available to a person on request.
- (4) In this section—
- charitable trust* means a trust established for a charitable purpose, whether before or after commencement of this section.

25C Pooling of trust money into one investment fund

- (1) This section applies if an incorporated church entity holds any money on trust under more than one trust.
- (2) Subject to any express provision to the contrary in a trust deed or other relevant document, the incorporated church entity may—
- (a) pool the money into one fund; and
- (b) invest the money as one fund.
- (3) The incorporated church entity must distribute any income or losses arising from the pooling and investment of money under subsection (2) rateably among the trusts for which money was pooled and invested.
- (4) In this section—
- trust* means a trust established before or after the commencement of this section.

[s 53]

53 Amendment of s 27 (Restrictions on powers)

Section 27(1), ‘Section 25 (Powers and legal capacity generally)’ applies—

omit, insert—

Sections 25 to 25C apply

54 Amendment of s 33 (Request to dissolve entity)

- (1) Section 33(3)(b), ‘or an associated entity of a religious institute—the religious institute’s competent authority’—

omit, insert—

, a public juridical person, or an associated entity of a religious institute or public juridical person—the competent authority of the religious institute, or public juridical person,

- (2) Section 33(4)(f), ‘or an associated entity of a religious entity’—

omit, insert—

, a public juridical person or an associated entity of a religious institute or public juridical person

Part 6 Amendment of Roman Catholic Church Lands Act 1985

55 Act amended

This part amends the *Roman Catholic Church Lands Act 1985*.

56 Amendment of sch 1 (Land vesting in the Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane)

Schedule 1—

insert—

Freehold	Title reference 10052141	Churchill	Brassall	Lot 1 on RP8351	1 acre	Henry Brun and James Shea as trustees under Nomination of Trustees No. 20733
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Part 7 Amendment of Security Providers Act 1993

57 Act amended

This part amends the *Security Providers Act 1993*.

58 Amendment of s 11 (Entitlement to licences—individuals)

Section 11(5), after ‘convicted of a disqualifying offence’—

insert—

for which a conviction was recorded

59 Amendment of s 13 (Entitlement to licences—corporations or firms)

(1) Section 13(3)(b), ‘has not been convicted of a disqualifying offence’—

omit, insert—

is an appropriate person to hold the licence

[s 60]

(2) Section 13—

insert—

- (3A) For subsection (3)(b), in deciding whether a corporation is an appropriate person to hold a security firm licence, the chief executive must consider the following matters—
- (a) whether the corporation has been convicted of a disqualifying offence for which a conviction has not been recorded and that has not been quashed or set aside by a court;
 - (b) whether investigative information about the corporation in relation to a disqualifying offence indicates the holding of a licence by the person would be contrary to the public interest;
 - (c) any other information indicating the granting of the licence to the person would be contrary to the public interest.

(3) Section 13—

insert—

- (6) A corporation is not an appropriate person to hold a security firm licence if the corporation, within 10 years of applying for the licence, has been convicted of a disqualifying offence for which a conviction has been recorded.

60 Amendment of s 24 (Automatic cancellation on conviction)

Section 24(1), after ‘convicted of a disqualifying offence’—

insert—

for which a conviction is recorded

61 Amendment of sch 2 (Dictionary)

Schedule 2, definition *unrecorded finding of guilt*—
relocate to section 11(6).

**Part 8 Amendment of Wagering Act
1998**

62 Act amended

This part amends the *Wagering Act 1998*.

63 Insertion of new s 29A

After section 29—
insert—

29A Extension of wagering licence

- (1) A wagering licensee may apply for an extension (an *extension application*) of the term of the licensee's licence.
- (2) An extension application must be made at least 1 month before the licence expires.
- (3) The provisions of this part relating to an application for, and issue of, a wagering licence apply to an extension application as if an extension application were an application for a wagering licence.
- (4) However, for the purposes of subsection (3)—
 - (a) section 26(1) applies as if the reference to the Minister issuing the authority were a reference to the Minister issuing an extension of the licence; and

[s 64]

(b) section 29(1) applies as if the wagering licence remained in force for the term stated in the extension.

(5) To remove any doubt, it is declared that a wagering licence may be extended one or more times.

64 Amendment of s 105 (Conditions for granting application)

Section 105(b), 'Editor's note—'—

omit, insert—

Note—

65 Amendment of s 119 (Investigation of suitability of key person licensees)

Section 119(1), 'Editor's note—'—

omit, insert—

Note—

66 Insertion of new pt 18

After section 340—

insert—

Part 18 Validating provision for Liquor (Red Tape Reduction) and Other Legislation Amendment Act 2013

341 Validation of extension of sports wagering licence

- (1) This section applies to the extension, before the commencement of this section, of the term of the sports wagering licence held by TattsBett.

Note—

Before the commencement TattsBett's company name was UNiTAB.

- (2) The extension of the term of the licence is taken to have been validly granted as if—
 - (a) section 29A had been in force at the time of the granting of the extension; and
 - (b) the extension had been granted under that section.
- (3) In this section—

TattsBett means TattsBett Limited ACN 085 691 738.

67 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *race club* and *TAB*—
omit.

[s 68]

- (2) Schedule 2, definition *interested person*, first and second dot points—
omit, insert—
- (a) for part 4, division 5—see section 45; or
 - (b) for part 11, division 1—see section 195.

Part 9 **Minor and consequential amendments**

68 **Legislation amended**

Schedule 1 amends the Acts it mentions.

Schedule 1 Minor and consequential amendments

section 68

Part 1 Criminal Law (Rehabilitation of Offenders) Act 1986

1 Section 9A(1), table, item 14, ‘A person nominated to be a’—

omit, insert—

An applicant for an approval to be a

Part 2 Liquor Act 1992

1 Section 13(2)(c), ‘Day, Good’—

omit, insert—

Day or Good

2 Section 67AA(2)(b), after ‘to’—

insert—

be

3 Sections 107D(2), 117(1)(b) and (2), 117A(1)(b) and 121(1)(d), ‘assistant police commissioner’—

omit, insert—

police district officer

4 Sections 112(1A)(a) and 173J(1)(a)(ii), ‘each assistant police commissioner for a’—

omit, insert—

the police district officer for each

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