



Queensland

# Liquor and Other Acts Amendment Bill 2005





Queensland

# Liquor and Other Acts Amendment Bill 2005

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	6
2	Commencement . . . . .	6
<b>Part 2</b>	<b>Amendment of Liquor Act 1992</b>	
3	Act amended in pt 2 . . . . .	6
4	Amendment of s 4 (Definitions) . . . . .	7
5	Insertion of new s 4D . . . . .	8
	4D Notes in text . . . . .	8
6	Amendment of s 9 (Ordinary trading hours) . . . . .	8
7	Amendment of s 10 (When supply of liquor is in association with eating a meal) . . . . .	9
8	Amendment of s 59 (Authority of general licence) . . . . .	9
9	Amendment of s 102A (Restriction on grant of extended hours permit) . . . . .	9
10	Amendment of s 102C (Other application for an extended hours permit that includes trading between 5a.m. and 7a.m.) . . . . .	9
11	Amendment of s 102F (Restriction on grant of catering away permit) . . . . .	10
12	Amendment of s 109 (Nominees) . . . . .	10
13	Amendment of s 111 (Variation of licence) . . . . .	11
14	Amendment of s 116 (Public interest relevant to applications) . . . . .	11
15	Amendment of s 117 (Advice about application etc.) . . . . .	11
16	Amendment of s 118 (Advertisement of applications) . . . . .	12
17	Amendment of s 121 (Conference of concerned persons and decision by chief executive) . . . . .	12
18	Amendment of s 121A (Renewal of permits for extension of hours beyond 3a.m.) . . . . .	13

*Liquor and Other Acts Amendment Bill 2005*

19	Amendment of s 123 (Chief executive may grant provisional licence) . . . . .	14
20	Amendment of s 123A (Chief executive may grant authority to trade for staged development) . . . . .	14
21	Amendment of s 123B (Provisional licence or staged development approval) . . . . .	14
22	Amendment of s 123C (Effect of provisional licence). . . . .	15
23	Amendment of s 131 (Nominees when application to continue trading in certain circumstances) . . . . .	15
24	Amendment of s 133 (Request to surrender). . . . .	15
25	Amendment of s 142AB (Licences and permits subject to lock out condition) . . . . .	16
26	Insertion of new pt 5, div 6 . . . . .	16
	Division 6        Certain provisions about conditions of licences and permits for Brisbane City Council area	
	Subdivision 1   Preliminary	
	142AD    Definitions for div 6 . . . . .	17
	142AE    Application of div 6 . . . . .	17
	142AF    Purpose of div 6 . . . . .	19
	Subdivision 2   Conditions of licences and permits	
	142AG    Conditions about crowd controllers . . . . .	19
	142AH    Conditions about closed-circuit television equipment. . . . .	20
	142AI    Conditions about incident and training registers . . . . .	21
	142AJ    Conditions about house policy . . . . .	22
	142AK    Conditions about training course certificates for particular persons. . . . .	23
	142AL    Conditions about drinking practices . . . . .	24
	142AM    Compliance with conditions . . . . .	25
	Subdivision 3   Application of ss 134 and 136 to conditions under sdiv 2	
	142AN    Application of ss 134 and 136 . . . . .	25
27	Amendment of pt 5A (Trainers for licensee's course). . . . .	25
28	Amendment of s 142B (Applying for approval as trainer). . . . .	25
29	Amendment of s 142C (Deciding application) . . . . .	26
30	Amendment of s 142G (Deciding application) . . . . .	26
31	Amendment of s 142L (Grounds for cancellation) . . . . .	26
32	Amendment of s 154 (Alteration etc. and maintenance of licensed premises) . . . . .	26
33	Amendment of s 155 (Minors on premises) . . . . .	27

*Liquor and Other Acts Amendment Bill 2005*

34	Amendment of s 228 (Suspension of licence for offences concerning minors) . . . . .	27
35	Amendment of s 233 (Evidentiary provisions) . . . . .	28
36	Insertion of new pt 12, div 6 . . . . .	28
	Division 6            Transitional provisions for Liquor and Other Acts Amendment Act 2005	
268	Definitions for div 6 . . . . .	28
269	Dealing with nomination of nominee . . . . .	28
270	Particular person ceases to be nominee . . . . .	29
271	Application for variation of particular licence . . . . .	30
272	Application for renewal of extended hours permit . . . . .	30
273	Provisional licences continue in force . . . . .	30
274	Provision about current training course certificates . . . . .	30
275	When particular conditions under pt 5, div 6 apply . . . . .	31
<b>Part 3</b>	<b>Amendment of Liquor Amendment Act 2005</b>	
37	Act amended in pt 3 . . . . .	32
38	Amendment of s 8 (Omission of provisions relating to the lock out for the Brisbane City Council area) . . . . .	32
<b>Part 4</b>	<b>Amendment of Body Corporate and Community Management Act 1997</b>	
39	Act amended in pt 4 . . . . .	32
40	Insertion of new ch 5, pt 1A . . . . .	32
	Part 1A            Preliminary	
205A	Definitions for ch 5 . . . . .	32
205B	Relationship with Electronic Transactions (Queensland) Act . . . . .	33
41	Amendment of s 206 (Statement to be given by seller to buyer) . . . . .	33
42	Insertion of new s 206A . . . . .	34
	206A            How the information sheet must be given for s 206(5)	34
43	Amendment of s 207 (Contents of contract) . . . . .	35
44	Amendment of s 208 (Buyer may rely on information) . . . . .	35
45	Amendment of s 209 (Cancelling contract for inaccuracy of statement) . . . . .	35
46	Amendment of s 213 (Statement to be given by seller to buyer) . . . . .	36
47	Insertion of new section 213A . . . . .	37
	213A            How the information sheet must be given for s 213(5)	37
48	Amendment of s 214 (Variation of first statement by further statement) . . . . .	37

*Liquor and Other Acts Amendment Bill 2005*

49	Amendment of s 215 (Statements and information sheet form part of contract) . . . . .	38
50	Amendment of s 216 (Buyer may rely on information) . . . . .	38
51	Amendment of s 217 (Cancelling contract for inaccuracy of statement) . . . . .	38
52	Amendment of sch 6 (Dictionary) . . . . .	38
<b>Part 5</b>	<b>Amendment of Property Agents and Motor Dealers Act 2000</b>	
53	Act amended in pt 5 . . . . .	39
54	Amendment of s 363 (Purposes of ch 11) . . . . .	39
55	Amendment of s 364 (Definitions for ch 11) . . . . .	39
56	Insertion of new s 364A . . . . .	40
	364A Relationship with Electronic Transactions (Queensland) Act . . . . .	40
57	Amendment of s 365 (When parties are bound under a relevant contract) . . . . .	40
58	Amendment of s 365A (Buyer to receive copy of property valuation buyer pays for) . . . . .	43
59	Amendment of s 365B (Lawyer's disclosure to buyer about independence) . . . . .	44
60	Replacement of ch 11, pt 2 . . . . .	44
	Part 2 Warning statements	
	366 Warning statement if proposed relevant contract is faxed . . . . .	44
	366A Warning statement if proposed relevant contract is given by electronic communication other than fax . . .	45
	366B Warning statement if proposed relevant contract is given in another way . . . . .	47
	366C Error in process may be corrected before relevant contract is signed . . . . .	48
	366D Content and effectiveness of warning statements . . .	49
	367 Buyer's rights if a warning statement is not given or is not effective . . . . .	50
61	Amendment of s 368 (Terminating contract during cooling-off period) . . . . .	51
62	Amendment of s 369 (Waiving cooling-off period) . . . . .	51
63	Amendment of s 370 (Shortening cooling-off period) . . . . .	52
64	Amendment of s 371 (Application of pt 4) . . . . .	52
65	Amendment of sch 2 (Dictionary) . . . . .	52

# 2005

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## A Bill

for

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

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Liquor and Other Acts Amendment Act 2005*. 4  
5

**Clause 2 Commencement** 6

(1) The following provisions commence on 1 December 2005— 7

- section 3 8

- section 4(1), (2) (other than to the extent it inserts the definitions *Anzac Day event*, *development approval*, *post-amended Act*, *pre-amended Act* and *relevant period*) and (3) 9  
10  
11  
12

- sections 25 to 31 13

- section 36 (to the extent it inserts new part 12, division 6 heading, section 268, other than the definitions *post-amended Act* and *pre-amended Act*, and sections 273 and 274) 14  
15  
16  
17

- parts 3, 4 and 5. 18

(2) The remaining provisions of this Act commence on 1 January 2006. 19  
20

**Part 2 Amendment of Liquor Act 1992** 21

**Clause 3 Act amended in pt 2** 22

This part amends the *Liquor Act 1992*. 23



<b>Clause 4</b>	<b>Amendment of s 4 (Definitions)</b>	1
(1)	Section 4, definition <i>trading period</i> —	2
	<i>omit.</i>	3
(2)	Section 4—	4
	<i>insert</i> —	5
	<b>‘Anzac Day event</b> , for an RSL or Services Club, means an event or occasion organised by the club to commemorate Anzac Day.	6 7 8
	<b>approved training course</b> means a course approved by the chief executive about the responsible service of liquor.	9 10
	<b>commencement</b> , for part 12, division 6, see section 268.	11
	<b>crowd controller</b> , for part 5, division 6, see section 142AD.	12
	<b>current training course certificate</b> , for part 5, division 6, see section 142AD.	13 14
	<b>development approval</b> see the <i>Integrated Planning Act 1997</i> , schedule 10.	15 16
	<b>exit</b> , of premises, for part 5, division 6, see section 142AD.	17
	<b>incident register</b> , for part 5, division 6, see section 142AD.	18
	<b>patron</b> , in relation to licensed premises or premises to which a permit relates, includes a person entering or seeking to enter the premises to use the areas, facilities or services on offer at the premises.	19 20 21 22
	<b>post-amended Act</b> , for part 12, division 6, see section 268.	23
	<b>pre-amended Act</b> , for part 12, division 6, see section 268.	24
	<b>relevant period</b> , for a development approval, means the first of the following periods to end—	25 26
	(a) the currency period for the approval under the <i>Integrated Planning Act 1997</i> , section 3.5.21; <sup>1</sup>	27 28
	(b) 4 years after the day the approval takes effect.	29
	<b>trading period</b> —	30

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

*Liquor and Other Acts Amendment Bill 2005*

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

(b) for part 5, division 6, see section 142AD. 2

*training course certificate*, for part 5, division 6, see section 3  
142AD. 4

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

(3) Section 4, definition *approval*, after ‘course’— 6

*insert—* 7

‘or approved training course’. 8

**Clause 5 Insertion of new s 4D** 9

After section 4C— 10

*insert—* 11

**‘4D Notes in text** 12

‘A note in the text of this Act is part of the Act.’. 13

**Clause 6 Amendment of s 9 (Ordinary trading hours)** 14

(1) Section 9(3)(a)(ii), after ‘(b)’— 15

*insert—* 16

‘or (c)’. 17

(2) Section 9(3)(b), before ‘premises’— 18

*insert—* 19

‘licensed’. 20

(3) Section 9(3)— 21

*insert—* 22

‘(c) of licensed premises on the premises of an RSL or 23  
Services Club—subject to subsection (2), include the 24  
period from 5a.m. until 1p.m. on Anzac Day.’. 25

(4) Section 9(6), before ‘premises’, first mention— 26

*insert—* 27

‘licensed’. 28

*Liquor and Other Acts Amendment Bill 2005*

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<b>Clause 7</b>	<b>Amendment of s 10 (When supply of liquor is in association with eating a meal)</b>	1 2
	Section 10(b)—	3
	<i>omit, insert—</i>	4
	‘(b) after the consumer orders the meal and before he or she finishes eating it; or’.	5 6
<b>Clause 8</b>	<b>Amendment of s 59 (Authority of general licence)</b>	7
	After section 59(1)(d)(ii)—	8
	<i>insert—</i>	9
	‘ <i>Note—</i>	10
	Premises approved by the chief executive under subsection (1)(d) are detached bottle shops under this Act.’.	11 12
<b>Clause 9</b>	<b>Amendment of s 102A (Restriction on grant of extended hours permit)</b>	13 14
	Section 102A—	15
	<i>insert—</i>	16
	‘(2) The chief executive may grant an extended hours permit to authorise a licensee to sell liquor between 5a.m. and 1p.m. on Anzac Day if—	17 18 19
	(a) the chief executive is satisfied the licensee has entered into an agreement with an RSL or Services Club to sell liquor under the permit at an Anzac Day event for the club; and	20 21 22 23
	(b) the permit authorises the sale of liquor only at the event.’.	24 25
<b>Clause 10</b>	<b>Amendment of s 102C (Other application for an extended hours permit that includes trading between 5a.m. and 7a.m.)</b>	26 27 28
	Section 102C(2)—	29
	<i>omit, insert—</i>	30
	‘(2) The chief executive must not grant the application unless—	31

*Liquor and Other Acts Amendment Bill 2005*

- (a) the extension of the trading hours is restricted to a time coinciding with an event the chief executive reasonably considers to be a special event, and the special event—
- (i) happens in the locality in which the licensed premises are situated; or
- (ii) is, in the chief executive’s opinion, of particular significance or special interest to the regular patrons of the licensed premises; or
- Example of a special event—*
- premier sporting fixture
- (b) the chief executive is satisfied the applicant has entered into an agreement with an RSL or Services Club to sell liquor under the permit at an Anzac Day event for the club.’.

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

Section 102F—

*insert—*

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

**Clause 12      Amendment of s 109 (Nominees)**

Section 109—

*insert—*

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

<b>Clause 13</b>	<b>Amendment of s 111 (Variation of licence)</b>	1
	(1) Section 111(1)—	2
	<i>omit, insert—</i>	3
	‘(1) A licensee may apply to vary a licence by amending or revoking a condition of the licence.	4
		5
	‘(1A) The holder of a special facility licence or limited licence also may apply to vary the licence by altering the times when business may be conducted under authority of the licence.	6
		7
		8
	‘(1B) The holder of a producer/wholesaler licence also may apply to vary the licence by changing the description of the licensed premises under the licence.’.	9
		10
		11
	(2) Section 111(3)(a), ‘6a.m.’—	12
	<i>omit, insert—</i>	13
	‘5a.m.’.	14
<b>Clause 14</b>	<b>Amendment of s 116 (Public interest relevant to applications)</b>	15
		16
	Section 116(1)(b), after ‘59(1)(d)’—	17
	<i>insert—</i>	18
	‘to sell liquor on a detached bottle shop’.	19
<b>Clause 15</b>	<b>Amendment of s 117 (Advice about application etc.)</b>	20
	(1) Section 117(1), from ‘an application’, first mention, to ‘permit’, first mention—	21
		22
	<i>omit, insert—</i>	23
	‘a relevant application’.	24
	(2) Section 117(2)(b), before ‘application’—	25
	<i>insert—</i>	26
	‘relevant’.	27
	(3) Section 117(3)(a), before ‘application’, first mention—	28
	<i>insert—</i>	29
	‘relevant’.	30

*Liquor and Other Acts Amendment Bill 2005*

	(4) Section 117—	1
	<i>insert—</i>	2
	‘(4) In this section—	3
	<i>relevant application</i> means—	4
	(a) an application to which section 116 applies; or	5
	(b) an application for a club licence; or	6
	(c) an application for an adult entertainment permit; or	7
	(d) another application the chief executive reasonably considers may adversely affect the amenity, quiet or good order of a locality.’.	8 9 10
<b>Clause 16</b>	<b>Amendment of s 118 (Advertisement of applications)</b>	11
	(1) Section 118—	12
	<i>insert—</i>	13
	‘(6A) Despite subsection (1)(a), an application for variation of a special facility licence or limited licence is not required to be advertised under this section unless the chief executive, by written notice given to the applicant, requires it to be advertised.	14 15 16 17 18
	‘(6B) In deciding whether to require an application mentioned in subsection (7) to be advertised under this section, the chief executive must have regard to the nature of the proposed variation.’.	19 20 21 22
	(2) Section 118(6A) to (7)—	23
	<i>renumber</i> as section 118(7) to (9).	24
<b>Clause 17</b>	<b>Amendment of s 121 (Conference of concerned persons and decision by chief executive)</b>	25 26
	(1) Section 121(6), from ‘6 months’—	27
	<i>omit, insert—</i>	28
	‘12 months and may be renewed only on application made to the chief executive.’.	29 30

*Liquor and Other Acts Amendment Bill 2005*

	(2) Section 121—	1
	<i>insert—</i>	2
	‘(7) The application must be made within the period the chief executive decides and advises the holder of the permit.’	3 4
<b>Clause 18</b>	<b>Amendment of s 121A (Renewal of permits for extension of hours beyond 3a.m.)</b>	5 6
	(1) Section 121A(1), ‘As soon as practicable’—	7
	<i>omit, insert—</i>	8
	‘Within 4 days’.	9
	(2) Section 121A(2), ‘14 days of’—	10
	<i>omit, insert—</i>	11
	‘28 days after’.	12
	(3) Section 121A—	13
	<i>insert—</i>	14
	‘(2A) If the chief executive receives comments or objections under subsection (2), the chief executive must give the applicant a copy of the comments or objections within 5 days after receiving them.	15 16 17 18
	‘(2B) The applicant may, within 14 days after receiving a copy of the comments or objections under subsection (3), make written representations to the chief executive about them.’	19 20 21
	(4) Section 121A(3)(b) and (c)—	22
	<i>renumber</i> as section 121A(3)(c) and (d).	23
	(5) Section 121A(3)—	24
	<i>insert—</i>	25
	‘(b) written representations made under subsection (4); and’.	26
	(6) Section 121A—	27
	<i>insert—</i>	28
	‘(4) If the chief executive does not decide the application within 65 days after receiving it, the chief executive is taken to have refused to renew the permit.’	29 30 31

*Liquor and Other Acts Amendment Bill 2005*

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- (7) Section 121A(2A) to (4)— 1  
*renumber* as section 121A(3) to (6). 2

<b>Clause 19</b>	<b>Amendment of s 123 (Chief executive may grant provisional licence)</b>	3 4
	(1) Section 123(3)(b), from ‘within’ to ‘year’—	5
	<i>omit, insert</i> —	6
	‘within the relevant period for the development approval’.	7
	(2) Section 123(3)(c), ‘stated time’—	8
	<i>omit, insert</i> —	9
	‘relevant period’.	10
<b>Clause 20</b>	<b>Amendment of s 123A (Chief executive may grant authority to trade for staged development)</b>	11 12
	Section 123A(3)(c), ‘1 year’—	13
	<i>omit, insert</i> —	14
	‘2 years’.	15
<b>Clause 21</b>	<b>Amendment of s 123B (Provisional licence or staged development approval)</b>	16 17
	(1) Section 123B(1)—	18
	<i>omit, insert</i> —	19
	‘(1) A provisional licence remains in force for the relevant period for the development approval in relation to which the licence is granted.	20 21 22
	‘(1A) A staged development approval remains in force for the stated reasonable time from the day on which the approval is granted.’.	23 24 25
	(2) Section 123B(2), ‘stated time’—	26
	<i>omit, insert</i> —	27
	‘relevant period for the development approval in relation to which the licence is granted’.	28 29



*Liquor and Other Acts Amendment Bill 2005*

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- (3) Section 123B(4), ‘1 year’— 1  
*omit, insert—* 2  
‘2 years’. 3  
(4) Section 123B(5), ‘more than once’— 4  
*omit, insert—* 5  
‘a maximum of 4 times’. 6

- Clause 22 Amendment of s 123C (Effect of provisional licence)** 7  
Section 123C(3), ‘within the time stated in the licence’— 8  
*omit, insert—* 9  
‘while it is in force’. 10

- Clause 23 Amendment of s 131 (Nominees when application to continue trading in certain circumstances)** 11  
Section 131— 12  
*insert—* 13  
‘(2) For this section, a person may not be nominee for a licence if 15  
the person is the holder of a licence for which there is no 16  
nominee under this Act.’. 17

- Clause 24 Amendment of s 133 (Request to surrender)** 18  
(1) Section 133(3)(b)(ii), ‘application’— 19  
*omit, insert—* 20  
‘request’. 21  
(2) Section 133(3)(c), ‘club licence’— 22  
*omit, insert—* 23  
‘licence held by a club’. 24  
(3) Section 133— 25  
*insert—* 26  
‘(3A) Despite subsection (3)(b)(i), the request need not be 27  
accompanied or supported by a consent mentioned in that 28

*Liquor and Other Acts Amendment Bill 2005*

subparagraph if, after making reasonable efforts, the  
appropriate person can not obtain the consent. 1  
2

‘(3B) If subsection (3A) applies to a request under subsection (1),  
the chief executive must as soon as practicable give written  
notice of the request to each owner, mortgagee or lessee of the  
licensed premises, or part of the licensed premises, under the  
licence who— 3  
4  
5  
6  
7

(a) holds an interest in the licence; and 8

(b) has given the chief executive particulars about the  
interest under section 44A. 9  
10

‘(3C) However, subsection (3B) does not require the chief executive  
to give the notice to— 11  
12

(a) the appropriate person who made the request; or 13

(b) a person whose consent accompanied or supported the  
request.’ 14  
15

(4) Section 133(5), ‘subsection (4)’— 16

*omit, insert—* 17

‘subsection (3B) or (4)’ 18

(5) Section 133(8), definition *appropriate person*, paragraph  
(b)(iii), ‘application’— 19  
20

*omit, insert—* 21

‘request’. 22

**Clause 25 Amendment of s 142AB (Licences and permits subject to  
lock out condition) 23  
24**

Section 142AB(4)— 25

*omit.* 26

**Clause 26 Insertion of new pt 5, div 6 27**

Before part 5A— 28

*insert—* 29

<b>‘Division 6</b>	<b>Certain provisions about conditions of licences and permits for Brisbane City Council area</b>	1 2 3
<b>‘Subdivision 1</b>	<b>Preliminary</b>	4
<b>‘142AD Definitions for div 6</b>		5
	‘In this division—	6
	<i>crowd controller</i> means a holder of a crowd controller’s licence in force under the <i>Security Providers Act 1993</i> .	7 8
	<i>current training course certificate</i> means a training course certificate that is in force.	9 10
	<i>exit</i> , of premises, does not include an exit that is not ordinarily used by patrons of the premises while the premises are open for business.	11 12 13
	<i>Example—</i>	14
	an emergency exit	15
	<i>incident register</i> see section 142AI(1)(a).	16
	<i>trading period</i> means the period starting at 8p.m. on any day and ending at 7a.m. on the following day.	17 18
	<i>training course certificate</i> means a certificate in the approved form—	19 20
	(a) given to a person, for satisfactorily completing the approved training course, by someone who holds an approval under part 5A as a trainer for the course; and	21 22 23
	(b) stating the certificate remains in force for 3 years after it is given to the person.	24 25
	<i>training register</i> see section 142AI(2)(a).	26
<b>‘142AE Application of div 6</b>		27
	(1) This division applies in the area of the Brisbane City Council to licensed premises and premises to which a permit relates if the licensee or permittee is authorised under this Act to sell or	28 29 30

*Liquor and Other Acts Amendment Bill 2005*

- 
- supply liquor on the premises at any time after 1a.m. during  
the trading period. 1  
2
- ‘(2) However, this division does not apply to— 3
- (a) licensed premises if the licensee is authorised, under 4  
section 9(13), to sell or supply liquor on the premises 5  
only after 1a.m. on New Year’s Day; or 6
- (b) that part of licensed premises used principally for the 7  
residential accommodation of guests staying at the 8  
premises. 9
- ‘(3) Also, this division does not apply on Anzac Day to— 10
- (a) licensed premises if an extended hours permit for that 11  
day has been granted for the premises under section 12  
102C; or 13
- (b) licensed premises on the premises of an RSL or Services 14  
Club. 15
- ‘(4) In addition— 16
- (a) sections 142AG and 142AH do not apply to licensed 17  
premises at Brisbane Airport, Airport Drive, Brisbane 18  
known as the Brisbane International Terminal building 19  
and the Brisbane Domestic terminal building; and 20
- (b) section 142AG does not apply to the following— 21
- (i) licensed premises on which the licensee is 22  
authorised to sell or supply liquor under an 23  
on-premises (meals) licence; 24
- (ii) licensed premises at Suncorp Stadium, 25  
Castlemaine Street, Milton; 26
- (iii) licensed premises at the Queensland Sport and 27  
Athletics Centre, Kessels Road, Nathan; 28
- (iv) licensed premises at the Brisbane Cricket Ground, 29  
Vulture Street, Woolloongabba; 30
- (v) licensed premises at the Brisbane Convention and 31  
Exhibition Centre, corner of Glenelg and Merivale 32  
Streets, South Brisbane; 33
- (vi) licensed premises at the Brisbane Entertainment 34  
Centre, Melaleuca Drive, Boondall. 35

**‘142AF Purpose of div 6**

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

**‘Subdivision 2      Conditions of licences and permits****‘142AG Conditions about crowd controllers**

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

- (a) must ensure that at least the number of crowd controllers prescribed under a regulation are engaged in maintaining order in and around the licensed premises or premises to which the permit relates—
- (i) while the premises are open for business during the trading period; and
- (ii) for at least 1 hour after the premises close for business during or at the end of the trading period; and
- (b) must ensure that at least 1 crowd controller engaged under paragraph (a) is located at each entrance and exit of the premises that provides access for patrons of the premises during the trading period; and
- (c) must not allow a crowd controller to be engaged under paragraph (a) unless the crowd controller—
- (i) has a current training course certificate; and
- (ii) has given the licensee or permittee a copy of the certificate and the crowd controller’s licence granted under the *Security Providers Act 1993*, section 14(1); and
- (iii) is dressed in a way that distinguishes the crowd controller from patrons of the premises; and

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

- (d) must keep each crowd controller's certificate and licence, given to the licensee or permittee under paragraph (c)(ii), with the licensee's or permittee's training register while the crowd controller is engaged in maintaining order in and around the premises.

**'142AH Conditions about closed-circuit television equipment**

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

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

#### **‘142AI Conditions about incident and training registers**

- ‘(1) It is a condition of the licensee’s or permittee’s licence or permit that the licensee or permittee—
- (a) must keep a register (an *incident register*) containing the information prescribed under a regulation about each incident at the licensed premises or premises to which the permit relates—
    - (i) in which a person is injured; or
    - (ii) requiring a person to be removed from the premises; and
  - (b) must ensure that, for each incident recorded in the register under paragraph (a), the register is signed as correct by each crowd controller or member of staff involved in the incident; and
  - (c) must keep the register in a secure place, and available for inspection by an investigator, at the premises; and

*Liquor and Other Acts Amendment Bill 2005*

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

**‘142AJ Conditions about house policy**

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



*Liquor and Other Acts Amendment Bill 2005*

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(ii) the house policy is available for inspection by the patrons; and	1 2
(d) must ensure all staff of the premises, and crowd controllers engaged in maintaining order in and around the premises, are aware of, and perform their duties at the premises in compliance with, the house policy.	3 4 5 6
‘(2) Also, it is a condition of the licensee’s or permittee’s licence or permit that the licensee or permittee must, as soon as practicable after preparing a house policy, give the chief executive a notice in the approved form about the policy.	7 8 9 10
‘(3) In this section—	11
<i>house policy</i> , for licensed premises or premises to which a permit relates, means a document containing information about the procedures and practices, relating to the matters prescribed under a regulation, for the conduct of business at the premises.	12 13 14 15 16
<b>‘142AK Conditions about training course certificates for particular persons</b>	17 18
‘(1) It is a condition of the licensee’s or permittee’s licence or permit that each of the following persons must have a current training course certificate—	19 20 21
(a) if the licensee or permittee is an individual—the licensee or permittee;	22 23
(b) the nominee, if any, for the licence or permit;	24
(c) a member of staff of the licensed premises or premises to which the permit relates who is involved in the service or supply of liquor at the premises.	25 26 27
<i>Examples of staff involved in the service or supply of liquor—</i>	28
bartenders, glass collectors, floor hostesses or room service staff	29
‘(2) However, the condition mentioned in subsection (1)(c) does not apply to a licence or permit, in relation to a person who becomes a member of staff of the licensed premises or premises to which the permit relates after the commencement of this section, until 30 days after the person becomes a member of the staff.	30 31 32 33 34 35

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

**‘142AL Conditions about drinking practices’**

- ‘(1) It is a condition of the licensee’s or permittee’s licence or  
permit that the licensee or permittee must not conduct on the  
licensed premises or premises to which the permit relates—
- (a) a competition or game in which—
- (i) contestants or players consume liquor on the  
premises; or
- (ii) free or discounted liquor is given as a prize; or
- Examples of a competition or game—*
- ‘drink to win’
  - ‘last man standing’
  - ‘all you can drink’
  - ‘skolling competition’
- (b) another activity, prescribed under a regulation, that may  
encourage the rapid or excessive consumption of liquor  
or promote intoxication.
- ‘(2) Also, it is a condition of the licensee’s or permittee’s licence  
or permit that the licensee or permittee must not conduct a  
restricted activity on the licensed premises or premises to  
which the permit relates—
- (a) for more than 2 hours a day; or
- (b) after 9p.m. in the trading period.
- ‘(3) In this section—
- restricted activity***, for licensed premises or premises to which  
a permit relates, means an activity, other than an activity  
prescribed under a regulation for subsection (1)(b), in relation  
to which liquor is available for consumption on the premises  
at a price less than that normally charged for the liquor.

*Liquor and Other Acts Amendment Bill 2005*

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*Example of restricted activity—*

‘happy hours’

1

2

**‘142AM Compliance with conditions**

3

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

4

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Maximum penalty—100 penalty units.

6

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

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8

**‘142AN Application of ss 134 and 136**

9

‘For this Act—

10

(a) a reference in section 134(1)(a)(ii) to a condition specified in the permit; or

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12

(b) a reference in section 136(1)(a)(iii) to a condition stated in the licence;

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14

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

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

17

Part 5A, heading, after ‘course’—

18

*insert—*

19

**‘and approved training course’.**

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

21

Section 142B(1), after ‘course’—

22

*insert—*

23

‘or approved training course’.

24

*Liquor and Other Acts Amendment Bill 2005*

<b>Clause 29</b>	<b>Amendment of s 142C (Deciding application)</b>	1
	Section 142C(2), after ‘course’—	2
	<i>insert</i> —	3
	‘or approved training course’.	4
<b>Clause 30</b>	<b>Amendment of s 142G (Deciding application)</b>	5
	Section 142G(2) and (3)(b), after ‘course’—	6
	<i>insert</i> —	7
	‘or approved training course’.	8
<b>Clause 31</b>	<b>Amendment of s 142L (Grounds for cancellation)</b>	9
	Section 142L(b), after ‘course’—	10
	<i>insert</i> —	11
	‘or approved training course’.	12
<b>Clause 32</b>	<b>Amendment of s 154 (Alteration etc. and maintenance of licensed premises)</b>	13
	(1) Section 154—	14
	<i>insert</i> —	15
	‘(2A) Before giving an approval, the chief executive may ask the applicant to give the chief executive a management plan relating to the proposed alteration, rebuilding, change or increase.	16
	‘(2B) The management plan must include information the chief executive considers appropriate having regard to—	17
	(a) the business that is the primary purpose conducted under the licence; and	18
	(b) the nature of the alteration, rebuilding, change or increase.	19
	‘(2C) If the chief executive asks the applicant for a management plan under subsection (3), the chief executive must not give the approval unless the applicant complies with the request.’.	20
		21
		22
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- (2) Section 154(2A) to (3)— 1  
*renumber* as section 154(3) to (6). 2

**Clause 33 Amendment of s 155 (Minors on premises) 3**

- Section 155(4), definition *exempt minor*, paragraph (e), after 4  
‘executive’— 5  
*insert*— 6  
‘or stated in a condition of the licence or permit’. 7

**Clause 34 Amendment of s 228 (Suspension of licence for offences 8  
concerning minors) 9**

- (1) Section 228, heading, after ‘minors’— 10  
*insert*— 11  
‘**and other persons**’. 12
- (2) Section 228, from ‘suspended—’— 13  
*omit, insert*— 14  
‘suspended.’. 15
- (3) Section 228— 16  
*insert*— 17
- ‘(2) As soon as practicable after the second conviction is recorded, 18  
the chief executive must give the holder of the licence written 19  
notice of the suspension. 20
- ‘(3) The suspension— 21
- (a) takes effect immediately the notice is given to the holder 22  
of the licence; and 23
- (b) continues until— 24
- (i) the end of 60 days after the day the notice is given; 25  
or 26
- (ii) if an earlier day is stated in the notice—the end of 27  
the earlier day. 28
- ‘(4) The notice must state the reasons for the suspension.’. 29

*Liquor and Other Acts Amendment Bill 2005*

<b>Clause 35</b>	<b>Amendment of s 233 (Evidentiary provisions)</b>	1
	(1) Section 233(2)(c)—	2
	<i>omit.</i>	3
	(2) Section 233(2)(d)—	4
	<i>insert—</i>	5
	‘(iv) the offence was committed on Good Friday;’.	6
	(3) Section 233(2)(d) to (g)—	7
	<i>renumber</i> as section 233(2)(c) to (f).	8
	(4) Section 233(3)(a), ‘restricted area’—	9
	<i>omit, insert—</i>	10
	‘licence or’.	11
<b>Clause 36</b>	<b>Insertion of new pt 12, div 6</b>	12
	After section 267—	13
	<i>insert—</i>	14
<b>‘Division 6</b>	<b>Transitional provisions for Liquor and Other Acts Amendment Act 2005</b>	15 16 17
<b>‘268</b>	<b>Definitions for div 6</b>	18
	‘In this division—	19
	<i>commencement</i> means the day the provision in which the term is used commences.	20 21
	<i>post-amended Act</i> means this Act as in force after the commencement.	22 23
	<i>pre-amended Act</i> means this Act as in force before the commencement.	24 25
<b>‘269</b>	<b>Dealing with nomination of nominee</b>	26
	‘(1) Subsection (2) applies if, on the commencement—	27

*Liquor and Other Acts Amendment Bill 2005*

- 
- (a) a person has been nominated under section 109 or 115 of the pre-amended Act to be nominee for a licence; and
- (b) the person—
- (i) is not taken to be or has not become, under section 109, the nominee for the licence; and
- (ii) is the holder of a licence for which there is no nominee under this Act.
- ‘(2) For the purposes of this Act—
- (a) the person’s nomination as nominee for the licence mentioned in subsection (1)(a) is taken to have been withdrawn; and
- (b) section 109 of the post-amended Act applies in relation to the licence, including, for example, to the nomination of a person to be nominee for the licence.
- ‘(3) Subsection (4) applies if, on the commencement—
- (a) a person has been nominated under section 131 of the pre-amended Act to be nominee for a licence; and
- (b) the application, under section 129, for which the nomination was made has not been granted by the chief executive; and
- (c) the person is the holder of a licence for which there is no nominee under this Act.
- ‘(4) For the purposes of this Act—
- (a) the person’s nomination as nominee for the licence mentioned in subsection (3)(a) is taken to have been withdrawn; and
- (b) section 131 of the post-amended Act applies in relation to the licence, including, for example, to the nomination of a person to be nominee for the licence.
- ‘270 Particular person ceases to be nominee**
- ‘(1) This section applies to a person who, on the commencement—
- (a) is the nominee under this Act for a licence; and

	(b) is the holder of a licence for which there is no nominee.	1
'(2)	On the commencement, the person ceases to be the nominee for the licence mentioned in subsection (1)(a).	2 3
<b>'271</b>	<b>Application for variation of particular licence</b>	4
	'Despite section 118 of the post-amended Act, section 118 of the pre-amended Act continues to apply to an application for variation of a special facility licence or limited licence made and not decided before the commencement.	5 6 7 8
<b>'272</b>	<b>Application for renewal of extended hours permit</b>	9
	'Despite section 121A of the post-amended Act, section 121A of the pre-amended Act continues to apply to an application for renewal of an extended hours permit made under section 121(6) of the pre-amended Act and not decided before the commencement.	10 11 12 13 14
<b>'273</b>	<b>Provisional licences continue in force</b>	15
'(1)	This section applies to a provisional licence in force immediately before the commencement.	16 17
'(2)	The provisional licence remains in force for the relevant period for the development approval in relation to which the licence was granted.	18 19 20
'(3)	The provisional licence may be renewed under section 123B(2) of the post-amended Act whether or not it has been renewed under section 123B(2) of the pre-amended Act.	21 22 23
'(4)	This section applies despite—	24
	(a) section 123B(3); and	25
	(b) a time stated in the provisional licence under section 123(3)(b) of the pre-amended Act.	26 27
<b>'274</b>	<b>Provision about current training course certificates</b>	28
'(1)	For the purposes of this Act, a person is taken to have a current training course certificate from the commencement if	29 30



*Liquor and Other Acts Amendment Bill 2005*

- the person has a statement of attainment given to the person  
 by a registered training organisation within 3 years before the  
 commencement for successfully completing the unit of  
 competency called THHBFB09B (Provide responsible service  
 of alcohol) from the Hospitality (THH02) training package  
 endorsed by ANTA.
- ‘(2) However, subsection (1) applies to a particular statement of  
 attainment mentioned in the subsection only for 3 years after  
 it was given to the person.
- ‘(3) In this section—
- ANTA* means the Australian National Training Authority  
 established under the *Australian National Training Authority  
 Act 1992* (Cwlth).
- registered training organisation* means a registered training  
 organisation under the *Vocational Education, Training and  
 Employment Act 2000*.
- statement of attainment* means a statement of attainment  
 under the *Vocational Education, Training and Employment  
 Act 2000*.
- ‘275 When particular conditions under pt 5, div 6 apply**
- ‘(1) A condition mentioned in a following section does not apply  
 to a licence or permit until 30 days after the commencement—
- (a) section 142AG(c)(i) or (ii) or (d);
- (b) section 142AK(1)(a) or (b).
- ‘(2) The condition mentioned in section 142AK(1)(c) does not  
 apply to a licence or permit, in relation to a person who is a  
 member of staff of the licensed premises or premises to which  
 the permit relates on the commencement, until 30 days after  
 the commencement.
- ‘(3) This section applies despite part 5, division 6.’.

<b>Part 3</b>	<b>Amendment of Liquor Amendment Act 2005</b>	1 2
<b>Clause 37</b>	<b>Act amended in pt 3</b>	3
	This part amends the <i>Liquor Amendment Act 2005</i> .	4
<b>Clause 38</b>	<b>Amendment of s 8 (Omission of provisions relating to the lock out for the Brisbane City Council area)</b>	5 6
	Section 8(1)—	7
	<i>omit, insert—</i>	8
	‘(1) Section 4, definition <i>trading period—</i>	9
	<i>omit, insert—</i>	10
	<i>trading period</i> , for part 5, division 6, see section 142AD.’	11
<b>Part 4</b>	<b>Amendment of Body Corporate and Community Management Act 1997</b>	12 13 14
<b>Clause 39</b>	<b>Act amended in pt 4</b>	15
	This part amends the <i>Body Corporate and Community Management Act 1997</i> .	16 17
<b>Clause 40</b>	<b>Insertion of new ch 5, pt 1A</b>	18
	Chapter 5, before part 1—	19
	<i>insert—</i>	20
<b>‘Part 1A</b>	<b>Preliminary</b>	21
<b>‘205A</b>	<b>Definitions for ch 5</b>	22
	‘In this chapter—	23

*Liquor and Other Acts Amendment Bill 2005*

<b><i>attach</i></b> , in relation to an information sheet and a contract, means attach in a secure way so that the information sheet and the contract appear to be a single document.	1 2 3
<i>Examples of ways an information sheet may be attached to a contract—</i>	4
• stapling	5
• binding	6
<b><i>disclosure statement</i></b> means—	7
(a) for an existing lot—a statement complying with section 206(2) to (4); or	8 9
(b) for a proposed lot—a statement complying with section 213(2) to (4).	10 11
<b><i>electronic communication</i></b> see the <i>Electronic Transactions (Queensland) Act 2001</i> , schedule 2.	12 13
<b><i>residential property</i></b> see the <i>Property Agents and Motor Dealers Act 2000</i> , section 17.	14 15
<b><i>warning statement</i></b> see the <i>Property Agents and Motor Dealers Act 2000</i> , section 364.	16 17

<b>‘205B Relationship with Electronic Transactions (Queensland) Act</b>	18 19
‘To remove any doubt, it is declared that the use of electronic communication under this chapter is subject to the <i>Electronic Transactions (Queensland) Act 2001</i> .’	20 21 22

<b>Clause 41 Amendment of s 206 (Statement to be given by seller to buyer)</b>	23 24
(1) Section 206, heading, ‘Statement’— <i>omit, insert—</i> <b>‘Information’</b> .	25 26 27
(2) Section 206(1), from ‘a statement’— <i>omit, insert—</i> ‘a disclosure statement.’	28 29 30
(3) Section 206(2), ‘The statement’—	31

*Liquor and Other Acts Amendment Bill 2005*

*omit, insert—* 1

‘The disclosure statement’. 2

(4) Section 206(3), (4) and (8), ‘statement’— 3

*omit, insert—* 4

‘disclosure statement’. 5

(5) Section 206(5) and (6)— 6

*omit, insert—* 7

‘(5) If the lot the subject of the contract is not residential property, the seller must give the buyer an information sheet (the ***information sheet***) in the approved form with the contract in a way mentioned in section 206A. 8  
9  
10  
11

‘(6) If the lot the subject of the contract is residential property, the seller must ensure that an information sheet (the ***information sheet***) in the approved form and a warning statement are given as required under the *Property Agents and Motor Dealers Act 2000*, section 366, 366A or 366B.’. 12  
13  
14  
15  
16

(6) Section 206(7)— 17

*omit, insert—* 18

‘(7) If the contract has not already been settled, the buyer may cancel the contract if— 19  
20

(a) the seller has not complied with subsection (1); or 21

(b) the seller has not complied with subsection (5) or (6), whichever is applicable.’. 22  
23

(7) Section 206(9)— 24

*omit.* 25

**Clause 42 Insertion of new s 206A** 26

After section 206— 27

*insert—* 28

**‘206A How the information sheet must be given for s 206(5)** 29

‘(1) This section states the ways the information sheet must be given for section 206(5). 30  
31

*Liquor and Other Acts Amendment Bill 2005*

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

<b>Clause 43</b>	<b>Amendment of s 207 (Contents of contract)</b>	18
	Section 207(a), ‘statement’—	19
	<i>omit, insert</i> —	20
	‘disclosure statement’.	21
<b>Clause 44</b>	<b>Amendment of s 208 (Buyer may rely on information)</b>	22
	Section 208, ‘statement’—	23
	<i>omit, insert</i> —	24
	‘disclosure statement’.	25
<b>Clause 45</b>	<b>Amendment of s 209 (Cancelling contract for inaccuracy of statement)</b>	26
	(1) Section 209, ‘statement’—	27
	<i>omit, insert</i> —	28
	‘disclosure statement’.	29
		30

- (2) Section 209(1)(b)(i), ‘statement’s’— 1
- omit, insert*— 2
- ‘disclosure statement’s’. 3

**Clause 46      Amendment of s 213 (Statement to be given by seller to buyer)** 4  
5

- (1) Section 213, heading, ‘Statement’— 6
- omit, insert*— 7
- ‘Information’**. 8
- (2) Section 213(1), from ‘a statement’— 9
- omit, insert*— 10
- ‘a disclosure statement.’. 11
- (3) Section 213(2), (3), (4) and (7), ‘first statement’— 12
- omit, insert*— 13
- ‘disclosure statement’. 14
- (4) Section 213(5)— 15
- omit, insert*— 16
- ‘(5) If the proposed lot the subject of the contract is not residential 17
- property, the seller must give the buyer an information sheet 18
- (the *information sheet*) in the approved form with the 19
- contract in a way mentioned in section 213A. 20
- ‘(5A) If the proposed lot the subject of the contract is residential 21
- property, the seller must ensure that an information sheet (the 22
- information sheet*) in the approved form and a warning 23
- statement are given as required under the *Property Agents and 24*
- Motor Dealers Act 2000*, section 366, 366A or 366B.’. 25
- (5) Section 213(6)— 26
- omit, insert*— 27
- ‘(6) If the contract has not already been settled, the buyer may 28
- cancel the contract if— 29
- (a) the seller has not complied with subsection (1); or 30

*Liquor and Other Acts Amendment Bill 2005*

(b) the seller has not complied with subsection (5) or (5A),  
whichever is applicable.’. 1  
2

(6) Section 213(8)— 3  
*omit.* 4

**Clause 47 Insertion of new section 213A** 5

After section 213— 6  
*insert—* 7

**‘213A How the information sheet must be given for s 213(5)** 8

‘(1) This section states the ways the information sheet must be  
given for section 213(5). 9  
10

‘(2) If the seller gives the buyer the information sheet with the  
contract by fax, the seller must fax the documents in the  
following order— 11  
12  
13

(a) a single cover page; 14

(b) the information sheet; 15

(c) the contract; 16

(d) any other documents. 17

‘(3) If the seller gives the buyer the information sheet with the  
contract by electronic communication other than fax, the  
seller must give the information sheet and the contract as a  
single document that is protected against unauthorised  
change, with the information sheet appearing as the first or top  
page of the document. 18  
19  
20  
21  
22  
23

‘(4) If the seller gives the buyer the information sheet with the  
contract in a way other than by electronic communication, the  
seller must attach the information sheet to the contract as its  
first or top page.’. 24  
25  
26  
27

**Clause 48 Amendment of s 214 (Variation of first statement by  
further statement)** 28  
29

Section 214, ‘first statement’— 30

*omit, insert—* 31

‘disclosure statement’. 32

*Liquor and Other Acts Amendment Bill 2005*

<b>Clause 49</b>	<b>Amendment of s 215 (Statements and information sheet form part of contract)</b>	1 2
	Section 215(1), ‘first statement’—	3
	<i>omit, insert</i> —	4
	‘disclosure statement’.	5
<b>Clause 50</b>	<b>Amendment of s 216 (Buyer may rely on information)</b>	6
	Section 216, ‘first statement’—	7
	<i>omit, insert</i> —	8
	‘disclosure statement’.	9
<b>Clause 51</b>	<b>Amendment of s 217 (Cancelling contract for inaccuracy of statement)</b>	10 11
	Section 217(b)(iv), ‘first statement’—	12
	<i>omit, insert</i> —	13
	‘disclosure statement’.	14
<b>Clause 52</b>	<b>Amendment of sch 6 (Dictionary)</b>	15
	Schedule 6—	16
	<i>insert</i> —	17
	‘ <i>attach</i> , for chapter 5, see section 205A.	18
	<i>disclosure statement</i> , for chapter 5, see section 205A.	19
	<i>electronic communication</i> , for chapter 5, see section 205A.	20
	<i>residential property</i> , for chapter 5, see section 205A.	21
	<i>warning statement</i> , for chapter 5, see section 205A.’	22



<b>Part 5</b>	<b>Amendment of Property Agents and Motor Dealers Act 2000</b>	1 2
<b>Clause 53</b>	<b>Act amended in pt 5</b>	3
	This part amends the <i>Property Agents and Motor Dealers Act 2000</i> .	4 5
<b>Clause 54</b>	<b>Amendment of s 363 (Purposes of ch 11)</b>	6
	Section 363(b)—	7
	<i>omit, insert—</i>	8
	‘(b) to require all proposed relevant contracts or relevant contracts for the sale of residential property in Queensland to include consumer protection information, including a statement that a relevant contract is subject to a cooling-off period; and’.	9 10 11 12 13
<b>Clause 55</b>	<b>Amendment of s 364 (Definitions for ch 11)</b>	14
	(1) Section 364, definition <i>warning statement—</i>	15
	<i>omit.</i>	16
	(2) Section 364—	17
	<i>insert—</i>	18
	‘ <b>attached</b> , in relation to a warning statement, any information sheet and a contract, means attached in a secure way so that the warning statement, any information sheet and the contract appear to be a single document.	19 20 21 22
	<i>Examples of ways a warning statement and any information sheet may be attached to a contract—</i>	23 24
	• stapling	25
	• binding	26
	<b>disclosure statement</b> see the <i>Body Corporate and Community Management Act 1997</i> , section 205A.	27 28
	<b>electronic communication</b> see the <i>Electronic Transactions (Queensland) Act 2001</i> , schedule 2.	29 30

*Liquor and Other Acts Amendment Bill 2005*

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

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

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

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

**Clause 56 Insertion of new s 364A** 16

After section 364— 17

*insert—* 18

**‘364A Relationship with Electronic Transactions (Queensland) Act** 19  
20

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

**Clause 57 Amendment of s 365 (When parties are bound under a relevant contract)** 24  
25

- (1) Section 365(1) and (2)— 26

*omit, insert—* 27

- ‘(1) The buyer and the seller under a relevant contract are bound by the relevant contract when— 28  
29

- (a) for a relevant contract, other than a relevant contract relating to a unit sale—the buyer or the buyer’s agent receives the warning statement and the relevant contract 30  
31  
32

*Liquor and Other Acts Amendment Bill 2005*

- from the seller or the seller's agent in a way mentioned  
in subsection (2); or 1  
2
- (b) for a relevant contract relating to a unit sale—the buyer  
or the buyer's agent receives the warning statement, the  
information sheet and the relevant contract in a way  
mentioned in subsection (2A). 3  
4  
5  
6
- Note—* 7
- See the *Electronic Transactions (Queensland) Act 2001*, section 11 for a  
requirement about consent and section 24 for rules about when an  
electronic communication is received. 8  
9  
10
- (2) For a relevant contract, other than a relevant contract relating  
to a unit sale, the ways are— 11  
12
- (a) by fax, if only the documents mentioned in  
subparagraphs (i), (ii) and (iii) are received and they are  
sent in the following order— 13  
14  
15
- (i) a single cover page that includes a clear statement  
directing the attention of the buyer or the buyer's  
agent to the warning statement and the relevant  
contract; 16  
17  
18  
19
- (ii) the warning statement; 20
- (iii) the relevant contract; and 21
- (b) by electronic communication other than fax, if the  
electronic communication contains only— 22  
23
- (i) a message that includes a clear statement directing  
the attention of the buyer or the buyer's agent to  
the warning statement and the relevant contract;  
and 24  
25  
26  
27
- (ii) the warning statement and the relevant contract as  
a single document that is protected against  
unauthorised change, with the warning statement  
appearing as the first or top page of the document;  
and 28  
29  
30  
31  
32
- Example of electronic communication—* 33
- email 34
- (c) by being handed or otherwise receiving the documents  
mentioned in paragraph (a)(ii) and (iii) other than by  
electronic communication, if— 35  
36  
37

*Liquor and Other Acts Amendment Bill 2005*

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- |       |   |  |
|-------|---|--|
| (i)   | the warning statement is attached to the relevant contract and appears as the first or top page; and  | 1<br>2                                 |
| (ii)  | the seller or the seller's agent directs the attention of the buyer or the buyer's agent to the warning statement and the relevant contract.  | 3<br>4<br>5                            |
|       | <i>Example of receipt other than by electronic communication—</i>   | 6                                      |
|       | • post  | 7                                      |
|       | <i>Examples of how attention may be directed—</i>   | 8                                      |
|       | • by oral advice  | 9                                      |
|       | • by including a paragraph in an accompanying letter  | 10                                     |
| (2A)  | For a relevant contract relating to a unit sale, the ways are—  | 11                                     |
| (a)   | by fax, if only the documents mentioned in subparagraphs (i), (ii), (iii) and (iv) are received and they are sent in the following order—   | 12<br>13<br>14                         |
| (i)   | a single cover page that includes a clear statement directing the attention of the buyer or the buyer's agent to the warning statement, the information sheet and the relevant contract;  | 15<br>16<br>17<br>18                   |
| (ii)  | the warning statement;  | 19                                     |
| (iii) | the information sheet;  | 20                                     |
| (iv)  | the relevant contract; and  | 21                                     |
| (b)   | by electronic communication other than fax, if the electronic communication contains only—  | 22<br>23                               |
| (i)   | a message that includes a clear statement directing the attention of the buyer or the buyer's agent to the warning statement, the information sheet and the relevant contract; and  | 24<br>25<br>26<br>27                   |
| (ii)  | the warning statement, the information sheet and the relevant contract as a single document that is protected against unauthorised change, with the warning statement appearing as the first or top page of the document and the information sheet appearing immediately after the warning statement; and | 28<br>29<br>30<br>31<br>32<br>33<br>34 |

*Liquor and Other Acts Amendment Bill 2005*

	<i>Example of electronic communication—</i>	1
	• email	2
(c)	by being handed or otherwise receiving the documents mentioned in paragraph (a)(ii), (iii) and (iv) other than by electronic communication, if—	3 4 5
	(i) the warning statement and the information sheet are attached to the relevant contract with the warning statement appearing as the first or top page of the document and the information sheet appearing immediately after the warning statement; and	6 7 8 9 10 11
	(ii) the seller or the seller’s agent directs the attention of the buyer or the buyer’s agent to the warning statement, the information sheet and the relevant contract.	12 13 14 15
	<i>Example of receipt other than by electronic communication—</i>	16 17
	• post	18
	<i>Examples of how attention may be directed—</i>	19
	• by oral advice	20
	• by including a paragraph in an accompanying letter’.	21
(2)	Section 365(3) and (5), ‘by the contract’—	22
	<i>omit, insert—</i>	23
	‘by the relevant contract’.	24
(3)	Section 365(6), definition <i>buyer’s agent</i> , ‘the contract’—	25
	<i>omit, insert—</i>	26
	‘the relevant contract’.	27
<b>Clause 58</b>	<b>Amendment of s 365A (Buyer to receive copy of property valuation buyer pays for)</b>	28 29
	Section 365A(1)(a), ‘the contract’—	30
	<i>omit, insert—</i>	31
	‘the relevant contract’.	32

<b>Clause 59</b>	<b>Amendment of s 365B (Lawyer's disclosure to buyer about independence)</b>	1 2
	Section 365B(1), after 'a relevant contract'—	3
	<i>insert</i> —	4
	'or a proposed relevant contract'.	5
<b>Clause 60</b>	<b>Replacement of ch 11, pt 2</b>	6
	Chapter 11, part 2—	7
	<i>omit, insert</i> —	8
<b>'Part 2</b>	<b>Warning statements</b>	9
<b>'366</b>	<b>Warning statement if proposed relevant contract is faxed</b>	10 11
	'(1) This section applies if a proposed relevant contract is faxed to a proposed buyer or the proposed buyer's agent for signing, whether or not the proposed relevant contract has been signed by the seller.	12 13 14 15
	'(2) If the proposed relevant contract does not relate to a unit sale, the seller or the seller's agent—	16 17
	(a) must, when faxing the proposed relevant contract, only fax the documents mentioned in paragraph (b)(i) and (ii) with it; and	18 19 20
	(b) must fax the documents in the following order—	21
	(i) a single cover page that includes a clear statement directing the proposed buyer's attention to the warning statement and the proposed relevant contract;	22 23 24 25
	(ii) the warning statement;	26
	(iii) the proposed relevant contract.	27
	'(3) If the proposed relevant contract does relate to a unit sale, the seller or the seller's agent—	28 29
	(a) must, when faxing the proposed relevant contract, only fax the documents mentioned in paragraph (b)(i), (ii), (iii) and (v) with it; and	30 31 32

*Liquor and Other Acts Amendment Bill 2005*

(b) must fax the documents in the following order—	1
(i) a single cover page that includes a clear statement directing the proposed buyer's attention to the warning statement, the information sheet, the proposed relevant contract and, if a disclosure statement has not already been given to the buyer or to the buyer's agent, the disclosure statement;	2 3 4 5 6 7
(ii) the warning statement;	8
(iii) the information sheet;	9
(iv) the proposed relevant contract;	10
(v) if the disclosure statement has not already been given to the buyer or the buyer's agent, the disclosure statement.	11 12 13
‘(4) If subsection (2) or (3) is not complied with—	14
(a) if the seller faxed the documents—the seller; or	15
(b) if the seller's agent faxed the documents—the seller's agent;	16 17
commits an offence.	18
Maximum penalty—200 penalty units.	19
‘(5) It is a defence to a prosecution for an offence against subsection (4) for the seller or the seller's agent to prove that the seller or the seller's agent gave notice to the proposed buyer or the proposed buyer's agent under section 366C.	20 21 22 23
<b>‘366A Warning statement if proposed relevant contract is given by electronic communication other than fax</b>	24 25
‘(1) This section applies if a proposed relevant contract is given to a proposed buyer or the proposed buyer's agent by electronic communication, other than fax, for signing, whether or not the proposed relevant contract has been signed by the seller.	26 27 28 29
‘(2) If the proposed relevant contract does not relate to a unit sale, the seller or the seller's agent must ensure that the electronic communication contains only—	30 31 32

*Liquor and Other Acts Amendment Bill 2005*

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



<b>‘366B Warning statement if proposed relevant contract is given in another way</b>	1
	2
‘(1) This section applies if a proposed relevant contract is given to a proposed buyer or the proposed buyer’s agent for signing in a way other than by electronic communication.	3 4 5
‘(2) The seller or the seller’s agent must ensure that the proposed relevant contract has attached a warning statement and, if the proposed relevant contract relates to a unit sale, an information sheet with the warning statement appearing as its first or top page and any information sheet appearing immediately after the warning statement.	6 7 8 9 10 11
‘(3) If the proposed relevant contract does not comply with subsection (2)—	12 13
(a) if the seller gave the proposed relevant contract—the seller; or	14 15
(b) if the seller’s agent gave the proposed relevant contract—the seller’s agent;	16 17
commits an offence.	18
Maximum penalty—200 penalty units.	19
‘(4) If the seller or the seller’s agent hands the proposed relevant contract to the proposed buyer, the seller or the seller’s agent must direct the proposed buyer’s attention to the warning statement and, if the proposed relevant contract relates to a unit sale, the information sheet and any disclosure statement.	20 21 22 23 24
<i>Note—</i>	25
A contravention of this subsection is not an offence. Under section 366D(3), in the circumstances of this subsection a warning statement is of no effect unless it is signed by the buyer.	26 27 28
‘(5) Subsection (6) applies if the seller or the seller’s agent gives the proposed relevant contract to the proposed buyer or the proposed buyer’s agent in a way other than by handing the proposed contract to the proposed buyer or the proposed buyer’s agent.	29 30 31 32 33
‘(6) The seller or the seller’s agent must include with the proposed relevant contract a statement directing the proposed buyer’s attention to the warning statement and, if the proposed	34 35 36

relevant contract relates to a unit sale, the information sheet and any disclosure statement.	1 2
Maximum penalty—200 penalty units.	3
‘(7) It is a defence to a prosecution for an offence against subsection (3) or (6) for the seller or the seller’s agent to prove that the seller or the seller’s agent gave notice to the proposed buyer or the proposed buyer’s agent under section 366C.	4 5 6 7
<b>‘366C Error in process may be corrected before relevant contract is signed</b>	8 9
‘(1) This section applies if, before a proposed relevant contract has been signed by both the seller and the proposed buyer—	10 11
(a) the seller or the seller’s agent fails to comply with a requirement under this part for the proposed relevant contract; or	12 13 14
(b) the use of an electronic transaction for the proposed relevant contract does not comply with the <i>Electronic Transactions (Queensland) Act 2001</i> .	15 16 17
<i>Note—</i>	18
See the <i>Electronic Transactions (Queensland) Act 2001</i> , section 11 for a requirement about consent and section 14 for rules about requirements for signatures when using electronic communications.	19 20 21 22
‘(2) For the defence mentioned in section 366(5), 366A(6) or 366B(7), the seller or the seller’s agent may notify the proposed buyer or the proposed buyer’s agent of the failure to comply at any time before the proposed relevant contract has been signed by both the seller and the proposed buyer.	23 24 25 26 27
‘(3) The notice must identify the failure to comply and—	28
(a) state that the proposed relevant contract is withdrawn; and	29 30
(b) advise whether new documents complying with the requirements of this part will be given to the proposed buyer or the proposed buyer’s agent.	31 32 33

<b>‘366D Content and effectiveness of warning statements</b>	1
‘(1) The warning statement for a proposed relevant contract or relevant contract must include the following information—	2 3
(a) the relevant contract is subject to a cooling-off period;	4
(b) when the cooling-off period starts and ends;	5
(c) a recommendation that the buyer or proposed buyer seek independent legal advice about the proposed relevant contract or relevant contract before the cooling-off period ends;	6 7 8 9
(d) what will happen if the buyer terminates the relevant contract before the cooling-off period ends;	10 11
(e) the amount or the percentage of the purchase price that will not be refunded from the deposit if the relevant contract is terminated before the cooling-off period ends;	12 13 14 15
(f) a recommendation that the buyer or proposed buyer seek an independent valuation of the property before the cooling-off period ends;	16 17 18
(g) if the seller under the proposed relevant contract or relevant contract is a property developer, that a person who suffers financial loss because of, or arising out of, the person’s dealings with a property developer or the property developer’s employees can not make a claim against the claim fund.	19 20 21 22 23 24
‘(2) A statement purporting to be a warning statement is of no effect unless the words on the statement are presented in substantially the same way as the words are presented on the approved form.	25 26 27 28
<i>Example—</i>	29
If words on the approved form are presented in 14 point font, the words on the warning statement must also be presented in 14 point font.	30 31
‘(3) If the seller or the seller’s agent hands a proposed relevant contract to the buyer for signing, a warning statement is of no effect unless the buyer signs the warning statement before signing the proposed relevant contract.	32 33 34 35
‘(4) If a proposed relevant contract is given to the buyer for signing and subsection (3) does not apply, a warning	36 37

statement is of no effect unless the buyer signs the warning statement.	1 2
‘(5) For subsection (3), the buyer’s signature on the warning statement is taken to be proof that the buyer signed the warning statement before signing the proposed relevant contract unless the contrary is proved.	3 4 5 6
<b>‘367 Buyer’s rights if a warning statement is not given or is not effective</b>	7 8
‘(1) This section applies if—	9
(a) a warning statement requirement for a proposed relevant contract is not complied with and notice is not given under section 366C; or	10 11 12
(b) a warning statement is of no effect under section 366D(2), (3) or (4).	13 14
‘(2) The buyer under a relevant contract may terminate the relevant contract at any time before the relevant contract settles by giving signed, dated notice of termination to the seller or the seller’s agent.	15 16 17 18
‘(3) The notice of termination must state that the relevant contract is terminated under this section.	19 20
‘(4) If the relevant contract is terminated, the seller must, within 14 days after the termination, refund any deposit paid under the relevant contract to the buyer.	21 22 23
Maximum penalty—200 penalty units.	24
‘(5) If the seller, acting under subsection (4), instructs a licensee acting for the seller to refund the deposit paid under the relevant contract to the buyer, the licensee must immediately refund the deposit to the buyer.	25 26 27 28
Maximum penalty—200 penalty units.	29
‘(6) If the relevant contract is terminated, the seller and the person acting for the seller who prepared the relevant contract are liable to the buyer for the buyer’s reasonable legal and other expenses incurred by the buyer in relation to the relevant contract after the buyer signed the relevant contract.	30 31 32 33 34

- ‘(7) If more than 1 person is liable to reimburse the buyer, the liability of the persons is joint and several. 1  
2
- ‘(8) An amount payable to the buyer under this section is recoverable as a debt. 3  
4
- ‘(9) In this section— 5
- warning statement requirement*, for a proposed relevant contract, means— 6  
7
- (a) if the proposed relevant contract is sent by fax—a requirement to comply with section 366(2) or (3); or 8  
9
- (b) if the proposed relevant contract is given by electronic communication other than fax—a requirement to comply with section 366A(2) or (3); or 10  
11  
12
- (c) if the proposed relevant contract is given in a way other than by electronic communication—a requirement to comply with section 366B(2), (4) or (6).’ 13  
14  
15

**Clause 61 Amendment of s 368 (Terminating contract during cooling-off period) 16  
17**

- (1) Section 368, heading, ‘contract’— 18
- omit, insert— 19*
- ‘**relevant contract**’. 20
- (2) Section 368, ‘the contract’— 21
- omit, insert— 22*
- ‘the relevant contract’. 23

**Clause 62 Amendment of s 369 (Waiving cooling-off period) 24**

- (1) Section 369(1), (2) and (3)(c)(i), ‘the contract’— 25
- omit, insert— 26*
- ‘the relevant contract’. 27
- (2) Section 369(1), ‘proposed contract’— 28
- omit, insert— 29*
- ‘proposed relevant contract’. 30

<b>Clause 63</b>	<b>Amendment of s 370 (Shortening cooling-off period)</b>	1
	Section 370(1) and (2)(c)(i), ‘the contract’—	2
	<i>omit, insert</i> —	3
	‘the relevant contract’.	4
<b>Clause 64</b>	<b>Amendment of s 371 (Application of pt 4)</b>	5
	Section 371, ‘the contract’—	6
	<i>omit, insert</i> —	7
	‘the relevant contract’.	8
<b>Clause 65</b>	<b>Amendment of sch 2 (Dictionary)</b>	9
	Schedule 2—	10
	<i>insert</i> —	11
	‘ <i>attached</i> , for chapter 11, see section 364.	12
	<i>disclosure statement</i> , for chapter 11, see section 364.	13
	<i>electronic communication</i> , for chapter 11, see section 364.	14
	<i>information sheet</i> , for chapter 11, see section 364.	15
	<i>unit sale</i> , for chapter 11, see section 364.’.	16