



Queensland

# Liquor and Other Legislation Amendment Regulation (No. 1) 2009

## Subordinate Legislation 2009 No. 94

made under the

*Casino Control Act 1982*

*Charitable and Non-Profit Gaming Act 1999*

*Gaming Machine Act 1991*

*Interactive Gambling (Player Protection) Act 1998*

*Keno Act 1996*

*Liquor Act 1992*

*Lotteries Act 1997*

*Wagering Act 1998*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Liquor and Other Legislation Amendment Regulation (No. 1) 2009*.

### **2 Commencement**

Sections 6 to 8 commence on 1 July 2009.

## **Part 2 Amendment of Liquor Regulation 2002**

### **3 Regulation amended**

This part amends the *Liquor Regulation 2002*.

### **4 Amendment of s 8 (Obligation to conduct business at detached bottle shop if no appeal)**

Section 8(2) and (3), '60 days'—

*omit, insert—*

'90 days'.

### **5 Amendment of s 9 (Obligation to conduct business at detached bottle shop after an appeal)**

Section 9(2) and (3), '60 days'—

*omit, insert—*

'90 days'.

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**6 Amendment of s 36 (Licence fees)**

Section 36(1)(b), '36B or 36C'—

*omit, insert—*

'36B, 36C or 36CA'.

**7 Replacement of s 36C (Risk criterion—provision of meals)**

Section 36C—

*omit, insert—*

**'36C Risk criterion—prepared food not available**

'(1) This section applies to a licence for a licence period if, on any day business is conducted on the licensed premises after 7p.m., prepared food is not available to patrons of the premises during all hours of trading for the day other than the last 2 hours of trading.

'(2) However, this section does not apply to a licence if—

- (a) the licence is a community other licence; or
- (b) the business conducted under the licence is of a type of business at which a person would not ordinarily expect liquor to be available for sale.

*Examples for paragraph (b)—*

cinemas, hospitals, retirement villages and TAFE institutions

'(3) The fee for the risk criterion of prepared food not available is \$1031.

'(4) In this section—

***prepared food*** means—

- (a) a meal; or
- (b) other food usually needing preparation before it can be eaten, but not including snacks, or liquor or other beverages.

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*Examples of prepared food—*

burger, falafel, hot potato chips and sandwich

### **‘36CA Risk Criterion—compliance history**

- ‘(1) This section applies to a licence for a licence period if—
- (a) an infringement notice, for an offence against section 146(1), 155AA(2) or 156(1), (2) or (3), of the Act, was served on the licensee; and
  - (b) the licensee paid the fine for the offence to the administering authority in the previous licence period.
- ‘(2) Also, this section applies to a licence for a licence period if—
- (a) the chief executive decided to take disciplinary action relating to the licence and, in the previous licence period—
    - (i) the licensee did not appeal against the decision of the chief executive to take the disciplinary action and the 30 days for the licensee to appeal ended; or
    - (ii) the licensee appealed against the decision of the chief executive to take disciplinary action and the tribunal—
      - (A) confirmed the decision; or
      - (B) set aside the decision and substituted another decision to take disciplinary action; or
  - (b) the licensee was convicted of an offence against the Act and, in the previous licence period—
    - (i) the time to appeal against the conviction ended; or
    - (ii) if an appeal was made against the conviction—the appeal was finally decided and the conviction was upheld on appeal.
- ‘(3) Also, this section applies to a licence for a licence period if—
- (a) the licensee was convicted of a supply offence; and

- 
- (b) in the previous licence period, an act or omission of the licensee that was the supply offence was taken to have contributed to—
- (i) the death of a person; or
  - (ii) a serious assault committed against a person on or near the licensed premises.
- ‘(4) For subsection (3), an act or omission of a licensee that was a supply offence is taken to have contributed to—
- (a) the death of a person if the death is found by a court or tribunal to have been caused by—
    - (i) the consumption of liquor received by the person because of the supply offence; or
    - (ii) another person who, just before causing the death, received liquor because of the supply offence; or
  - (b) a serious assault committed against a person if—
    - (i) another person is convicted of the serious assault; and
    - (ii) the other person, just before committing the serious assault, received liquor because of the supply offence.
- ‘(5) The fee for the risk criterion of compliance history is the total of the following fees that apply to the licence—
- (a) if subsection (1) applies—\$5000;
  - (b) if subsection (2) applies—\$10000;
  - (c) if subsection (3) applies—\$20000.
- ‘(6) If, as a result of an incident, this section applies to a licence for a licence period more than once, only the highest relevant fee mentioned in subsection (5) applies to the licence in relation to the incident.
- ‘(7) In this section—
- administering authority*** see the *State Penalties Enforcement Act 1999*, schedule 2.

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*fine* see the *State Penalties Enforcement Act 1999*, schedule 2.

*incident* means an act or omission by a licensee that was a contravention of the Act or a ground for taking disciplinary action against the licensee.

*Example of an incident—*

The sale of liquor to a minor.

*infringement notice* see the *State Penalties Enforcement Act 1999*, schedule 2.

*serious assault* means an offence against the Criminal Code, section 320, 323, 340, 349 or 352.

*supply offence* means an offence against section 155A or 156(1) of the Act.’.

**8 Amendment of s 38A (Matters for risk-assessed management plan—Act, s 50, definition *risk-assessed management plan*)**

Section 38A(1)—

*insert—*

‘(k) if the licence for the premises is a commercial other licence—the principal activity of the business conducted under the licence.’.

## **Part 3 Amendment of Casino Control Regulation 1999**

**9 Regulation amended**

This part amends the *Casino Control Regulation 1999*.

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**10 Amendment of sch 1 (Entities)**

- (1) Schedule 1, ‘Australian Bureau of Criminal Intelligence’, ‘Casino Regulation Division, Ministry of Home Affairs, Singapore’, ‘Liquor Licensing Division, Queensland’ and ‘New South Wales Casino Control Authority’—

*omit.*

- (2) Schedule 1, second entry for ‘Independent Gambling Authority, South Australia’—

*omit.*

- (3) Schedule 1—

*insert—*

‘Casino Liquor and Gaming Control Authority, New South Wales

Casino Regulatory Authority of Singapore’.

**Part 4 Amendment of Charitable and Non-Profit Gaming Regulation 1999**

**11 Regulation amended**

This part amends the *Charitable and Non-Profit Gaming Regulation 1999*.

**12 Amendment of sch 1 (Entities)**

- (1) Schedule 1, ‘Australian Bureau of Criminal Intelligence’, ‘Casino Regulation Division, Ministry of Home Affairs, Singapore’, ‘Liquor Licensing Division, Queensland’ and ‘New South Wales Casino Control Authority’—

*omit.*





- (a) makes, or is likely to make, a significant contribution to the tourism development of the State; and
- (b) provides residential accommodation.’.

## **15 Amendment of sch 1 (Prescribed entities)**

- (1) Schedule 1, ‘Australian Bureau of Criminal Intelligence’, ‘Casino Regulation Division, Ministry of Home Affairs, Singapore’, ‘New South Wales Casino Control Authority’ and ‘Office of Liquor, Gaming and Racing, Queensland’—

*omit.*

- (2) Schedule 1—

*insert—*

‘Casino Liquor and Gaming Control Authority, New South Wales

Casino Regulatory Authority of Singapore’.

# **Part 6 Amendment of Interactive Gambling (Player Protection) Regulation 1998**

## **16 Regulation amended**

This part amends the *Interactive Gambling (Player Protection) Regulation 1998*.

## **17 Amendment of sch 1 (Entities)**

- (1) Schedule 1, ‘Australian Bureau of Criminal Intelligence’, ‘Casino Regulation Division, Ministry of Home Affairs, Singapore’, ‘Liquor Licensing Division, Queensland’ and ‘New South Wales Casino Control Authority’—





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*omit.*

- (2) Schedule 1, second entry for ‘Independent Gambling Authority, South Australia’—

*omit.*

- (3) Schedule 1—

*insert—*

‘Casino Liquor and Gaming Control Authority, New South Wales

Casino Regulatory Authority of Singapore’.

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#### ENDNOTES

- 1 Made by the Governor in Council on 18 June 2009.
- 2 Notified in the gazette on 19 June 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Employment, Economic Development and Innovation.

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