



Queensland

Holidays and Other Legislation Amendment Act 2019

Act No. 37 of 2019

An Act to amend the Building and Construction Industry (Portable Long Service Leave) Act 1991, the Contract Cleaning Industry (Portable Long Service Leave) Act 2005, the Holidays Act 1983, the Industrial Relations Act 2016 and the Liquor Act 1992 for particular purposes

[Assented to 5 December 2019]



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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Holidays and Other Legislation Amendment Act 2019*.

Part 2 Amendment of Holidays Act 1983

2 Act amended

This part amends the *Holidays Act 1983*.

3 Amendment of s 2 (Public holidays)

Section 2—

insert—

- (3) A public holiday is to be observed for the part of the day on 24 December (Christmas Eve) from 6p.m. to midnight.
- (4) However, subsection (3) applies only for working out a person's entitlements under—
 - (a) the *Industrial Relations Act 2016* or an industrial instrument within the meaning of that Act; or
 - (b) the *Fair Work Act 2009* (Cwlth) or a federal industrial instrument; or
 - (c) the *Building and Construction Industry (Portable Long Service Leave) Act 1991*; or

[s 4]

- (d) the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*.

Part 3 Amendment of Industrial Relations Act 2016

4 Act amended

This part amends the *Industrial Relations Act 2016*.

5 Amendment of s 332 (Employee stood down in December then re-employed in January)

Section 332(2), after ‘for the’—

insert—

Christmas Eve (from 6p.m. to midnight),

6 Amendment of sch 5 (Dictionary)

Schedule 5, definition *public holiday*—

insert—

- (d) for working out a person’s entitlements under this Act or an industrial instrument—the part-day that is a public holiday under the *Holidays Act 1983*, section 2(3).

Part 3A Amendment of Liquor Act 1992

6A Act amended

This part amends the *Liquor Act 1992*.

6B Amendment of s 46 (Compliance orders for licensed premises etc.)

(1) Section 46(1)—

insert—

(da) complying with requirements under section 173EHAA for a re-entry pass system for the premises, including for re-entry passes for the re-entry pass system; or

(2) Section 46(1)(da) and (e)—

renumber as section 46(1)(e) and (f).

6C Amendment of s 173EH (Scanning obligations of licensees for regulated premises)

(1) Section 173EH—

insert—

(2A) Subsection (1) also does not apply during regulated hours starting on a Monday, Tuesday, Wednesday or Thursday if the regulated premises are not open for business after 1a.m. on the following day, regardless of whether the licence, extended hours permit or extended trading hours approval for the premises authorises the premises to be open after 1a.m. on that day.

(2B) Despite subsection (3), subsection (1) applies during regulated hours starting on a Monday, Tuesday, Wednesday or Thursday that is the day before a public holiday if the licensee is authorised to sell or supply liquor on the regulated premises after midnight of that day.

(2) Section 173EH(3), ‘subsection (2)’—

omit, insert—

subsections (2) and (3)

(3) Section 173EH(4), ‘(3)(b)’—

[s 6D]

omit, insert—

(5)(b)

- (4) Section 173EH(5), ‘subsection (1) or (3)’—

omit, insert—

subsection (1) or (5)

- (5) Section 173EH(6), ‘subsection (5)(a)’—

omit, insert—

subsection (7)(a)

- (6) Section 173EH—

insert—

(8A) This section is subject to section 173EHAA.

- (7) Section 173EH(2A) to (9)—

renumber as section 173EH(3) to (12).

6D Insertion of new s 173EHAA

After section 173EH—

insert—

173EHAA Re-entry pass system for regulated premises

- (1) The licensee of regulated premises to which section 173EH(1) applies is not required to comply with the subsection for a person who is re-entering the premises as a patron during a trading period for the premises in the premises’ regulated hours if—
- (a) the licensee has a re-entry pass system for the regulated premises that complies with the requirements for a re-entry pass system for regulated premises under subsection (2); and

- (b) the licensee complied with section 173EH(1) for the person when the person first entered the premises as a patron during the same trading period for the premises in the premises' regulated hours; and
 - (c) the licensee applied or issued to the person a re-entry pass for the trading period that complies with the requirements for a re-entry pass for the re-entry pass system under subsection (3); and
 - (d) the person has on the person, or in the person's possession, the re-entry pass when the person re-enters the premises.
- (2) A re-entry pass system for regulated premises must—
- (a) be in writing; and
 - (b) be available for inspection by an investigator at the regulated premises; and
 - (c) include details of the types of re-entry passes for the system to be applied or issued to persons for the purpose of re-entering the regulated premises during trading periods for the premises in the premises' regulated hours.
- (3) A re-entry pass for a re-entry pass system for regulated premises is an identifying mark applied, an object issued or a type of electronic identification applied or issued under the system to a person that is—
- (a) unique to the regulated premises and to each trading period for the regulated premises; and
 - (b) able to be identified as a re-entry pass for the purpose of the person re-entering the premises as a patron during the same trading period as the trading period in which the

[s 7]

person first entered the premises as a patron in the premises' regulated hours; and

- (c) not able to be falsified, copied or transferred from the person to another person.

Examples of a re-entry pass—

a stamp, a wristband

- (4) In this section—

regulated hours, for regulated premises, see section 173EH(12).

trading period, for regulated premises, means a continuous period, including a period starting on a day and ending on the following day, during which the premises are open for business.

Part 4 Other amendments

Division 1 Amendment of Building and Construction Industry (Portable Long Service Leave) Act 1991

7 Act amended

This division amends the *Building and Construction Industry (Portable Long Service Leave) Act 1991*.

8 Amendment of schedule (Dictionary)

Schedule—

insert—

public holiday includes, for working out a person's entitlements under this Act, the part-day that is a public holiday under the *Holidays Act 1983*, section 2(3).

Division 2 **Amendment of Contract Cleaning
Industry (Portable Long Service
Leave) Act 2005**

9 **Act amended**

This division amends the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*.

10 **Amendment of sch 2 (Dictionary)**

Schedule 2—

insert—

public holiday includes, for working out a person's entitlements under this Act, the part-day that is a public holiday under the *Holidays Act 1983*, section 2(3).

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