

Holidays and Other Legislation Amendment Bill 2011

Explanatory Notes

Policy Objectives

The Holidays and Other Legislation Amendment Bill 2011 (the Bill) amends the following acts:

- the *Holidays Act 1983* with consequential amendments to the *Industrial Relations Act 1999* and the *Trading (Allowable Hours) Act 1990*,
- the *Land Sales Act 1984*, and
- the *Liquor Act 1992*.

Amendments to the *Holidays Act 1983*

In Queensland, public holidays are regulated by the *Holidays Act 1983*. The significance of public holidays is that on such days workers are entitled to a paid day off or, if they work, payment of the public holiday penalty rates prescribed by the relevant award or agreement.

In September 2011 as part of a review of the *Holidays Act 1983* a discussion paper – “*Getting the balance right: A proposal on holidays in Queensland*” (the discussion paper) was released inviting public comment on holiday arrangements in Queensland. The discussion paper made a number of proposals both in relation to public holidays and student free days in state schools. In relation to public holidays the discussion paper proposed:

- movement of the Second Monday in June (Birthday of the Sovereign) public holiday – commonly known as the Queen’s Birthday - to the second half of the year from 2012 with a Monday in October each year being the preferred option.
- declaration of a public holiday on the actual date of the holiday as well as an additional public holiday in the following week when 25 December (Christmas Day), 26 December (Boxing Day) or 1 January (New Year’s Day) fall on a weekend.

In Queensland, the majority of public holidays fall within the first half of the year with a particular concentration in March – June. There are no state-wide public holidays between mid-June and late December. Movement of an existing public holiday to the second half of the year, particularly to a date in October, is considered desirable and appropriate because:

- It spreads public holidays more evenly across the year giving some additional respite and rest to workers during the second half of the year.
- It achieves some uniformity with arrangements in other States and Territories. In Western Australia the Queen's Birthday holiday is observed on a date proclaimed each year in October and in New South Wales, South Australia and the Australian Capital Territory the Labour Day holiday is observed on the first Monday in October.
- It lessens disruptions to industry resulting from the concentration of public holidays/long weekends falling in quick succession in the first half of the year.

Because other public holidays are strongly linked to significant religious festivals (e.g. Easter, Christmas) or commemoration of events of particular significance to Australia or Queensland (Australia Day, Anzac Day, Labour Day) on or around particular dates, the public holiday considered most appropriate to move is the Queen's Birthday. Additionally, the current date of the Queen's Birthday public holiday on the second Monday in June has no real connection to the birthday of Queen Elizabeth II on 21 April.

However, moving the Queen's Birthday public holiday impacts on community, cultural or sporting organisations that rely on the existing long weekend created by the current public holiday in June to hold special events.

Under the current public holiday arrangements when Christmas Day, Boxing Day or New Year's Day fall on a weekend the day ceases to be a public holiday and a substitute public holiday is appointed (usually on the following Monday). Workers working on the original date of the public holiday receive only their usual weekend payment for the day and do not have the right of refusal to work on the day. It is considered unfair that weekend workers do not receive public holiday penalty rates for working on the most important public holidays in the year.

Community comments received in response to the discussion paper indicates that there is wide support for changing public holiday arrangements in line with the proposals.

Amendments to the *Land Sales Act 1984*

The policy objective of the amendments to the *Land Sales Act* is to give private developers in Urban Development Areas (UDAs) declared under the *Urban Land Development Authority Act 2007* (ULDA Act) the same opportunity to enter into pre-sales contracts of unregistered lots as private developers in local government areas subject to the *Sustainable Planning Act 2009* (SPA). The policy objective will be achieved by amending the *Land Sales Act* in a minor and straight forward way by recognising:

- development permits issued by the Urban Land Development Authority (ULDA) involving land in UDAs declared under the ULDA Act; and
- the ULDA as a ‘planning authority’ similar to local governments under SPA.

Amendments to the *Liquor Act 1992*

The policy objective of the amendments to the *Liquor Act 1992* is to enable:

- Returned and Services League (RSL) members, who are also members of an RSL or services club, to enter any RSL or services club in Queensland without signing in; and
- Australian Defence Force members to enter any RSL or services club in Queensland without signing in; and
- visitors to enter clubs without signing in if they are a member of a reciprocal club.

Reasons for the Bill

Amendments to the *Holidays Act 1983*

In relation to the Queen’s Birthday public holiday the *Holidays Act 1983* does permit a day to be appointed in substitution for any public holiday and this could be done on a yearly basis. It is considered more appropriate to amend the date of the Queen’s Birthday public holiday in the *Holidays Act 1983* so that there is long-term certainty in the community to aid in the planning of future events, holidays, etc. For the sake of consistency with

arrangements in other States and Territories, the first Monday in October has been selected as the most appropriate date.

To make the transition easier for those events already planned for the usual Queen's Birthday public holiday in June it has been decided to declare a once only holiday for 2012 to commemorate the Queen's Diamond Jubilee on 11 June 2012. This will give community groups an extra year to consider what they will do for 2013 and beyond. This will coincide with celebrations held in the United Kingdom for that event in the period 2 - 5 June 2012.

In relation to additional public holidays, the *Holidays Act 1983* currently does not permit the appointment of public holidays additional to those already listed in the Schedule. An amendment to the *Holidays Act 1983* is required to permit the appointment of a public holiday in the following week when Christmas Day, Boxing Day or New Year's Day fall on a weekend. The appointment or prescription of a public holiday under the *Holidays Act 1983* activates workers' public holiday entitlements (e.g. paid day off, penalty rates for work) under the relevant award or agreement.

Amendments to the *Land Sales Act 1984*

The amendments to the *Land Sales Act* are required to remove an impediment to the sale of unregistered lots in UDAs by entities other than the ULDA unless there is a permit issued under SPA.

Amendment to the *Land Sales Act* will remove any doubt about whether private developers can progress the pre-sale of lots approved by the ULDA without contravening the *Land Sales Act*.

The changes are straight forward and consistent with the Government's policy intent that the ULDA be able to issue permits for UDAs that enable developers to bring land to market quickly.

Amendments to the *Liquor Act 1992*

Currently, under the *Liquor Act 1992*, the club secretary is required to keep on the club premises a register of the name of each member of a reciprocal club visiting the premises, and the name of the reciprocal club, if the club has a community club licence, community other licence or a restricted club licence. Generally, to comply with this legislative requirement, clubs request visitors, including members of reciprocal clubs, to sign in upon entry.

It has been identified by some organisations that registration requirements are an unnecessary regulatory burden and that members of a reciprocal club

should be able to enter a licensed club without being required to sign in. For example, RSL (Queensland Branch) would like members of their organisation to enter an RSL or services club without signing in, provided they are also a member of an RSL or services club.

To address the issue and reduce the burden on RSL or services clubs and to honour current serving and ex-service persons, the Bill amends the Liquor Act, to remove the requirement for RSL and services clubs to maintain a register of persons on their premises if they are members of both the Returned and Services League (any Australian branch) and at least one RSL club or services club. It also removes the requirement for RSL and services clubs to maintain a register for Australian Defence Force members who visit an RSL or services club in Queensland.

In addition, to reduce the regulatory burden on clubs in general, the Bill makes further amendments to the Liquor Act to remove the requirement for all licensed clubs to maintain a register of members of reciprocal clubs on their premises, if they provide evidence they are a member of a reciprocal club at the time of entry into the club.

The changes allow clubs to control their sign in processes for reciprocal club members via their club rules.

The Bill does not force clubs to remove their registration requirements for visitors who are members of reciprocal clubs. It will be up to the individual club to decide whether or not they would like to keep this practice. If the club decides to keep the requirement for visiting members of reciprocal clubs to be placed on their register (via signing in or an alternative form such as a swipe card) this must be stated in the club's rules.

The Bill also clarifies the term 'register,' clearly outlining that a register can be in a hard copy or electronic form. Electronic registers are the way of the future allowing clubs to easily identify their members and members of a reciprocal club, as well as evaluate point of sale purchases and attendance at the club. It also allows members to use their card to receive player loyalty points and discounts on purchases at the club.

Achievement of the Objectives

Amendments to the *Holidays Act 1983*

The Bill amends the *Holidays Act 1983* to provide for:

- the Queen's Birthday public holiday to be on the first Monday in October from 2012,
- a once only public holiday to mark the Queen's Diamond Jubilee on Monday 11 June 2012, and
- a public holiday in the following week when Christmas Day, Boxing Day or New Year's Day public holidays fall on a weekend (commencing from Christmas 2011/New Year 2012).

The Bill restructures the Schedule within which the dates of public holidays are prescribed to accord with modern drafting practices.

It has also been necessary to make consequential amendments to the *Industrial Relations Act 1999* and the *Trading (Allowable Hours) Act 1990*.

For Queensland's public sector workforce who are covered by the *Industrial Relations Act 1999*, the Bill clarifies that any of the new public holidays appointed are to be recognised as public holidays under that act.

The Bill amends references to public holidays in the *Trading (Allowable Hours) Act 1990* to reflect the new sections of the *Holidays Act 1983* under which public holidays are made.

The amendments to the *Holidays Act 1983* will commence on the date of assent.

Amendments to the *Land Sales Act 1984*

The changes to the *Land Sales Act* will confirm that private developers in UDAs can enter into pre-sales contracts on lots identified on plans that are not yet registered. By entering pre-sales agreements, developers are able to secure finance for development.

The amendment ensures developments within UDAs are dealt with in the same way as in local government areas.

The *Land Sales Act* applies to land administered by a local government and development approvals issued under SPA. The ULDA, in effect, acts as the local government responsible for the planning and management of UDA under the ULDA Act. Development approvals issued under the ULDA Act will be treated in the same manner as approvals issued under SPA.

Ultimately, the amendments will enable the ULDA to achieve its objective under the ULDA Act to bring land to the market quickly, and the intent of

the Government to provide housing in areas experiencing housing affordability pressures.

Amendments to the *Liquor Act 1992*

The Bill achieves the objectives by inserting provisions in the *Liquor Act 1992* to:

- define the term RSL honorary member, so that it means a member of the RSL (any Australian branch) who is also a member of at least one RSL club or services club; and
- allow an RSL club or services club to supply liquor for on premises consumption to RSL honorary members and their guests; and
- allow an RSL or services club to supply liquor for consumption to defence members and their guests; and
- exempt an RSL or services club secretary from keeping a register of RSL honorary members; and
- exempt an RSL or services club secretary from keeping a register of Australian Defence Force members who produce a current service identity card; and
- require guests of both RSL honorary members and Australian Defence Force members to sign in, as required for other guests generally; and
- exempt the club secretary for all types of clubs from keeping a register of members of a reciprocal club if the visitor provides evidence they are a member of a reciprocal club, unless the rules of the club require it; and
- amend the Schedule so that the rules of the club require the secretary to keep on the premises a list of reciprocal clubs to which the reciprocal entry rules apply; and
- clarify that the register can be kept in hard copy or electronic form.

Alternative Ways of Achieving Objectives

Amendments to the *Holidays Act 1983*

It is possible for unions and employer organisations to negotiate arrangements in awards and agreements to treat specified days as public holidays in substitution for the true public holiday (effectively “moving”

the public holiday) and to set penalty wage rates for any day. However, this approach could lead to inconsistency in public holiday entitlements across the workforce.

As the appointment of a public holiday on a particular date is already a matter dealt with in legislation it is considered appropriate to achieve the policy objectives by appointment of any new public holidays through amendment to the *Holidays Act 1983*.

Amendments to the *Land Sales Act 1984*

There are no other apparent options of addressing this anomaly with the *Land Sales Act*. There may be an option to amend the ULDA Act to reproduce the relevant provisions of the *Land Sales Act*, however this is not likely to be as efficient or as timely as a minor and straight forward amendment to the *Land Sales Act*.

Amendments to the *Liquor Act 1992*

An alternative to the Bill is for the status quo to remain. Clubs can currently use other means of registering attendance of visitors such as a swipe card that could record reciprocal members in an electronic database. However, this could be costly for smaller clubs.

The Bill is the most efficient means of achieving the objectives to enable RSL members, who are also a member of an RSL or services club, to enter any RSL or services club without signing in, enable Australian Defence Force members to enter an RSL or services club without signing in and allow visitors to enter clubs without signing in if they are a member of a reciprocal club, by exempting the relevant club from the legislative requirement to maintain a register for these persons.

Estimated Cost for Government Implementation

Amendments to the *Holidays Act 1983*

The movement of the Queen's Birthday public holiday to the first Monday in October should result in no extra costs.

In relation to proposed additional public holidays (Queen's Diamond Jubilee in 2012 and public holidays observed when New Year's Day, Christmas Day and Boxing Day fall on a weekend) the wages costs for workers working on a public holiday are generally two and a-half times the normal rate (i.e. the normal rate plus 150 per cent). The appointment of

new public holidays increases the potential wages costs of employers through the requirement to pay public holiday penalty rates on that day.

- For the Queen's Diamond Jubilee public holiday the wage rate will increase from the normal rate by an additional 150 per cent.
- Under the current public holiday substitution arrangements when Christmas Day, Boxing Day or New Year's Day fall on a weekend the day ceases to be a public holiday. The Bill will maintain the public holiday status of those days. Keeping in mind that most work on a weekend already attracts some penalty rate, the penalty rates payable when one of those days fall on a Saturday will increase from the current additional 50 per cent to 150 per cent and on a Sunday from the current additional 100 per cent to 150 per cent.

Amendments to the *Land Sales Act 1984*

The amendments to the *Land Sales Act* will not impose any cost on the Government. The amendments will in fact reduce the regulation impediments to private developers enabling them to progress development within UDAs.

Amendments to the *Liquor Act 1992*

There is no expected cost for Government implementation. The Office of Liquor and Gaming Regulation will be able to continue to monitor clubs to make certain only the appropriate persons are supplied liquor in clubs in Queensland, at no additional cost.

Consistency with Fundamental Legislative Principles

The proposed amendments are consistent with the Fundamental Legislative Principles.

Consultation

Amendments to the *Holidays Act 1983*

The community was given the opportunity to comment on proposals to move the Queen's Birthday public holiday and create additional public holidays when Christmas Day, Boxing Day or New Year's Day fall on a weekend. Community comments received in response to the discussion paper indicates that there is wide support for changing public holiday arrangements in line with the proposals.

Amendments to the *Land Sales Act 1984*

The impacts of the current provisions of the *Land Sales Act* were initially brought to the attention of the ULDA by private developers.

Consultation has been held with the ULDA on the workability of the proposed amendments. The Department of Justice and Attorney General administers the *Land Sales Act* and was consulted in relation to the appropriateness of the proposed amendments.

Amendments to the *Liquor Act 1992*

Consultation has been undertaken with representatives of the club and hotel industries including RSL (Queensland Branch), the RSL and Services Clubs Association and Queensland Hotels Association.

Consistency with Legislation of the Commonwealth or another State

Amendments to the *Holidays Act 1983*

In respect of observing a public holiday in October in other jurisdictions, Western Australia observes the Queen's Birthday holiday on a date proclaimed each year (usually for October) and New South Wales, South Australia and the Australian Capital Territory observe the Labour Day holiday on the first Monday in October.

In respect of additional public holidays, in the Christmas 2011/New Year 2012 period 25 December (Christmas Day) and 1 January (New Year's Day) fall on a Sunday. For Queensland, substitute public holidays have already been gazetted for Christmas Day on Monday 26 December 2011 and for New Year's Day on Monday 2 January 2012.

The concept of observing additional public holidays when a public holiday falls on a weekend – especially for Christmas Day, Boxing Day or New Year's Day – is not a new idea and already is a feature of public holiday legislation in several of the other States and Territories.

- New South Wales has introduced provisions which commence from 31 December 2011 to provide for additional public holidays when Christmas Day, Boxing Day or New Year's Day fall on a Saturday or Sunday
- Victorian legislation provides for additional public holidays when Boxing Day or New Year's Day fall on a Saturday or Sunday

- South Australian legislation provides for additional public holidays when Christmas Day, 26 December or New Year's Day fall on a Sunday
- Western Australian legislation provides for additional public holidays when Christmas Day, Boxing Day or New Year's Day fall on a Saturday or Sunday
- Tasmanian legislation provides for an additional public holiday when Christmas Day falls on a Saturday or Sunday

For Christmas Day 2011 and New Year's Day 2012, New South Wales, the Australian Capital Territory and Western Australia will observe additional public holidays as a result of each day falling on a weekend, Victoria will observe an additional public holiday as a result of New Year's Day only falling on a weekend and Tasmania will observe an additional public holiday as a result of Christmas Day only falling on a weekend.

Notes on Provisions

Part 1 Preliminary

Short Title

Clause 1 provides that this act may be cited as the *Holidays and Other Legislation Amendment Act 2011*.

Part 2 Amendment of Holidays Act 1983

Act Amended

Clause 2 provides that this part amends the *Holidays Act 1983*.

Replacement of s 2 (Public holidays)

Clause 3 omits current section 2 and inserts a new section 2 ‘Public holidays’ which provides for public holidays to be observed on the days set out in the Schedule. Arrangements for substitute public holidays are now provided in the Schedule.

All public holidays in the Schedule are subject to substitute public holidays appointed by the Minister under section 3.

Insertion of new s 3A

Clause 4 inserts a new section 3A ‘References to public holidays in industrial instruments under *Industrial Relations Act 1999*’ which clarifies that the new public holidays appointed are to be recognised as public holidays in relation to any public holiday entitlements in industrial instruments (e.g. awards or agreements) under the *Industrial Relations Act 1999*. Queensland’s public sector workforce is covered by the *Industrial Relations Act 1999* and awards and agreements made under that act.

Insertion of new s 11

Clause 5 inserts a new section 11 ‘Particular public holiday in 2012’ which provides for the observance of a public holiday on 11 June 2012 for the Queen’s Diamond Jubilee. The section goes on to clarify that this public holiday is to be recognised as a public holiday in relation to any public holiday entitlements in industrial instruments (e.g. awards or agreements) under the *Industrial Relations Act 1999*.

Replacement of schedule

Clause 6 omits the current Schedule and replaces it with a new Schedule that sets out the days on which holidays are to be observed and provisions for substitute and additional public holidays.

The Schedule includes the following new arrangements regarding observance of public holidays:

- the Queen’s Birthday public holiday to be on the first Monday in October from 2012,
- an additional public holiday in the following week when Christmas Day, Boxing Day or New Year’s Day public holidays fall on a

weekend (commencing from Christmas 2011/New Year 2012). Additional public holidays will therefore be observed on

- Monday 27 December only if 25 December (Christmas Day) is a Saturday;
- Tuesday 27 December only if 25 December (Christmas Day) is a Sunday;
- Monday 28 December only if 26 December (Boxing Day) is a Saturday;
- Tuesday 28 December only if 26 December (Boxing Day) is a Sunday;
- Monday 2 January only if 1 January (New Year's Day) is a Sunday;
- Monday 3 January only if 1 January (New Year's Day) is a Saturday, and
- removal of reference to 'Easter Saturday' as a public holiday to be replaced by 'The day after Good Friday'. The term Easter Saturday has been held to be technically incorrect (Easter commences on what is commonly called Easter Sunday). The absence of that term reflects arrangements in public holidays legislation in South Australia and Victoria.

Part 3 Amendment of Industrial Relations Act 1999

Act Amended

Clause 7 provides that this part amends the *Industrial Relations Act 1999*.

Amendment of sch 5 (Dictionary)

Clause 8 omits from the current definition of *public holiday* 'Sovereign's birthday (the second Monday in June)' and replaces it with the new date of that public holiday 'Birthday of the Sovereign (the first Monday in October)'. A provision is also added to the definition so that all public

holidays appointed under the *Holidays Act 1983* are public holidays for the purposes of the *Industrial Relations Act 1999*.

Part 4 Amendment of Land Sales Act 1984

Act amended

Clause 9 provides that this part amends the *Land Sales Act 1984*.

Amendment of s 2 (Objects of Act)

Clause 10 includes in the reference in section 2(d) to governments, a reference to the Authority, as defined under the *Urban Land Development Authority Act 2007*(ULDA Act).

The current provision outlines the objects of the *Land Sales Act*. Section 2(d) refers to achieving the objects of facilitating property development in Queensland and ensuring that proposed allotments and proposed lots are clearly identified without imposing procedural obligations on local governments in addition to their obligations under SPA. The amendment seeks to include reference to the Authority and its obligations under the ULDA Act.

Amendment of s 6 (Definitions)

Clause 11 seeks to include four new definitions of ‘*authority*’, ‘*ULDA Act*’, ‘*UDA development approval*’ and ‘*UDA development condition*’ as per the relevant sections of the ULDA Act.

Amendment of s 8 (Restriction on selling)

Clause 12 includes in the reference in section 8(1)(a) to ‘compliance permit’, a reference to UDA development approval.

Section 8 relates to the restriction on selling a proposed allotment of freehold land whereby a person may sell only if, when the purchaser enters upon the purchase of the allotment, there is an effective compliance permit for reconfiguration of a lot for the allotment or a UDA development approval.

Amendment of s 9 (Identification of land)

Clause 13 seeks to include a reference in:

- section 9(1)(b) to the Authority under the ULDA Act; and
- section 9(2)(a) to a UDA development approval.

The provision requires that the vendor, before entering upon a purchase of a proposed allotment, must give the purchaser a disclosure plan and statement for the proposed allotment or a copy of the plan of survey for the proposed allotment approved by a local government under SPA or the Authority under the ULDA Act.

The disclosure plan must include a copy of any plan for reconfiguring a lot for the allotment forming part of a development permit or a compliance permit or a UDA development approval mentioned in section 8(1)(a) referred to above.

Further, Clause 13 seeks to include a provision 9(3)(da) requiring that disclosure statements signed by the purchaser and vendor state among other matters, the UDA development conditions if it is a UDA development approval mentioned in section 8(1)(a) above.

Amendment of s 10 (Vendor must tell purchaser about significant variations between disclosure plan and later plans)

Clause 14 includes in the reference in section 10(1)(b)(i) to Planning Act, a reference to the Authority under the ULDA Act.

This section of the *Land Sales Act* requires the vendor to give the purchaser written notice of significant variation to the plan of survey. This applies where the vendor has not given the purchaser of the proposed lot a registrable instrument of transfer for the allotment and there is a significant variation in the disclosure plan and plan of survey. The amendment to the provision clarifies that the disclosure plan is that provided under 9(1) above and the plan of survey is that approved by the local government under the Planning Act or the Authority under the ULDA Act that the vendor proposes to register under the *Land Act 1994* or *Land Title Act 1994*.

Amendment of s 10A (Purchaser must be given registrable instrument of transfer and other documents)

Clause 15 includes in the reference in section 10A(2) to Planning Act, a reference to the Authority under the ULDA Act.

This section of the *Land Sales Act* requires the vendor of a proposed allotment must give the purchaser a registrable instrument of transfer for the allotment within 18 months after the purchaser enters upon the purchase of the allotment.

The amendment clarifies that the vendor is required to give the purchaser certain documents if the vendor does not give the purchaser a copy of the plan of survey for the proposed allotment approved by the local government under the Planning Act or the Authority under the ULDA Act.

Part 5 Amendment of the Liquor Act 1992

Act amended

Clause 16 states that this part amends the *Liquor Act 1992*.

Amendment of s 4 (Definitions)

Clause 17 amends section 4 to omit the definition of ‘member of a reciprocal club’, and inserts definitions of ‘reciprocal club’ and ‘RSL honorary member’ and ‘defence member’. Reciprocal club is defined as, in relation to a club with a community club licence, community other licence or restricted liquor permit (the *relevant club*), another club whose members have privileges at the relevant club because of arrangements between the clubs. RSL honorary member is defined as a member of the Returned and Services League of Australia through any branch of the league in Australia; and a member of at least one other RSL or services club. Defence member means any of the following persons in possession of a current service identity card – (a) a member of the Permanent Naval Forces, the Australian Regular Army, the Regular Army Supplement or the Permanent Air Force; (b) a member of the Emergency Forces or the Reserve Forces who is rendering continuous full-time service.

Amendment of s 77 (Authority of community club licence)

Clause 18 amends section 77 to provide authority to RSL and services clubs with a community club licence to supply liquor to RSL honorary members and their guests, as well as guests of defence members for consumption on the premises. This right already exists for members of reciprocal clubs and their guests.

Amendment of s 79 (Requirements of club and secretary)

Clause 19 amends section 79, which relates to the requirements of clubs with a community club licence and the club secretary. The clause adds the adjective 'relevant' to the term 'club' to clarify that the club to which the licence relates is the relevant club and the club secretary of the relevant club is required to keep a register under section 79.

The clause also provides that the relevant club is not required to keep a register under section 79(1)(d), of the names of visitors who are members of a reciprocal club and the name of the reciprocal club if the visitor provides evidence they are a member of a reciprocal club, unless the rules of the relevant club state that a register must be kept for these visitors.

Further, the clause provides that RSL and services clubs are also exempted from the requirements under section 79(1)(d), to keep a register of RSL honorary members. It also provides that RSL and services clubs are exempted from the requirement under section 79(1)(d) to keep a register of defence members who produce a current service identity card. A provision is also inserted to clarify that guests of members of a reciprocal club, guests of RSL honorary members and guests of defence members must still be entered on the club's register, even though the reciprocal club member, RSL honorary member and defence member do not.

In addition, the term 'register' is clarified to ensure that it is clear that a register could take a hard copy or electronic form.

Amendment of s 81 (Authority of community other licence)

Clause 20 amends section 81 to provide authority to RSL and services clubs with a community other licence, to supply liquor to RSL honorary members and their guests, as well as defence members and their guests for consumption on the premises. This right already exists for members of reciprocal clubs and their guests.

Amendment of s 83 (Requirements of club and secretary)

Clause 21 amends section 83, which relates to the requirements of clubs with a community other licence and the club secretary. The clause ensures the club secretary maintains a register of visitors to the club premises.

The clause also provides that the relevant club is not required to keep a register under section 83(1)(d), of the names of minors or visitors who are members of a reciprocal club and the name of the reciprocal club, if the visitor provides evidence they are a member of a reciprocal club, unless the rules of the relevant club state that a register must be kept for these visitors.

Further, the clause provides that RSL and services clubs are also exempted from the requirements under section 83(1)(d), to keep a register of RSL honorary members. It also ensures RSL and services clubs are exempted from the requirement under section 83(1)(d) to keep a register of defence members who produce a current service identity card.

A provision is also inserted to clarify that guests of members of a reciprocal club, guests of RSL honorary members and guests of defence members must still be entered on the club's register, even though the reciprocal club member, RSL honorary member and defence member do not.

The term 'register' is clarified to ensure that it is clear that a register could take a hard copy or electronic form.

Amendment of s 103JA (Authority of restricted liquor permit)

Clause 22 amends section 103JA to provide authority to RSL and services clubs with a restricted liquor permit to supply liquor to RSL honorary members and their guests, as well as defence members and their guests for consumption on the premises. This right already exists for members of reciprocal clubs and their guests.

Amendment of s 103M (Requirements of club and secretary)

Clause 23 amends section 103M, which relates to the requirements of clubs with a restricted liquor permit and the club secretary. The clause ensures the club secretary maintains a register of visitors to the club premises.

The clause also provides that the relevant club is not required to keep a register under section 103M(1)(d), of the names of minors and of visitors who are members of a reciprocal club and the name of the reciprocal club if

the visitor provides evidence they are a member of a reciprocal club, unless the rules of the relevant club state that a register must be kept for these visitors.

Further, the clause provides that RSL and services clubs are also exempted from the requirements under section 103M(1)(d), to keep a register of RSL honorary members. It also ensures RSL and services clubs are exempted from the requirement under section 103M(1)(d) to keep a register of defence members who produce a current service identity card. A provision is also inserted to clarify that guests of members of a reciprocal club, guests of RSL honorary members and guests of defence members must still be entered on the club's register, even though the reciprocal club member, RSL honorary member and defence member do not.

The term 'register' is clarified to ensure that it is clear that a register could take a hard copy or electronic form.

Amendment of schedule (Rules of clubs)

Clause 24 amends the schedule, which relates to rules of clubs. The amendments require the club secretary to keep on the club premises a list of reciprocal clubs. It also provides that RSL honorary members are not entitled to full rights of club membership, such as voting rights, other than those provided for under this Bill. This retains the independence of clubs and ensures that decision making continues to be controlled by full members of the club.

Part 6 Amendment of the Trading (Allowable Hours) Act 1990

Act Amended

Clause 25 provides that this part amends the *Trading (Allowable Hours) Act 1990*.

Amendment of s 21 (Trading hours orders on non-exempt shops)

Clause 26 amends references in s 21(3) of the *Trading (Allowable Hours) Act 1990* (defining a public holiday) to reflect the amended sections of the *Holidays Act 1983* under which public holidays and substitute public holidays are made.

Amendment of s 31B (Industrial commission order amended)

Clause 27 amends s 31B(6A) of the *Trading (Allowable Hours) Act 1990* which sets out the jurisdiction of the Queensland Industrial Relations Commission to limit trading hours arrangements on 26 December (Boxing Day) and 1 January (New Year's Day) in south east Queensland.

The *Trading (Allowable Hours) Act 1990* currently allows that jurisdiction to be exercised only where those days fall on a Sunday and a substitute public holiday has been appointed for them. The *Holidays Act 1983* currently provides for the automatic substitution of the following Monday whenever 26 December (Boxing Day) or 1 January (New Year's Day) fall on a Sunday. Therefore a substitute public holiday resulted from such circumstances.

The Bill provides for observance of a public holiday on 26 December and 1 January, whatever the day of the week, without the appointment of a substitute day. This consequential amendment therefore removes reference to the substitution of a public holiday as the particular days falling on a weekend will no longer result in a substitute public holiday.