



Liquor Act 1992

Liquor Regulation 2002

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Queensland

Liquor Regulation 2002

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Liquor Regulation 2002

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Liquor Regulation 2002*.

2 Commencement

This regulation commences on 1 September 2002.

3 Definitions

The dictionary in schedule 19 defines particular words used in this regulation.

Part 1A Safe night precincts

3A Exempt classes of licensees—Act, s 173NB(2)

For section 173NB(2) of the Act, the holders of each of the following are prescribed as an exempt class of licensees—

- (a) a commercial hotel licence if the only part of the licensed premises located in the safe night precinct is a detached bottle shop;
- (b) a community other licence;
- (c) a producer/wholesaler licence;
- (d) a subsidiary off-premises licence;
- (e) a subsidiary on-premises licence if both of the following apply—
 - (i) the licensed premises are not used primarily as a bar or nightclub;

- (ii) the licensee does not have approval to sell liquor at the licensed premises after 12 midnight on a regular basis.

3B Safe night precincts—Act, s 173NC(1)

- (1) For section 173NC(1) of the Act, each of the following is prescribed as a safe night precinct—
 - (a) the area marked as a safe night precinct on the map of the Airlie Beach CBD in schedule 2 (the *Airlie Beach CBD safe night precinct*);
 - (b) the area marked as a safe night precinct on the map of the Brisbane CBD in schedule 3 (the *Brisbane CBD safe night precinct*);
 - (c) the area marked as a safe night precinct on the map of the Broadbeach CBD in schedule 4 (the *Broadbeach CBD safe night precinct*);
 - (d) the area marked as a safe night precinct on the map of the Bundaberg CBD in schedule 5 (the *Bundaberg CBD safe night precinct*);
 - (e) the area marked as a safe night precinct on the map of the Cairns CBD in schedule 6 (the *Cairns CBD safe night precinct*);
 - (f) the area marked as a safe night precinct on the map of Fortitude Valley in schedule 7 (the *Fortitude Valley safe night precinct*);
 - (g) the area marked as a safe night precinct on the map of the Gladstone CBD in schedule 8 (the *Gladstone CBD safe night precinct*);
 - (h) the area marked as a safe night precinct on the map of inner west Brisbane in schedule 9 (the *Inner West Brisbane safe night precinct*);
 - (i) the area marked as a safe night precinct on the map of the Ipswich CBD in schedule 10 (the *Ipswich CBD safe night precinct*);

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- (j) the area marked as a safe night precinct on the map of the Mackay CBD in schedule 11 (the ***Mackay CBD safe night precinct***);
 - (k) the area marked as a safe night precinct on the map of the Rockhampton CBD in schedule 12 (the ***Rockhampton CBD safe night precinct***);
 - (l) the areas marked as a safe night precinct on the map of Maroochydore in schedule 13, part 1, the map of Mooloolaba in schedule 13, part 2 and the map of Caloundra in schedule 13, part 3 (together the ***Sunshine Coast safe night precinct***);
 - (m) the area marked as a safe night precinct on the map of the Surfers Paradise CBD in schedule 14 (the ***Surfers Paradise CBD safe night precinct***);
 - (n) the area marked as a safe night precinct on the map of the Toowoomba CBD in schedule 15 (the ***Toowoomba CBD safe night precinct***);
 - (o) the area marked as a safe night precinct on the map of the Townsville CBD in schedule 16 (the ***Townsville CBD safe night precinct***).

Editor's note—

Copies of the maps mentioned in subsection (1) can be accessed on the Queensland Government website.

- (2) If the boundary of a safe night precinct on a map in a schedule mentioned in subsection (1) is shown to run along a road casement, the following apply—
 - (a) if the road casement is inside the boundary of the safe night precinct—any footpath forming part of the road casement is also inside the boundary of the safe night precinct;
 - (b) if the road casement is outside the boundary of the safe night precinct—any footpath forming part of the road casement is also outside the boundary of the safe night precinct.

- (3) Also, subsections (4) and (5) apply if the boundary of a safe night precinct on a map in a schedule mentioned in subsection (1) is shown to end—
- (a) in, or at the edge of, a waterway; or
 - (b) in an ocean; or
 - (c) on a beach.
- (4) The boundary of the safe night precinct is taken to be the low-water mark, during ordinary spring tides, at the location mentioned in subsection (3).
- (5) If part of a relevant public structure is built on or over water that is inside the boundary of a safe night precinct, the entire structure is taken to be inside the boundary of the precinct, regardless of the structure's position in relation to the low-water mark.
- (6) In this section—

boundary, of a safe night precinct, includes part of the boundary of the precinct.

footpath means an area open to the public that is designated for, or has as 1 of its main uses, use by pedestrians.

relevant public structure means a structure that may be used by the public in connection with a waterway or ocean, but does not include a bridge.

Examples of a relevant public structure—

ferry terminal, jetty, walkway

3C Local boards—Act, s 173NC(2)

For section 173NC(2) of the Act, each incorporated association mentioned in column 1 of schedule 17 is prescribed to be the local board for the safe night precinct mentioned in column 2 of the schedule opposite the incorporated association.

3D Name of local board

- (1) The name of a local board for a safe night precinct—
 - (a) must include—
 - (i) the words ‘safe night’ and ‘precinct’; and
 - (ii) a reference to the area of the safe night precinct for which the board is prescribed; and
 - (b) must not include words suggesting the local board has a purpose other than as the local board for the safe night precinct.
- (2) However, the name of a local board need not include the words ‘local board’.

Example of a name of a local board—

Safe Night Sunshine Coast Precinct Inc

Note—

See the *Associations Incorporation Act 1981*, part 4 for other provisions that apply in relation to the name of a local board.

3E Prescribed rules—Act, s 173NQ(1)

For section 173NQ(1) of the Act, the rules stated in schedule 18 are prescribed as rules for a local board for a safe night precinct.

Part 1B ID scanning

3F Exempt class—Act, s 173EE

For section 173EE of the Act, definition *exempt class*, the following classes of licence are prescribed—

- (a) a commercial special facility licence if the principal activity of the business conducted under the licence is—
 - (i) a casino; or
 - (ii) a convention centre;

- (b) a subsidiary on-premises licence (meals);
- (c) a subsidiary on-premises licence if the principal activity of the business conducted under the licence is the provision of accommodation.

3FA Prescribed conditions of licence for regulated premises—Act, s 58A

- (1) For section 58A of the Act, each of subsections (2) to (7) prescribes a condition of a licence for regulated premises.
- (2) The licensee must ensure that at all times while there is approved ID scanning equipment on the premises—
 - (a) the equipment is physically secure; and
 - (b) reasonable measures are taken to ensure there is no unauthorised physical or electronic access to the equipment.
- (3) The licensee must immediately give the licensee’s approved operator written notice of any incident the licensee becomes aware of that impacts, or could impact, on the integrity, security or performance of the approved ID scanning equipment that is on the premises.
- (4) The licensee must ensure the service or repair of approved ID scanning equipment that is on the premises is done only by or through the licensee’s approved operator.
- (5) The licensee must prepare, implement and keep up to date a privacy management plan stating how the licensee will comply with the *Privacy Act 1988* (Cwlth) in relation to the protection of personal information recorded by an approved ID scanner operated in the premises.
- (6) The licensee must—
 - (a) consider any written breach of privacy complaint by a patron, received by or for the licensee, for example, by an employee of the licensee or a crowd controller engaged by the licensee; and

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- (b) give the commissioner written notice of the complaint, that also outlines the complaint, within 14 days after the complaint is received by or for the licensee.
- (7) A regulated car park for the premises is declared not to be regulated premises for part 6AA, division 2 of the Act, other than on the days, and during the hours, stated in a car park approval granted in relation to the regulated car park.
- (8) In this section—
- approved ID scanning equipment*** means—
- (a) an approved ID scanner; or
- (b) equipment mentioned in section 173EE of the Act, definition *ID scanning system*, paragraph (b) that is part of an approved ID scanning system.

licensee's approved operator, in relation to approved ID scanning equipment, means the approved operator for the approved ID scanning system to which the equipment relates.

breach of privacy complaint means a complaint by a patron of the premises about an alleged breach of privacy, relating to the patron, by the licensee or an employee or agent of the licensee.

Part 1C Identified organisations

3G Entities declared to be identified organisations

- (1) For section 173EAA(1) of the Act, the following entities are declared to be identified organisations—
- the motorcycle club known as the Bandidos
 - the motorcycle club known as the Black Uhlans
 - the motorcycle club known as the Coffin Cheaters
 - the motorcycle club known as the Comancheros
 - the motorcycle club known as the Finks

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- the motorcycle club known as the Fourth Reich
 - the motorcycle club known as the Gladiators
 - the motorcycle club known as the Gypsy Jokers
 - the motorcycle club known as the Hells Angels
 - the motorcycle club known as the Highway 61
 - the motorcycle club known as the Iron Horsemen
 - the motorcycle club known as the Life and Death
 - the motorcycle club known as the Lone Wolf
 - the motorcycle club known as the Mobshitters
 - the motorcycle club known as the Mongols
 - the motorcycle club known as the Muslim Brotherhood Movement
 - the motorcycle club known as the Nomads
 - the motorcycle club known as the Notorious
 - the motorcycle club known as the Odins Warriors
 - the motorcycle club known as the Outcasts
 - the motorcycle club known as the Outlaws
 - the motorcycle club known as the Phoenix
 - the motorcycle club known as the Rebels
 - the motorcycle club known as the Red Devils
 - the motorcycle club known as the Renegades
 - the motorcycle club known as Satudarah
 - the motorcycle club known as the Scorpions
- (2) Despite the *Acts Interpretation Act 1954*, section 35, a reference to an entity in subsection (1) includes all state, national and international chapters of the entity.

Part 2 Requirements relating to various applications

4 Particulars to accompany applications relating to licences—Act, s 105(1)(c)

- (1) Each application for a licence must be accompanied by the following particulars—
 - (a) a plan of the premises to which the application relates drawn to a scale of 1:100 showing the general layout of the premises;
 - (b) a plan showing the location of the premises to which the application relates in relation to adjacent premises;
 - (c) for an applicant who is an individual, evidence, satisfactory to the commissioner, of the applicant's identity;
 - (d) evidence, satisfactory to the commissioner, that using the premises for the licence to which the application refers is permitted under the planning scheme of the relevant local government for the premises;
 - (e) evidence, satisfactory to the commissioner, that sanitary conveniences at the premises comply with the provisions of the Building Code of Australia relating to sanitary premises.
- (2) Each of the following applications must be accompanied by the particulars stated for the application—
 - (a) for an application for a commercial hotel licence, or a subsidiary on-premises licence, for which the principal activity of the business conducted under the licence is the provision of meals prepared, and served to be eaten, on the licensed premises—a typical menu of the meals;
 - (b) for an application for a licence other than a community club licence, a community other licence or a producer/wholesaler licence—a description of the

- general nature and character of the premises to which the application relates;
- (c) for an application for a licence relating to premises on land—
 - (i) a copy of the registered plan of survey for the land; and
 - (ii) a copy of the certificate of title for the land or other reasonable evidence, satisfactory to the commissioner, of the description of the land and identity of the registered owner or lessor of the land; and
 - (iii) a description of each proposed licensed area on the premises;
 - (d) for an application for a licence relating to premises where entertainment is to be provided—
 - (i) details of the type and nature of the entertainment; and
 - (ii) a written assessment about the expected acoustic qualities of the proposed premises;
 - (e) for an application for a transfer of a licence if the transferee is an individual—evidence, satisfactory to the commissioner, of the transferee’s identity;
 - (f) for an application for a transfer of a producer/wholesaler licence—a copy of the licensee’s transactions record for the period from the immediately preceding 1 July, or the day the licensee obtained the licence, whichever is later, to the day on which the application is made.
- (3) Despite subsection (2)(d), the commissioner may require an applicant for a licence to give the commissioner a report about the acoustic qualities of premises when the premises are completed if noise from any source is, or is likely to be made, at a level in excess of 75dB(C) fast response when measured about 3m from the source.
- (4) An assessment or report about the expected acoustic qualities, or acoustic qualities, of premises must—

- (a) be made by a person who has qualifications, training or experience in providing assessments or reports about the acoustic qualities of premises; and
 - (b) state the person's qualifications, training or experience.
- (5) In this section—
Building Code of Australia see the *Building Act 1975*, section 12.

5 Timing for making applications

- (1) An application for any of the following must be made at least 21 days before the day stated in the application as the day on which the approval, permit or variation is proposed to take effect—
- (a) a car park approval;
 - (b) a community liquor permit;
 - (c) a craft beer producer permit;
 - (d) an extended hours permit;
 - (e) a restricted liquor permit;
 - (f) a temporary variation of trading hours or licence conditions for 1 occasion or event.
- (2) An application for a commercial public event permit must be made at least 28 days before the day stated in the application as the day on which the permit is proposed to take effect.
- (3) An application for an adult entertainment permit for 1 occasion must be made at least 8 weeks before the day stated in the application as the day on which the permit is proposed to take effect.

Part 3 Detached bottle shops

7 Circumstances in which commissioner may approve premises as detached bottle shop

- (1) The commissioner may approve premises, as mentioned in section 60(1)(d) of the Act, only if—
 - (a) the applicant is the licensee of licensed premises (the *main licensed premises*); and
 - (b) the proposed detached bottle shop—
 - (i) is not more than 10km by road from the main licensed premises; and
 - (ii) has a floor area of not more than 150m²; and
 - (iii) does not have direct access from any other business premises; and
 - (iv) has direct access from a public place; and
 - (v) does not have a facility ordinarily known as a drive-in or drive through; and
 - (c) the applicant has no more than 2 detached bottle shops for the main licensed premises; and
 - (d) the applicant satisfies the commissioner that—
 - (i) conducting the proposed detached bottle shop on the premises is permitted under the planning scheme of the relevant local government for the premises; and
 - (ii) only the applicant has a right to occupy—
 - (A) if the detached bottle shop will occupy the entire premises—the premises; or
 - (B) if the detached bottle shop will occupy only part of the premises—the part of the premises; and
 - (iii) the same person or entity will have the financial benefit of the proposed detached bottle shop and

-
- the business conducted at the main licensed premises; and
- (iv) the applicant will conduct the proposed detached bottle shop under the same business name as the business conducted at the main licensed premises; and
 - (v) the licensee's principal place of business will be the main licensed premises.
- (2) For subsection (1)(b)(i), a proposed detached bottle shop is not more than 10km by road from the main licensed premises if either of the following distances is 10km or less—
- (a) the distance measured between—
 - (i) the place of egress by road from the land on which the main licensed premises is located that is closest to the proposed detached bottle shop; and
 - (ii) the place of ingress by road to the land on which the premises is located that is, or includes, the proposed detached bottle shop that is closest to the main licensed premises;
 - (b) the distance measured between—
 - (i) the place of egress by road from the land on which the premises is located that is, or includes, the proposed detached bottle shop that is closest to the main licensed premises; and
 - (ii) the place of ingress by road to the land on which the main licensed premises is located that is closest to the proposed detached bottle shop.
- (3) A distance mentioned in subsection (2) must be measured using the shortest route that may be taken driving a motor vehicle in compliance with the relevant laws of the State and local laws.
- (4) Subsection (1)(b)(i) does not apply if the applicant satisfies the commissioner that—
- (a) the proposed detached bottle shop will—

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- (i) be in a locality in which there is no licensed premises at which liquor is sold for consumption off the premises; and
 - (ii) primarily service the residents of the locality; and
- (b) because of the locality's population or projected population, the locality is not likely to attract the establishment of licensed premises other than a detached bottle shop.

Example of a locality for subsection (4)—

a small rural community more than 10km from the nearest premises from which takeaway liquor is sold to the public

- (5) Subsection (6) applies if the proposed detached bottle shop will occupy only a part of the premises and there is a condition in the applicant's tenancy agreement for the part of the premises that the owner of the premises will not grant anyone else the right to occupy another part of the premises as a detached bottle shop.
- (6) The applicant must satisfy the commissioner that the applicant did not ask the owner to include the condition in the agreement.

8 Obligation to conduct business at detached bottle shop if no review

- (1) This section applies if—
- (a) a licensee applies to the commissioner for approval under section 60(1)(d) of the Act to sell liquor on premises; and
 - (b) the commissioner grants the approval; and
 - (c) no application is made for a review of the commissioner's decision to grant the approval.
- (2) The licensee must start to conduct business under the approval within 60 days after the last day on which an application for a review of the commissioner's decision to grant the approval may be made.

- (3) If the licensee fails to comply with subsection (2), the approval lapses at the end of 60 days after the last day on which an application for a review of the commissioner's decision to grant the approval may be made.

9 Obligation to conduct business at detached bottle shop after review

- (1) This section applies if—
- (a) a licensee applies to the commissioner for approval under section 60(1)(d) of the Act to sell liquor on premises; and
 - (b) an application has been made for a review of the commissioner's decision to grant the approval; and
 - (c) the tribunal's decision allows the licensee to start conducting business on the premises.
- (2) The licensee must start to conduct the business within 90 days after the licensee receives a copy of the tribunal's decision.
- (3) If the licensee fails to comply with subsection (2), the approval lapses at the end of 90 days after the licensee receives the copy of the tribunal's decision.

10 Particulars to be displayed on detached bottle shop

Section 143 of the Act applies to the licensee of a detached bottle shop as if the detached bottle shop were the main licensed premises.

11 Prescription of amount and circumstances for consumption of liquor at a detached bottle shop—Act, s 60(1)(d)(ii)

For section 60(1)(d)(ii) of the Act, the holder of a commercial hotel licence with an approval for a detached bottle shop may supply liquor for consumption at the detached bottle shop only if—

- (a) the supply is for persons to sample the liquor; and

- (b) no charge is made for the liquor.

12 Application for relocation of detached bottle shop—Act, s 154A

The following must accompany an application for approval for the relocation of a detached bottle shop—

- (a) evidence, satisfactory to the commissioner, that using the proposed premises as a detached bottle shop is permitted under the planning scheme of the relevant local government for the premises;
- (b) the fee prescribed in schedule 1 for the application.

13 Decision by commissioner for application under s 12

- (1) If the commissioner approves the application under section 12, the approval is subject to conditions specified by the commissioner in the approval.
- (2) If the commissioner refuses the application, the commissioner must as soon as practicable give the applicant written notice of the refusal.
- (3) The written notice must comply with the tribunal Act, section 157(2).

14 Joint application for transfer of detached bottle shop—Act, s 154B

- (1) A joint application for approval of a transfer of a detached bottle shop must be made in the approved form.

Note—

See section 154B(2) of the Act.

- (2) The joint application must be accompanied by—
 - (a) a copy of the assignment of the lease of, or new agreement for the use of, the premises; and
 - (b) the fee prescribed in schedule 1 for the application.

15 Decision by commissioner for application under s 14

- (1) If the commissioner approves the joint application, the approval is subject to conditions specified by the commissioner in the approval.
- (2) If the commissioner refuses the joint application, the commissioner must as soon as practicable give each applicant written notice of the refusal.
- (3) The written notice must comply with the tribunal Act, section 157(2).

Part 4 Community club licences and other premises

16 Definition for pt 4

In this part—

other premises see section 77(2) of the Act.

17 Application for inclusion of, or change to, statement about other premises—Act, s 154C

- (1) This section applies to a licensee's application mentioned in section 154C of the Act for the inclusion of, or change to, a statement in a community club licence that the licensed premises includes other premises.
- (2) The application must be made in the approved form and be accompanied by—
 - (a) a statement about the events for which the premises will be used infrequently, including, for example, home games or training sessions; and
 - (b) evidence, satisfactory to the commissioner, of the licensee's ownership of, or legal right to occupy, the other premises; and

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- (c) a description of the area proposed for the sale and consumption of liquor on the other premises for the events; and
 - (d) a statement about the hours for sale and consumption of liquor on the other premises for the events; and
 - (e) a statement about the nature of noise that will be made at the area described under paragraph (c), including, for example, noise from a public address system or playing recorded music for the events; and
 - (f) a plan of the site for the events, with details of the facilities that are to be provided, including, for example, car parking, fencing, food and drink stations, lighting, security stations and toilets; and
 - (g) a statement about how many persons are expected to attend the events, and the expected range of ages of the persons; and
 - (h) arrangements for liquor service at the events; and
 - (i) arrangements for security at the events; and
 - (j) the fee prescribed in schedule 1 for the application.
- (3) In this section—
- arrangements for liquor service*** includes—
- (a) how the licensee will decide the number of staff to be employed in the service of liquor and how the staff are to be trained in the responsible service of alcohol; and
 - (b) how the purchase of liquor is to be made by persons attending events, including, for example, whether ticketing is to be used; and
 - (c) the type of containers to be used for dispensing liquor; and
 - (d) hours a manager will be on duty and the names of persons who are to be on duty as managers.

arrangements for security includes the number of persons to be used for security purposes and their proposed location and role.

18 Decision by commissioner for application under s 17

- (1) If the commissioner approves the application, the approval is subject to conditions specified by the commissioner in the approval.
- (2) If the commissioner refuses the application, the commissioner must as soon as practicable give the applicant written notice of the refusal.
- (3) The written notice must comply with the tribunal Act, section 157(2).

19 Obligation for licensee to display copy of licence at other premises

A licensee must, during every period the licensee is authorised to sell liquor on other premises, have a legible copy of the licensee's licence—

- (a) on display in a conspicuous place on the other premises;
or
- (b) available for inspection by an investigator.

Maximum penalty—25 penalty units.

Part 5 Alteration of licensed premises

Division 1 General

20 Definitions for pt 5

In this part—

[s 21]

occasion approval means an approval under section 24 for a specified change for an event or occasion to be held at the premises whether the event or occasion is to be held—

- (a) on 1 day; or
- (b) on more than 1 day but on consecutive days; or
- (c) on more than 1 day other than consecutive days.

specified change see section 21(1).

21 Application of part to applications for alteration of licensed premises

- (1) This part applies to an application for an approval, as mentioned in section 154 of the Act, to alter, rebuild, change or increase the area of the licensee's licensed premises (a ***specified change***).
- (2) The application must be in the approved form and made by—
 - (a) for a specified change to the licensed premises if the licensee is the owner of the premises—the licensee; or
 - (b) for a specified change to the licensed premises if the licensee is not the owner of the premises—the owner and the licensee; or
 - (c) for a specified change to a detached bottle shop—the licensee; or
 - (d) for a specified change to other premises included in a community club licence—the owner of the other premises and the licensee.
- (3) The application must be accompanied by—
 - (a) a written description of the specified change; and
 - (b) evidence of the real property description of the land on which the licensed premises are, or are to be, located; and
 - (c) if the specified change is that an area (the ***new area***), not part of the licensed premises, is to be included in the licensed premises, evidence, satisfactory to the

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- commissioner, of the licensee's ownership of, or legal right to occupy, the new area; and
- (d) 2 copies of a plan of the premises drawn to a scale of 1:100 showing the specified change; and
 - (e) details of the nature of any entertainment that is, or is to be, provided on the licensed premises; and
 - (f) the fee prescribed in schedule 1 for the application.
- (4) If, after considering the application the commissioner considers there is, or is likely to be, a material change relating to the provision of entertainment on the licensed premises, the commissioner may, by written notice, require the applicant to provide a written assessment of the expected acoustic qualities of the premises.
- (5) A written assessment of the expected acoustic qualities of premises must—
- (a) be made by a person who has qualifications, training or experience in providing assessments of the acoustic qualities of premises; and
 - (b) state the person's qualifications, training or experience.
- (6) In this section—
other premises see section 77(2) of the Act.

Division 2 Applications other than applications for an occasion approval

22 Decision by commissioner for application under s 21 other than application for an occasion approval

- (1) This section applies to an application for an approval under section 154 of the Act for a specified change, other than an application for an occasion approval.

- (2) If the commissioner approves the application, the approval is subject to the completion of any specified change within 2 years after the date of the approval.
- (3) The approval is also subject to conditions specified by the commissioner in the approval.

Examples of conditions for subsection (3)—

- 1 The specified change must be completed in accordance with the plans approved by the commissioner.
 - 2 The applicant must obtain all stated approvals or certifications, for use of the premises as licensed premises, as required under an Act other than the Act, including, for example, development approval under the Planning Act.
 - 3 The completed premises must have the acoustic qualities stated in the approval.
- (4) If the commissioner refuses the application, the commissioner must as soon as practicable give the applicant written notice of the refusal.
 - (5) The written notice must comply with the tribunal Act, section 157(2).

23 Production of licence after completion of specified change other than under an occasion approval

- (1) This section applies if a licensee's application as mentioned in section 22(1) is approved.
- (2) After completing the specified change under the approval, the licensee must give the commissioner the licensee's licence for the licensed premises.
- (3) The commissioner must issue a new licence to the applicant with the altered, rebuilt, changed or increased area of the licensed premises only if the commissioner is reasonably satisfied the applicant complied with all the conditions to which the approval was subject.
- (4) To remove any doubt, it is declared that if an area is not part of licensed premises but is the subject of an approval under section 22, the licensee must not use the area as licensed

premises until a licence is issued under subsection (2) that includes the area as part of the licensed premises.

Division 3 Applications for an occasion approval

24 Decision by commissioner for application under s 21 for an occasion approval

- (1) This section applies to an application for an occasion approval.
- (2) If the commissioner approves the application, the commissioner must give the applicant a written approval stating the day or days, and the hours, to which the approval applies, and any conditions applying to the approval.
- (3) If the commissioner refuses the application, the commissioner must as soon as practicable give the applicant written notice of the refusal.
- (4) The written notice must comply with the tribunal Act, section 157(2).

Part 6 Obligations of licensees and permittees

25 Particulars required in transactions record for producer/wholesaler licence—Act, s 217(2)(b)(i)

- (1) For section 217 of the Act, the particulars that a transactions record for a licensee who holds a producer/wholesaler licence must contain are as follows—
 - (a) the quantity of liquor, expressed in litres, acquired or supplied by the licensee in each of the following categories—
 - (i) low strength beer;

- (ii) medium strength beer;
- (iii) heavy strength beer;
- (iv) brewed products other than beer, including, for example, brewed alcoholic lemonade and cider;
- (v) fortified wine in bottles;
- (vi) fortified wine in casks;
- (vii) fortified wine in bulk;
- (viii) wine, other than fortified wine, in bottles;
- (ix) wine, other than fortified wine, in casks;
- (x) wine, other than fortified wine, in bulk;
- (xi) wine mixed with other beverages;
- (xii) fermented products other than wine or fortified wine, including for example, sake or wine based soda;
- (xiii) spirits mixed with other beverages;
- (xiv) spirits that are not mixed with other beverages;
- (xv) any other liquor mixed with other beverages;
- (b) for each supply of liquor—the name of the person to whom the liquor was supplied and the number of the person’s licence or permit.

(2) In this section—

bottle means a bottle with a capacity of not more than 1.5L.

bulk, for an acquisition or supply of wine or fortified wine, means an acquisition or supply of wine—

- (a) in a container with a capacity of more than 20L; or
- (b) for bottling elsewhere or for blending with another wine.

cask means a container with a capacity of 2L or more but not more than 20L.

fortified wine includes frontignac, madeira, marsala, muscat, port, sherry and tokay.

heavy strength beer means beer in which the alcohol content by volume is 4% or more.

low strength beer means beer in which the alcohol content by volume is less than 3%.

medium strength beer means beer in which the alcohol content by volume is 3% or more but less than 4%.

supplied includes sold.

25A Particulars required in transactions record for licence, other than producer/wholesaler licence—Act, s 217(2)(b)(i)

- (1) For section 217(2)(b)(i) of the Act, the particulars that a transactions record for a licensee, other than a licensee who holds a producer/wholesaler licence, must contain are the quantity of liquor, expressed in litres, purchased or otherwise acquired by the licensee in each of the following categories—
- (a) low strength beer;
 - (b) medium strength beer;
 - (c) heavy strength beer;
 - (d) brewed products other than beer, including, for example, brewed alcoholic lemonade and cider;
 - (e) fortified wine in bottles;
 - (f) fortified wine in casks;
 - (g) fortified wine in bulk;
 - (h) wine, other than fortified wine, in bottles;
 - (i) wine, other than fortified wine, in casks;
 - (j) wine, other than fortified wine, in bulk;
 - (k) wine mixed with other beverages;

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- (l) fermented products, other than wine or fortified wine, including for example, sake or wine based soda;
- (m) spirits mixed with other beverages;
- (n) spirits that are not mixed with other beverages;
- (o) any other liquor mixed with other beverages.

(2) In this section—

bottle means a bottle with a capacity of not more than 1.5L.

bulk, for a purchase or other acquisition of wine or fortified wine, means a purchase or other acquisition of wine—

- (a) in a container with a capacity of more than 20L; or
- (b) for bottling elsewhere or for blending with another wine.

cask means a container with a capacity of 2L or more but not more than 20L.

fortified wine includes frontignac, madeira, marsala, muscat, port, sherry and tokay.

heavy strength beer means beer in which the alcohol content by volume is 4% or more.

low strength beer means beer in which the alcohol content by volume is less than 3%.

medium strength beer means beer in which the alcohol content by volume is 3% or more but less than 4%.

27 Details about meals and beverages to be recorded by certain licensees

- (1) Subject to subsection (2), a licensee who holds a subsidiary on-premises licence, for which the principal activity of the business conducted under the licence is the provision of meals prepared, and served to be eaten, on the licensed premises, must keep records of the following—

- (a) for every day on which liquor is sold on the licensed premises—the amount and type of liquor sold and the sale price for each type;
- (b) for every meal consumed on the premises—the details of the meal, the date and time the meal is ordered, and the sale price;
- (c) wages or other payments to workers involved in sales of liquor, or in the preparation, serving or sales of meals, for which records must be kept under this section.

Maximum penalty—20 penalty units.

Examples of records to be kept—

cash register tapes or table accounts

- (2) Also, a licensee must, for each financial year, keep records of the totals of beverages and food sales, and the costs of the sales, including, for example, purchases and wages.

Maximum penalty—20 penalty units.

27A Drinking water to be available

- (1) Subsection (2) applies to a licensee if—
 - (a) the licensee holds one of the following licences for a licensed premises—
 - (i) a commercial hotel licence;
 - (ii) a community club licence;
 - (iii) a bar licence;
 - (iv) a nightclub licence;
 - (v) a commercial public event permit; or
 - (b) the licensee holds a relevant approval for a licensed premises and one of the following licences for the same premises—
 - (i) a subsidiary on-premises licence;
 - (ii) an industrial canteen licence;

- (iii) a producer/wholesaler licence;
 - (iv) a commercial special facility licence; or
 - (c) the licensee holds a commercial special facility licence and the principal activity of the business conducted under the licence is a casino under the *Casino Control Act 1982*.
- (2) The licensee must ensure clean and potable drinking water is available to each patron of the licensed premises—
- (a) free of charge; and
 - (b) at all times liquor is sold on the premises; and
 - (c) by means other than a water tap located in a toilet facility.

Maximum penalty—40 units.

- (3) A licensee, other than a licensee to whom subsection (2) applies, must ensure clean and potable drinking water is available to each patron of the licensed premises—
- (a) free of charge or at a reasonable cost; and
 - (b) at all times liquor is sold on the premises; and
 - (c) by means other than a water tap located in a toilet facility.

Maximum penalty—40 units.

- (4) In this section—
- relevant approval*** means an extended trading hours approval authorising the sale of liquor on a regular basis after 12a.m.

Part 7 Adult entertainment permits

28 Definitions for pt 7

In this part—

permit means an adult entertainment permit.

permittee means the holder of an adult entertainment permit.

29 Prescribed conditions for permit

For section 103P(2) of the Act, the following are conditions to which each permit is subject—

- (a) the permittee must comply with the management plan submitted by the permittee with the application for the permit;
- (b) the permittee must keep a daily record of the name of the controller for the permittee's premises and the controller's hours of duty;
- (c) the permittee must enter the controller's name and hours of duty into the daily record on every day on which adult entertainment may be performed under the permit;
- (d) the permittee must ensure that spruiking or touting for business involving adult entertainment occurs only on the permittee's premises and only on parts of the premises from which the spruiking or touting is not audible or visible to a person who is not on the premises;
- (e) the permit does not authorise adult entertainment on Christmas Day or Good Friday.

30 Approved area to conform with requirements

- (1) For section 103Q(c) of the Act, the area must consist of an open room or other area that allows a person attending the entertainment to view the entertainment from any part of the room or area.
- (2) Without limiting subsection (1), the area must not—
 - (a) have any walls or partitions, whether transparent or not, that separate or divide, or could be used to separate or divide, the area; or
 - (b) contain furniture that screens, or could be used to screen, a part of the area from the remainder of the area.

31 Application for permit

For section 105(1)(c) of the Act, an application for a permit must specify the full name, and date and place of birth, of each of the following persons for the permit—

- (a) the applicant;
- (b) associates of the person mentioned in paragraph (a).

32 Proposed management plan

For section 107D(1)(d) of the Act, a proposed management plan must provide for the following matters—

- (a) a layout plan of the proposed area drawn to a scale of 1:100 showing—
 - (i) the liquor service points; and
 - (ii) how the area will be fully enclosed to prevent a person outside the area from seeing inside the area; and
 - (iii) the audience seating area; and
 - (iv) any stage area and how it will be separated from the audience; and
 - (v) the performers' change rooms;
- (b) the minimum number of staff and security persons who will be on duty in the area during performances;
- (c) the name and contact details of the promoter of the adult entertainment.

33 Suitability of applicant for permit

- (1) For section 107E(1)(h) of the Act, any previous conduct of the business of providing adult entertainment by the applicant is a relevant matter.
- (2) In this section—

adult entertainment includes entertainment provided before the commencement of the *Liquor (Approval of Adult Entertainment Code) Regulation 2000* that would have constituted adult entertainment if the entertainment were provided after the *Liquor (Approval of Adult Entertainment Code) Regulation 2000* commenced.

34 Advertising in relation to adult entertainment

- (1) A person must not publish, or cause to be published, an advertisement in relation to adult entertainment if the advertisement—
 - (a) contain graphics or a photograph; or
 - (b) for an advertisement in the print media—is more than 8cm x 5cm in size.

Maximum penalty—10 penalty units.

- (2) In this section—

advertisement includes a coaster, circular, flier, matchbox, napkin or sign.

35 Restriction on number of permits that may be issued

- (1) The commissioner may grant only 6 one-off permits in a year for particular premises.
- (2) If a person provides, or intends to provide, adult entertainment at particular premises on more than 6 occasions in a year, the person must apply for an annual permit for the premises.
- (3) In this section—

one-off permit, for licensed premises, means a permit to provide adult entertainment for 1 occasion at the premises.

Part 8 Fees

Division 1 Licence fees and other fees

36 Licence fees

- (1) The licence fee for a licence for a licence period is the total of the following—
 - (a) the base fee for the licence mentioned in section 36A;
 - (b) the fee, calculated under section 36B or 36CA, for each risk criterion applying to the licence.
- (2) Also, the licence fee for a new licence for the first licence period, is reduced on a pro-rata basis based on the number of whole months remaining in the licence period after the licence is granted.

Example of reduced licence fee—

If there is 6 months remaining in the licence period when a licence is granted, the licence fee for the licence for the first licence period is to be reduced by 50%.

- (3) The holder of a provisional licence is exempt from paying the licence fee for the licence for a licence period.
- (4) In this section—

first licence period, for a new licence, means the licence period in which the licence is granted.

new licence means a licence granted on or after the commencement of this section.

36A Base fees for licences

- (1) For a commercial hotel licence, the base fee is the total of the following—
 - (a) \$3,630;
 - (b) \$4,032 for each detached bottle shop approved for the licence.

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- (2) For a commercial special facility licence, the base fee is—
- (a) if the licensee is not authorised under the licence to sell or supply liquor at any time between 5a.m. and 10a.m., the total of the following—
 - (i) \$10,080;
 - (ii) \$1,342 for each additional liquor outlet beyond 10 liquor outlets; or
 - (b) if the licensee is authorised under the licence to sell or supply liquor at any time between 5a.m. and 10a.m., the total of the following—
 - (i) \$13,440;
 - (ii) \$1,342 for each additional liquor outlet beyond 10 liquor outlets.
- (3) For a commercial other licence, the base fee is \$671.10.
- (4) For a community club licence, the base fee is—
- (a) for a club with 2,000 members or less—\$671.10; or
 - (b) for a club with more than 2,000 members—\$2,957.
- (5) For a community other licence, the base fee is \$338.60.
- (5A) For a nightclub licence, the base fee is \$3,630.
- (6) In this section—

liquor outlet means a part of the licensed premises where the holder of the commercial special facility licence has—

- (a) let or sublet the right to sell liquor; and
- (b) either—
 - (i) let or sublet the part of the licensed premises; or
 - (ii) entered into a franchise or management agreement for the part of the licensed premises.

36B Risk criterion—extended or authorised trading hours

- (1) This section applies to a licence for a licence period if the licensee holds an extended trading hours approval for the licensed premises or the licensee is authorised under the licence to trade after 12a.m.
- (1A) However, this section does not apply to a licensee authorised under section 9(13) of the Act to trade after 12a.m. on New Year's Day.
- (2) The fee for the risk criterion of extended or authorised trading hours is—
 - (a) if the approved extended trading hours for the licensed premises are between 7a.m. and 9a.m.—
 - (i) during weekends only—\$1,010; or
 - (ii) otherwise—\$1,342; and
 - (b) if the approved extended trading hours for the licensed premises are between 9a.m. and 10a.m.—
 - (i) during weekends only—\$504.80; or
 - (ii) otherwise—\$671.10; and
 - (c) if the approved extended or authorised trading hours for the licensed premises are for the period starting at 12a.m. on a day and ending no later than 1a.m. on the day—
 - (i) during weekends only—\$2,520; or
 - (ii) otherwise—\$3,360; and
 - (d) if the approved extended or authorised trading hours for the licensed premises are for the period starting at 12a.m. on a day and ending no later than 2a.m. on the day—
 - (i) during weekends only—\$5,040; or
 - (ii) otherwise—\$6,720; and
 - (e) if the approved extended or authorised trading hours for the licensed premises are for the period starting at

12a.m. on a day and ending no later than 3a.m. on the day—

- (i) during weekends only—\$7,570; or
 - (ii) otherwise—\$10,080; and
- (f) if the approved extended or authorised trading hours for the licensed premises are between 3a.m. and 5a.m.—
- (i) during weekends only—\$10,080; or
 - (ii) otherwise—\$13,440.

36CA Risk criterion—compliance history

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

- (ii) if an appeal was made against the conviction—the appeal was finally decided and the conviction was upheld on appeal.
- (3) Also, this section applies to a licence for a licence period if—
 - (a) the licensee was convicted of a supply offence; and
 - (b) in the previous licence period, an act or omission of the licensee that was the supply offence was taken to have contributed to—
 - (i) the death of a person; or
 - (ii) a serious assault committed against a person on or near the licensed premises.
- (4) For subsection (3), an act or omission of a licensee that was a supply offence is taken to have contributed to—
 - (a) the death of a person if the death is found by a court or tribunal to have been caused by—
 - (i) the consumption of liquor received by the person because of the supply offence; or
 - (ii) another person who, just before causing the death, received liquor because of the supply offence; or
 - (b) a serious assault committed against a person if—
 - (i) another person is convicted of the serious assault; and
 - (ii) the other person, just before committing the serious assault, received liquor because of the supply offence.
- (5) The fee for the risk criterion of compliance history is the total of the following fees that apply to the licence—
 - (a) if subsection (1) applies—\$6,520;
 - (b) if subsection (2) applies—\$13,040;
 - (c) if subsection (3) applies—\$26,070.
- (6) If, as a result of an incident, this section applies to a licence for a licence period more than once, only the highest relevant

fee mentioned in subsection (5) applies to the licence in relation to the incident.

(7) In this section—

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

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

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

Example of an incident—

the sale of liquor to a minor

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

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

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

36D Other fees

(1) The fees payable under the Act, other than the relevant fees, are stated in schedule 1.

(2) If an application under the Act, other than in relation to the tribunal, is not mentioned in schedule 1, a fee of \$104.50 is payable for the application.

(3) In this section—

relevant fees means the following—

- (a) fees payable in relation to the tribunal;
- (b) the licence fee for a licence period.

Division 2 Day for payment of licence fee

36E Day for payment of licence fee—Act, s 208

For section 208(2) of the Act, the day prescribed for payment of a licence fee for a licence for a licence period is—

- (a) on the grant of a licence—28 days after the applicant for the licence is given notice of the grant of the licence; or
- (b) otherwise—31 July in the licence period to which the licence fee relates.

Division 3 Self-assessment of licence fee

36F Licence fee to be self-assessed—Act, s 202(1)

For section 202(1) of the Act, the licence fee for a licence for a licence period must be self-assessed by the licensee.

36G Prescribed information about a self-assessment to be given to commissioner—Act, s 202(2)(a)

- (1) For section 202(2)(a) of the Act, a licensee must give the commissioner a completed self-assessment form.
- (2) In this section—

self-assessment form means a form, available from the department, showing a licensee's calculations for the licensee's self-assessment of the licence fee for the licence for a licence period.

Division 4 Reassessment of licence fee

36H Purpose of div 4

The purpose of this division is, for section 202(2)(b) of the Act, to provide for the reassessment of a licence fee for a licence for a licence period by the commissioner.

36I Reassessment of licence fee by commissioner

A reassessment of a licence fee for a licence for a licence period—

- (a) may be conducted by the commissioner on the commissioner's own initiative; or
- (b) must be conducted by the commissioner if the licensee for the licence applies to the commissioner for a reassessment of the fee.

36J Application for reassessment of licence fee

- (1) A licensee may, within the relevant period, apply to the commissioner for reassessment of the licence fee for the licence for a licence period only if—
 - (a) the licensee has made an error in calculating the licence fee; or
 - (b) the self-assessment by the licensee of the licence fee was based on incorrect or incomplete information; or
 - (c) within the relevant period there has been a change in the operation of the business conducted under the licence that would change the licence fee payable by the licensee if the change had happened before the licensee self-assessed the licence fee.
- (2) An application under subsection (1) must be accompanied by a revised self-assessment form.
- (3) In this section—

relevant period means 3 months after—

- (a) for the first licence period for a licence—the day the licence was granted; or
- (b) otherwise—the beginning of the licence period to which the licence fee relates.

self-assessment form means a form, available from the department, showing a licensee's calculations for the licensee's self-assessment of the licence fee for the licence for a licence period.

36K Notice of reassessment of licence fee

- (1) This section applies if the commissioner conducts a reassessment of a licence fee for a licence for a licence period and works out—
 - (a) an underpaid amount is payable by the licensee; or
 - (b) an overpaid amount is refundable to the licensee.
- (2) The commissioner must give written notice of the reassessment to the licensee.
- (3) If an underpaid amount is payable by the licensee—
 - (a) the licensee must pay the underpaid amount within 28 days of the licensee receiving the notice under subsection (2); and
 - (b) the notice must state the following—
 - (i) how the reassessment was calculated;
 - (ii) the amount payable by the licensee;
 - (iii) that the underpaid amount is payable within 28 days of the licensee receiving the notice;
 - (iv) the licensee may apply, as provided under the QCAT Act, to the tribunal for a review of a reassessment;

- (2) The licence is—
 - (a) suspended for 28 days (the *suspension period*) if the licence fee or amount is not paid on or before the due date; and
 - (b) cancelled if the licence fee or amount is not paid within the suspension period.
- (3) Subsection (2)(b) applies subject to section 36N.
- (4) Payment of the licence fee, or underpaid amount, during the suspension period ends the suspension of the licence.
- (5) In this section—

due date means—

 - (a) for a licence fee—the day prescribed under section 36E; or
 - (b) for an underpaid amount—28 days after the licensee receives the notice under section 36K(2) stating the underpaid amount is payable by the licensee.

underpaid amount see section 36K(5).

Division 6 Application to tribunal about failure to pay licence fee

36M Purpose of div 6

The purpose of this division is to make provision, for section 208(3)(b) of the Act, for a licensee to apply to the tribunal about the failure to pay the licence fee for the licence for a licence period.

36N Application to tribunal about failure to pay licence fee or underpaid amount

- (1) This section applies if a person is aggrieved by the suspension and impending cancellation of a licence because of a failure to pay the licence fee for the licence for a licence period, or an

underpaid amount, under section 36L(2) (the *outstanding amount*).

- (2) The person may apply, as provided under the QCAT Act, to the tribunal for an extension of time to pay the outstanding amount on the ground the failure was due to—
 - (a) the business conducted under authority of the licence having been adversely affected by a natural disaster; or
 - (b) the licensee ceasing to conduct business on the licensed premises under authority of the licence; or
 - (c) the owner, lessee or mortgagee of the licensed premises starting a proceeding for possession of the premises; or
 - (d) a personal hardship for the licensee.
- (3) Financial hardship is not a personal hardship for subsection (2)(d).
- (4) The application to the tribunal under subsection (2) may only be made during the suspension period.
- (5) If an application is made to the tribunal under subsection (2), the licence will not be cancelled under section 36L(2)(b), but continues to be suspended until the suspension ends, or licence is cancelled, under section 36O.
- (6) In this section—
suspension period see section 36L(2)(a).

36O Powers of tribunal on applications under this division

- (1) In deciding the application, the tribunal may—
 - (a) grant the application on condition that the licence fee or underpaid amount is paid to the department within a period stated by the tribunal (the *time allowed*); or
 - (b) refuse the application.
- (2) The time allowed must be at least 7 days, and not more than 28 days, after the day on which the application is granted.

- (3) The continued suspension of the licence under section 36N(5) ends if—
 - (a) the application is granted and the licence fee or underpaid amount is paid to the department within the time allowed; or
 - (b) the application is refused and the licence fee or underpaid amount is paid within 1 day of the application being refused.
- (4) The licence is cancelled if—
 - (a) the application is granted but the licence fee or underpaid amount is not paid within the time allowed; or
 - (b) the application is refused and the licence fee or underpaid amount is not paid within 1 day of the application being refused.
- (5) If the licence is cancelled under subsection (4)—
 - (a) the part of the licence fee for the licence for the licence period in which it was suspended that is proportionate to the part of the licence period that had ended before the suspension started is a debt payable to the State; or
 - (b) the underpaid amount is a debt payable to the State.

Division 7 Exemption from payment of certain application fees

36P Exemption for certain Anzac Day related applications

- (1) This section applies to an applicant who makes an application for a community liquor permit, a commercial public event permit, an extended hours permit or an approval to alter, change or increase the area of licensed premises for an activity on Anzac Day that relates to the commemoration of Anzac Day.
- (2) The applicant is exempt from payment of a fee for the application if—

-
- (a) the applicant is an RSL or Services Club; or
 - (b) the applicant has been asked by an RSL or Services Club to provide catering services for the activity for the RSL or Services Club.

Part 8A Restricted areas

37A Declaration of restricted area—Act, s 173G(1)

An area stated in a relevant schedule is a restricted area.

37B Declaration of prohibition of possession of liquor in restricted area—Act, s 173H

- (1) Each restricted area is an area to which section 168B of the Act applies.
- (2) The prescribed quantity of a type of liquor for a restricted area is the quantity of the type stated for the area in a relevant schedule.

Part 8B Provisions about conditions of licences and permits for Brisbane City Council area

37C Number of crowd controllers—Act, s 142AG

For section 142AG(2)(b) of the Act, the number of crowd controllers prescribed for premises is the number stated for the following number of patrons of the premises—

- (a) not more than 100 patrons—1;
- (b) more than 100 but not more than 200 patrons—2;
- (c) more than 200 but not more than 300 patrons—3;
- (d) more than 300 but not more than 400 patrons—4;

- (e) more than 400 but not more than 500 patrons—5;
- (f) more than 500 patrons—5, plus at least 1 crowd controller for each 250 patrons, or part of 250, more than 500.

37D Minimum requirements for closed-circuit television equipment—Act, s 142AH(c)(i)

For section 142AH(c)(i) of the Act, the minimum requirements for closed-circuit television equipment are—

- (a) the equipment must be installed in a way that clearly records, at each entrance and exit of the premises providing access for patrons—
 - (i) all patrons entering or leaving the premises; and
 - (ii) interaction between the patrons and a crowd controller or staff of the premises; and
- (b) each recording made by the equipment must display on the recording the time and date of the recording; and
- (c) the equipment must be able to store each recording made by it for at least 28 days; and
- (d) the equipment, or a device (a *related device*) used at the licensed premises for storing recordings made by the equipment, must be able to store each recording made by the equipment for at least 1 year; and
- (e) the equipment and any related device must be able to produce a digital copy of each recording stored on the equipment or device.

37DA Requirements for maintaining closed-circuit television equipment—Act, s 142AH(ca)

- (1) This section prescribes the requirements for maintaining closed-circuit television equipment for section 142AH(ca) of the Act.

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- (2) On each day the licensed premises are open for the conduct of business—
- (a) the equipment must be checked, before trading commences, to ensure the equipment is operating effectively; and
 - (b) the following details must be recorded—
 - (i) the date and time the equipment was checked;
 - (ii) the name of the person who checked the equipment;
 - (iii) whether the equipment was operating effectively.
- (3) If the equipment is not operating effectively when it is checked, or if it otherwise malfunctions—
- (a) arrangements to repair the equipment must be made within 48 hours of when the malfunction is identified; and
 - (b) the following details must be recorded—
 - (i) the date and time the malfunction of the equipment was identified;
 - (ii) the name of the person who identified the malfunction;
 - (iii) the arrangements made to repair the equipment, including—
 - (A) the date and time the arrangements were made; and
 - (B) the name of the person who made the arrangements; and
 - (C) the nature of the arrangements made to repair the equipment; and
 - (D) the date the equipment is repaired.
- (4) Also, at least every 6 months—
- (a) the equipment and any related device must be checked and certified by an appropriately qualified person; and

- (b) the certification must be recorded in a register.
- (5) The certification must state—
- (a) that the equipment and any related device are in good working order; and
 - (b) without limiting paragraph (a), that—
 - (i) the equipment is able to record images clearly; and
 - (ii) the equipment is able to store each recording made by it for at least 28 days; and
 - (iii) either the equipment or a related device is able to store each recording made by the equipment for at least 1 year; and
 - (iv) the equipment and any related device is able to produce a digital copy of each recording stored on the equipment or device.
- (6) The following must be stored in a secure place at the premises—
- (a) details recorded under subsection (2)(b) or (3)(b);
 - (b) the register mentioned in subsection (4)(b).
- (7) In this section—
- related device* see section 37D(d).

37DB Requirements for storing recordings made by closed-circuit television equipment—Act, s 142AH(f)

- (1) This section prescribes the requirements for storing a recording made by closed-circuit television equipment for section 142AH(f) of the Act.
- (2) The secure place in which each recording is stored must be a place that only the licensee or a person authorised by the licensee is able to access.

37E Information for incident register—Act, s 142AI

For section 142AI(1)(a) of the Act, the following information is prescribed for an incident at licensed premises or premises to which a permit relates—

- (a) the date and time the incident happened;
- (b) a description of the place at the premises where the incident happened;
- (c) a description of each person involved in the incident and, if known, the person's name;
- (d) details of the incident, including, for example, information about whether a patron was removed from the premises because of the incident;
- (e) details of injuries sustained by persons involved in the incident;
- (f) details of action taken by a crowd controller or member of staff of the premises in response to the incident.

37H Prescribed activities—Act, s 142AJ(b)

(1) For section 142AJ(b) of the Act, the following activities are prescribed for licensed premises—

- (a) the holding of an event or occasion in or on which a person's membership of a group, or participation in the event or occasion, entitles the person to free or discounted liquor;

Examples—

a 'blondes' night', 'students' night', 'nurses' night' or other theme night

- (b) a promotional or other activity that offers a person, as a reward, free or discounted liquor for consumption on the premises;

Example—

a raffle in which a person might win free or discounted liquor for a day

- (c) a promotional or other activity that offers a person a reward, other than free or discounted liquor, if the person would need to drink more than 4 standard drinks on any day to win the reward.

Example—

A promotional activity in which a ‘drinks card’ is given to a person at a particular time, and to win a T-shirt by using the card the person would need to drink more than 4 standard drinks on any day.

- (2) Also, for section 142AJ(b) of the Act, all of the following activities are prescribed for licensed premises—
- (a) for the period from 7a.m. on a day to 9p.m. on the day—having a happy hour that is more than 2 hours;
 - (b) for the period from 9p.m. in the trading period to 1a.m. in the period—having a happy hour that is more than 1 hour;
 - (c) for the period after 1a.m. in the trading period—having a happy hour or part of a happy hour;
 - (d) if the premises have more than 1 happy hour on a day—having the happy hours without at least 1 hour between the end of each happy hour and the start of the following happy hour;
 - (e) on any day—having a happy hour that starts before 9p.m. and ends after 9p.m.

- (3) In this section—

happy hour means a set period, commonly called a ‘happy hour’, during which liquor is generally available on the premises during the period for free or at a discounted price.

standard drink means the quantity of any kind of alcoholic drink that, if consumed, is equivalent to drinking 12.5mL of alcohol.

Part 9 Miscellaneous

38 **Approved training course—Act, s 4, definition *approved training course***

For section 4 of the Act, definition *approved training course*, the prescribed course is the course called ‘Provide responsible service of alcohol’—

- (a) that is a unit of competency or module of a VET course under the *National Vocational Education and Training Regulator Act 2011* (Cwlth); and
- (b) for which a VET statement of attainment under that Act is given for satisfying the requirements of the unit or module.

38AA **Prescribed criteria for show or exhibition—Act, s 4, definition *small regional show***

For section 4 of the Act, definition *small regional show*, the prescribed criteria for a show or exhibition are—

- (a) the show or exhibition is conducted by a member society of the Queensland Chamber of Agricultural Societies Inc.; and
- (b) the show or exhibition is the member society’s primary annual event; and
- (c) the estimated number of members of the public expected to attend the show or exhibition is not more than 2,000 a day; and
- (d) liquor is sold at the show or exhibition for not more than 14 hours a day; and
- (e) the duration of the show or exhibition is not more than 3 consecutive days.

38AB Prescription of particular substances and maximum amounts—Act, s 14AB

- (1) For section 14AB(2)(b)(i) of the Act, spirituous cooking essence is prescribed.
- (2) For section 14AB(2)(b)(iii) of the Act, the following maximum amounts are prescribed for spirituous cooking essence—
 - (a) if the essence is vanilla essence—100mL;
 - (b) otherwise—50mL.

38A Matters for risk-assessed management plan—Act, s 4, definition *risk-assessed management plan*

- (1) For section 4 of the Act, definition *risk-assessed management plan*, the following matters are prescribed—
 - (a) responsible service of liquor at the premises;
 - (b) matters addressed in a liquor accord to which the licensee or permittee for the premises is a party;
 - (c) arrangements for the following at the premises—
 - (i) lighting;
 - (ii) noise mitigation;
 - (iii) security;
 - (iv) transport provided for the use of patrons of the premises;
 - (d) provision of food at the premises;
 - (e) training staff of the premises;
 - (f) dealing with minors on the premises;
 - (g) dealing with unduly intoxicated and disorderly patrons of the premises;
 - (h) how any impact the business conducted at the premises has on the amenity of the surrounding area will be mitigated;

- (i) consultation with community and liquor industry groups about the conduct of business at the premises;
- (j) ensuring the conduct of business at the premises complies with the Act and other laws;
- (k) if the licence for the premises is a commercial other licence—the principal activity of the business conducted under the licence.

(2) In this section—

liquor accord see section 224(2) of the Act.

premises means licensed premises or premises to which a restricted liquor permit relates.

39 Proposed amendment to club rules

Sections 79(2) and 83(2) of the Act do not apply to amendments of the rules of a club other than amendments about the following—

- (a) eligibility for membership of the club;
- (b) categories of membership of the club;
- (c) eligibility for election to the club's management committee;
- (d) voting rights of the club's members;
- (e) functions of the club's management committee;
- (f) payment to an officer or employee of the club;
- (g) the club's non-proprietary status.

40 Prescription of limits for noise that if exceeded constitute unreasonable noise

For the definition *unreasonable noise* in section 4 of the Act, the limits for noise are as follows—

- (a) between 6a.m. and 10p.m.—the adjusted maximum sound pressure level L_{A10} , plus adjustments for tonal

and impulse components, exceeding the background level L_{A90} by more than 10dB(A);

- (b) between 10p.m. and 6a.m.—the sound pressure level L_{OCT10} , in a full octave band with centre frequencies from 63HZ to 2000HZ, exceeding the background level L_{OCT90} by more than 8dB in any octave band.

41 Unacceptable practices and promotions—Act, s 142ZZ(2)(g)

For section 142ZZ(2)(g) of the Act, the practice of serving or supplying liquor to a patron while holding the patron's financial institution access card or other property pending payment for the liquor, in a way that discourages the patron from monitoring or controlling the patron's purchase of liquor, is prescribed.

41A Maximum period for car park approval—Act, s 142ZZJ(3)

For section 142ZZJ(3) of the Act, the period is 3 months.

41B Rapid intoxication drinks—Act, s 155AG(b)

- (1) For section 155AG(b) of the Act, the following types of drinks are prescribed—
 - (a) a drink, served in a small glass or other small container that allows the drink to be consumed rapidly, if it is—
 - (i) a drink commonly known as a shot, shooter, bomb, blaster or test tube; or
 - (ii) a jelly shot; or
 - (iii) another drink, however described, that is similar to a drink mentioned in subparagraph (i) or (ii);
 - (b) a drink, prepared on licensed premises or premises to which a permit relates, that contains more than 45ml of spirits or liqueur;

-
- (c) a pre-mixed alcoholic drink that is either or both of the following—
- (i) a drink in which the level of ethyl alcohol (ethanol) is more than 5% by volume;
 - (ii) a drink that contains more ethyl alcohol (ethanol) than 2 standard drinks.

Examples for paragraph (c)—

- a drink in which the amount of ethyl alcohol (ethanol) is 10% by volume and the equivalent of 1.6 standard drinks
 - a drink in which the amount of ethyl alcohol (ethanol) is 4.8% by volume and the equivalent of 2.5 standard drinks
 - a drink in which the amount of ethyl alcohol (ethanol) is 6% by volume and the equivalent of 3.1 standard drinks
- (2) Subsection (1)(b) does not include a drink that is a cocktail if—
- (a) the cocktail is listed on a document (a *cocktail menu*) prepared by the licensee for licensed premises, or the permittee for premises to which a permit relates, and displayed on the premises; and
 - (b) the cocktail's price is listed on the cocktail menu; and
 - (c) during the restricted period the cocktail is not sold for less than the price listed on the cocktail menu for the cocktail; and
 - (d) the cocktail is not designed to be consumed rapidly.
- (3) In this section—

jelly shot means the product described in section 42A(1A).

pre-mixed alcoholic drink means an alcoholic mixed drink prepared by a manufacturer.

42 Prescribed sports for sporting clubs—Act, ss 86 and 103IB

For sections 86(5)(b) and 103IB(2)(b) of the Act, the following sports are prescribed—

- (a) golf;
- (b) lawn bowls.

42A Undesirable liquor product—Act, s 156B

- (1) For the Act, section 156B(1), a product containing liquor in a flexible tube bearing a name that includes either or both of the words ‘go’ or ‘vodka’, whether in lower case, upper case or a combination of both, is declared to be an undesirable liquor product.
- (1A) For section 156B(1) of the Act, a product that blends liquor with gelatine, agar, agar-agar, kanten, Irish moss or a similar product, to create a jelly-like substance that is liquor, is declared to be an undesirable liquor product.
- (1B) Subsection (1A) only applies if—
 - (a) the product is sold or supplied for consumption off the licensed premises on which it is sold or supplied; or
 - (b) the product is sold or supplied in a syringe or syringe-like product, whether for consumption on or off the licensed premises on which it is sold or supplied.
- (2) In this section—

flexible tube means a flexible metal, plastic or laminate container sealed permanently at one end and having a cap at the other end.

43 Prescribed public places where consumption of liquor is prohibited—Act, s 173B(1)(a)(iii)

- (1) For section 173B(1)(a)(iii) of the Act, South Bank Parklands is prescribed.
- (2) In this section—

corporation see the *South Bank Corporation Act 1989*, section 3.

corporation area see the *South Bank Corporation Act 1989*, section 3.

Table

	Column 1	Column 2
1	section 6H (application for approval to relocate a detached bottle shop)	section 12
2	section 6J (application for approval to transfer a detached bottle shop)	section 14
3	section 6M (application for the inclusion of, or change to, a statement in a club licence that the licensed premises includes other premises)	section 17
4	section 18 (application for approval to alter, rebuild, change or increase the area of licensed premises)	section 21

(2) Also, a pending application under section 9 of the repealed regulation for the grant of a licence, or an extended hours permit that would extend trading hours on a regular basis, in relation to premises in a community area of a Council is taken to be an application under section 44.

(3) In this section—

pending application means an application made under the repealed regulation and not decided immediately before the commencement day.

57 Production of licence after alteration, rebuilding, change or increase after approval under section 18A of repealed regulation

(1) This section applies if—

- (a) a licensee received an approval under section 18A of the repealed regulation; and
- (b) the approval was an approval to alter, rebuild, change or increase the area of the licensee's licensed premises other than for an event or occasion to be held at the licensee's licensed premises; and

- (c) the licensee has not given the licensee's licence to the chief executive under section 18B of the repealed regulation before the commencement day.
- (2) For the licensee and the chief executive, section 23 applies to the approval as if it were an approval under section 22.

58 Repeal

The Liquor Regulation 1992 is repealed.

Part 12 Transitional provisions for the Liquor and Other Acts Amendment Act 2008

59 Initial licence fees

- (1) Subsection (2) applies to a licensee who, under section 289(2) of the Act, is taken to hold a column 2 licence.
- (2) The licence fee for the licence for the licence period ending on 30 June 2009, is one-half of the licence fee calculated under section 36.
- (3) To remove any doubt, it is declared that section 36(2) does not apply to the licence.
- (4) Despite section 36E(b), the day for payment of the licence fee for the licence for the licence period is 2 March 2009.
- (5) Despite section 36L(2)(a), the suspension period for the licence period ending on 30 June 2009 is extended to 30 June 2009.

Note—

Under section 36L(4), payment of the licence fee during the suspension period ends the suspension of the licence.

- (6) In this section—

column 2 licence see section 289(2) of the Act.

60 Exemption from payment of application fees

- (1) Subsection (2) applies to a licensee who, under section 289(2) of the Act, is taken to hold a commercial special facility licence.
- (2) The licensee is exempt from paying the application fee mentioned in schedule 1, item 1(c) if the licensee applies for a commercial other licence for the whole or part of the licensed premises before 1 January 2010.
- (3) Subsection (4) applies to a licensee who, under section 289(2) of the Act, is taken to hold a community club licence.
- (4) The licensee is exempt from paying the application fee mentioned in schedule 1, item 1(e) if the licensee applies for a community other licence for the whole or part of the licensed premises before 1 January 2010.

Part 13 Transitional provision for Liquor Amendment Regulation (No. 2) 2013

61 Former s 36C does not apply to licence fees payable on or after 14 October 2013

- (1) This section applies if—
 - (a) on or after 14 October 2013, a person paid a licence fee for a licence for a licence period; and
 - (b) the fee required to be paid included an amount (the *risk amount*) for the risk criterion under former section 36C.
- (2) The requirement to pay the risk amount does not apply, and is taken to never have applied, to the person.
- (3) If a person paid the risk amount to the commissioner on or after 14 October 2013, the commissioner must refund the risk amount to the person.
- (4) In this section—

former section 36C means section 36C in force immediately before the commencement of this section.

Schedule 1 Fees

section 36D

\$

Application fee

- | | | |
|---|---|----------|
| 1 | Application under section 105 of the Act for— | |
| | (a) a commercial hotel licence | 6,720.00 |
| | (b) a commercial special facility licence | 6,720.00 |
| | (c) a commercial other licence | 1,342.00 |
| | (d) a community club licence | 2,957.00 |
| | (e) a community other licence | 671.10 |
| | (f) a nightclub licence | 1,342.00 |
| 2 | Application— | |
| | (a) for a temporary variation of a licence, under section 111 of the Act, for 1 occasion | 67.70 |
| | (b) to vary a licence, under section 111 of the Act, in another way | 201.90 |
| | (c) to transfer a licence under section 113 of the Act | 338.60 |
| | (d) for a duplicate licence mentioned in section 127 of the Act | 130.60 |
| | (e) for a temporary authority mentioned in section 125 of the Act | 89.00 |
| | (f) for the extension of a temporary authority mentioned in section 125 of the Act | 89.00 |
| | (g) for the commissioner's approval mentioned in section 154 of the Act to alter, rebuild, change or increase the area of licensed premises, unless paragraph (h) applies | 89.00 |

	\$
(h) for the commissioner's approval mentioned in section 154 of the Act to temporarily change, for 1 occasion, licensed premises	67.70
(i) to renew a provisional licence under section 123B(2) of the Act	89.00
(j) to renew a staged development approval under section 123B(4) of the Act	89.00
(k) for an extended trading hours approval under section 85 of the Act	201.90

Permits

3 Application under section 105 of the Act for—	
(a) an extended hours permit	67.70
(b) each day of the event or occasion for a community liquor permit	67.70
(c) a restricted liquor permit, for each period of 3 months, or part of 3 months, for which the permit is sought—	
(i) if the times for the sale of liquor under the permit total not more than 10 hours a week	118.80
(ii) if the times for the sale of liquor under the permit total more than 10 hours but not more than 25 hours a week	237.60
(d) an adult entertainment permit—	
(i) to provide adult entertainment for 1 occasion	807.60
(ii) to provide adult entertainment for a term not longer than 3 years	2,084.00
(iii) to vary, on a regular basis, the hours during which adult entertainment may be provided	201.90
(iv) to make another change to an existing permit	261.30
(v) to vary the hours during which adult entertainment may be provided for 1 occasion	67.70

	\$
(e) a commercial public event permit—	
(i) for the first day of a public event	671.10
(ii) for each additional day of the public event	67.70
(f) a variation of a commercial public event permit	67.70
(g) a craft beer producer permit, for each day of a promotional event for which the permit is sought	67.70
4 Application for a duplicate permit mentioned in section 127 of the Act	130.60

Miscellaneous applications

5 Application for—	
(a) approval of premises, mentioned in section 60(1)(d) of the Act, for the sale of liquor under authority of a commercial hotel licence	1,010.00
(b) approval as an approved manager under section 142Q of the Act	492.90
(c) renewal of approval as an approved manager under section 142U of the Act	492.90
(d) approval as a controller under section 142ZH of the Act	492.90
(e) authority under section 129 of the Act to conduct business on licensed premises	338.60
(f) approval, mentioned in section 144 of the Act, to change the name of licensed premises	89.00
(g) approval, mentioned in section 148(d) of the Act, for the gratuitous supply of liquor for a particular event or occasion in any part of licensed premises	67.70
(h) approval, mentioned in section 152 of the Act, to conduct a business or supply a service on licensed premises	89.00

	\$
(i) approval, mentioned in section 153(1) or (3) of the Act, to let or sublet, or enter into a franchise or management agreement for, licensed premises	338.60
(j) approval under section 154A of the Act for the relocation of a detached bottle shop	172.20
(k) approval under section 154B of the Act to transfer a detached bottle shop	172.20
(l) inclusion in a community club licence, under section 154C of the Act, of a statement that the licensed premises include other premises	89.00
(m) a change, under section 154C of the Act, of a statement in a community club licence that the licensed premises include other premises	89.00
(n) inclusion, under the Act, in a commercial hotel licence, commercial other licence or nightclub licence of a statement that the licensee may sell liquor on premises other than the licensed premises described in the licence for consumption on the premises on which the liquor is sold	89.00
(o) a change of an approved risk-assessed management plan under section 52 of the Act	89.00
(p) an exemption, under section 155AJ of the Act, from the restriction on the sale or supply of rapid intoxication drinks for licensed premises or a part of licensed premises	201.90
(q) a car park approval under section 142ZZF of the Act, for each car park event occurring during the period to which the application for the approval relates	67.70

Particulars of interest in licence

6 Giving particulars of an interest in a licence to the commissioner under section 44A of the Act	89.00
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Inspection of register

\$

- | | | |
|---|--|----------|
| 7 | Inspection of the register under section 44(b) of the Act— | |
| | (a) for unlimited online inspections of the register for a 1-year period | 3,881.00 |
| | (b) otherwise, for a single inspection | 38.00 |

Trainers for licensee's course

- | | | |
|---|---|----------|
| 8 | Application under section 142B of the Act for approval as a trainer for the licensee's course for 1 year | 2,517.00 |
| 9 | Application under section 142F of the Act for renewal of approval as a trainer for the licensee's course for 1 year | 2,065.00 |

ID scanning

- | | | |
|----|---|--------|
| 10 | Giving notice under section 173EK of the Act of a change to an approved operator's executive officers that includes the addition of an executive officer | 241.70 |
| 11 | Application under section 173EN of the Act for approval of an ID scanner or a modification of an ID scanner | nil |
| 12 | Evaluation by the commissioner under section 173EN of the Act of an ID scanner or an ID scanner, as modified, for each hour, or proportionately for each 15 minute interval or part of a 15 minute interval, involved in the following— | |
| | (a) carrying out— | |
| | (i) basic evaluation | 213.80 |
| | (ii) intermediate evaluation | 267.20 |
| | (iii) advanced evaluation | 314.70 |
| | (iv) administration for an evaluation | 160.30 |
| | (b) giving advice for an evaluation | 160.30 |
| | (c) holding meetings for an evaluation | 160.30 |

	\$
13 Application under section 173EO of the Act for approval of an ID scanning system or a modification of an ID scanning system	nil
14 Evaluation by the commissioner under section 173EO of the Act of an ID scanning system or an ID scanning system, as modified, for each hour, or proportionately for each 15 minute interval or part of a 15 minute interval, involved in the following—	
(a) carrying out—	
(i) basic evaluation	213.80
(ii) intermediate evaluation	267.20
(iii) advanced evaluation	314.70
(iv) administration for an evaluation	160.30
(b) giving advice for an evaluation	160.30
(c) holding meetings for an evaluation	160.30
15 Application under section 173EQ of the Act for approval to operate an approved ID scanning system	6,290.00

Schedule 1A Aurukun

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) the area of the Shire of Aurukun;
- (b) the foreshore of the area of the shire.

2 Prescribed quantity

The prescribed quantity of liquor of any type for each restricted area is zero.

Schedule 1B Doomadgee

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) the community area of the Doomadgee Shire Council, other than the land described as lot 1 on crown plan PK3, known as Old Doomadgee, and roads situated within the external boundaries of the lot;
- (b) the bed and banks of the part of the Nicholson River that adjoins the community area of the Doomadgee Shire Council, including the Nicholson River weir.

2 Prescribed quantity

The prescribed quantity of liquor for each restricted area is—

- (a) for beer in which the concentration of alcohol is less than 4%—22.5L; and
- (b) for any other liquor—zero.

3 Public road and public facility—Act, s 168B(3A)

- (1) For section 168B(3A) of the Act, the part of The Savannah Way situated within the community area of the Doomadgee Shire Council is a public road.
- (2) For section 168B(3A)(c)(i) of the Act, the Doomadgee roadhouse area is a public facility.
- (3) In this section—

Doomadgee roadhouse area means the area at the corner of The Savannah Way and Goodeedawa Road, situated within the community area of the Doomadgee Shire Council, to the north of—

- (a) the roadhouse building; and

(b) the fences abutting 2 sides of the roadhouse building.

The Savannah Way means the road known as The Savannah Way.

Schedule 1C Napranum

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) the community area of the Napranum Shire Council, other than the part of the road known as the Peninsula Development Road within the external boundaries of the land described as lot 2 on crown plan WP50;
- (b) the foreshore of the community area of the Napranum Shire Council.

2 Prescribed quantity

The prescribed quantity of liquor of any type for each restricted area is zero.

Schedule 1D Lockhart River

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) the community area of the Lockhart River Shire Council;
- (b) the foreshore of the community area of the Lockhart River Shire Council;
- (c) the Lockhart River Airport.

2 Prescribed quantity

The prescribed quantity of liquor of any type for each restricted area is zero.

3 Public road—Act, s 168B(3A)

For section 168B(3A) of the Act, the parts of the roads known as Frenchmen's Road and Portland Roads Road situated within the external boundaries of the land described as lot 16 on plan 104551 are public roads.

Schedule 1E Woorabinda

sections 37A and 37B

1 Area declared to be restricted area

The community area of the Woorabinda Shire Council, other than the following areas—

- (a) the part of the road known as Fitzroy Development Road within the external boundaries of the land described as lot 6 on plan WNA141;
- (b) the part of the road known as Aphis Creek Road within the external boundaries of the land described as lot 1 on plan LR146;
- (c) the part of the road known as the Dawson Highway within the external boundaries of the land described as lot 9 on plan BH194.

2 Prescribed quantity

The prescribed quantity of liquor of any type for the restricted area is zero.

Schedule 1F Wujal Wujal

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) the community area of the Wujal Wujal Shire Council;
- (b) the foreshore of the community area of the Wujal Wujal Shire Council;
- (c) the part of the foreshore, on the southern side of the Bloomfield River, that is between—
 - (i) the foreshore of the community area downstream of the Bloomfield Crossing; and
 - (ii) the foreshore of the community area upstream of the Bloomfield Crossing;
- (d) all land between the part of the foreshore described in paragraph (c) and the land described as lot 42 on plan SR837, other than the land described as lot 12 on plan BK15783;

Note—

The area described in paragraph (d) includes the following—

- the land described as lot 8 on RP903515;
 - the land described as lot 9 on RP903516;
 - the land described as lot 10 on RP903517;
 - parts of Bloomfield Road;
 - parts of the Esplanade.
- (e) the Bloomfield Crossing.

2 Prescribed quantity

The prescribed quantity of liquor of any type for each restricted area is zero.

3 Public road and public facility—Act, s 168B(3A)

- (1) For section 168B(3A) of the Act, the following are public roads—
 - (a) the part of the road known as Bloomfield Road (also known as the Bloomfield Track) that is within the areas described in section 1(a) and (d);
 - (b) the parts of the roads known as Douglas Street and the Rossville-Bloomfield Road situated within the external boundaries of the land described as lot 4 on plan SR836;
 - (c) the road, situated within the community area of the Wujal Wujal Shire Council, directly connecting the road known as Douglas Street and the Bloomfield Falls;
 - (d) the part of the Esplanade, adjoining the land described as lot 12 on plan BK15783, that is used as a road;
 - (e) the road used to access the land described as lot 12 on plan BK15783 leading from the road known as the Zig Zag Track;
 - (f) the Bloomfield Crossing.
- (2) To remove any doubt it is declared that the road mentioned in subsection (1)(c) does not include the road that is known as the service road for Douglas Street.
- (3) For section 168B(3A)(c)(i) of the Act, the following are public facilities—
 - (a) the car park near the Bloomfield Falls;
 - (b) the car park for the Wujal Wujal Arts and Cultural Centre.

Schedule 1G Kowanyama

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) the community area of the Kowanyama Shire Council;
- (b) lot 4 on SP215744, known as Mitchell-Alice Rivers National Park;
- (c) lot 5 on SP215744, known as Errk Oykangand National Park (Cape York Peninsula Aboriginal Land);
- (d) the foreshore of the community area.

2 Prescribed quantity

The prescribed quantity of liquor of any type for each restricted area is zero.

Schedule 1H Pormpuraaw

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) the community area of the Pormpuraaw Shire Council;
- (b) the foreshore of the community area.

2 Prescribed quantity

The prescribed quantity of liquor for each restricted area is—

- (a) for wine—
 - (i) if the wine is to be used for sacramental purposes for a religious entity—4L; or
 - (ii) otherwise—zero; and
- (b) for any other liquor—zero.

Schedule 11 Mornington

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) the community area of the Council of the Shire of Mornington;
- (b) the foreshore of the community area.

2 Prescribed quantity

The prescribed quantity of liquor of any type for each restricted area is zero.

Schedule 1J Yarrabah

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) the community area of the Yarrabah Shire Council;
- (b) the foreshore of the community area.

2 Prescribed quantity

(1) The prescribed quantity of liquor for each restricted area is—

- (a) for beer or wine, 1 only of the following—
 - (i) for beer in which the concentration of alcohol is less than 4%—11.25L;
 - (ii) for wine, other than fortified wine—750mL; and
- (b) for any other liquor—zero.

(2) In this section—

fortified wine includes muscat, port and sherry.

Schedule 1K Bamaga

sections 37A and 37B

1 Area declared to be restricted area

Division 3 of the area of the Northern Peninsula Area Regional Council.

2 Prescribed quantity

- (1) The prescribed quantity of liquor for the restricted area is—
 - (a) for beer or diluted spirit, 1 only of the following—
 - (i) 11.25L of beer;
 - (ii) 9L of diluted spirit; and
 - (b) for wine, other than fortified wine—2L; and
 - (c) for any other liquor—zero.
- (2) In this section—

diluted spirit means a spirit mixed with a beverage in which the concentration of alcohol is not more than 5.5% of the beverage at 20°C.

fortified wine includes muscat, port and sherry.

Schedule 1L Injinoo

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) division 1 of the area of the Northern Peninsula Area Regional Council, other than—
 - (i) lot 43 on SP 104552, known as Somerset; and
 - (ii) lots 101 and 102 on SP 120089; and
 - (iii) lot 2 on crown plan SO23, known as Crab Island;
- (b) the airport known as the Injinoo/Bamaga Airport.

2 Prescribed quantity

- (1) The prescribed quantity of liquor for each restricted area is—
 - (a) for beer or diluted spirit, 1 only of the following—
 - (i) 11.25L of beer;
 - (ii) 9L of diluted spirit; and
 - (b) for wine, other than fortified wine—2L; and
 - (c) for any other liquor—zero.
- (2) In this section—

diluted spirit means a spirit mixed with a beverage in which the concentration of alcohol is not more than 5.5% of the beverage at 20°C.

fortified wine includes muscat, port and sherry.

Schedule 1M New Mapoon

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) division 4 of the area of the Northern Peninsula Area Regional Council;
- (b) the foreshore of the division 4 area.

2 Prescribed quantity

(1) The prescribed quantity of liquor for each restricted area is—

- (a) for beer or diluted spirit, 1 only of the following—
 - (i) 11.25L of beer;
 - (ii) 9L of diluted spirit; and
- (b) for wine, other than fortified wine—2L; and
- (c) for any other liquor—zero.

(2) In this section—

diluted spirit means a spirit mixed with a beverage in which the concentration of alcohol is not more than 5.5% of the beverage at 20°C.

fortified wine includes muscat, port and sherry.

3 Designated public place—Act, s 173L(2)

(1) For section 173L(2) of the Act, Loyalty Beach Camping Ground is designated as a public place where permitted liquor may be consumed.

(2) In this section—

Loyalty Beach Camping Ground means the camping ground by that name situated at Loyalty Beach Road, New Mapoon.

Schedule 1N Seisia

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) division 5 of the area of the Northern Peninsula Area Regional Council;
- (b) the Seisia wharf;
- (c) the foreshore of the division 5 area.

2 Prescribed quantity

(1) The prescribed quantity of liquor for each restricted area is—

- (a) for beer or diluted spirit, 1 only of the following—
 - (i) 11.25L of beer;
 - (ii) 9L of diluted spirit; and
- (b) for wine, other than fortified wine—2L; and
- (c) for any other liquor—zero.

(2) In this section—

diluted spirit means a spirit mixed with a beverage in which the concentration of alcohol is not more than 5.5% of the beverage at 20°C.

fortified wine includes muscat, port and sherry.

3 Designated public place—Act, s 173L(2)

- (1) For section 173L(2) of the Act, Seisia Camping Ground is designated as a public place where permitted liquor may be consumed.
- (2) In this section—

Seisia Camping Ground means the camping ground by that name situated at 5 Koraba Road, Seisia, other than the camping ground's car park.

Schedule 10 Umagico

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) division 2 of the area of the Northern Peninsula Area Regional Council;
- (b) the foreshore of the division 2 area.

2 Prescribed quantity

(1) The prescribed quantity of liquor for each restricted area is—

- (a) for beer or diluted spirit, 1 only of the following—
 - (i) 11.25L of beer;
 - (ii) 9L of diluted spirit; and
- (b) for wine, other than fortified wine—2L; and
- (c) for any other liquor—zero.

(2) In this section—

diluted spirit means a spirit mixed with a beverage in which the concentration of alcohol is not more than 5.5% of the beverage at 20°C.

fortified wine includes muscat, port and sherry.

Schedule 1P Hope Vale

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) the community area of the Hope Vale Shire Council other than the parts of the following roads within the external boundaries of the land described as lot 35 on plan BS222—
 - (i) Isabella Creek-McIvor River Road;
 - (ii) Barrett Creek Road;
 - (iii) Cameron Creek Road;
- (b) the foreshore of the community area.

2 Prescribed quantity

- (1) The prescribed quantity of liquor for each restricted area is—
 - (a) for beer or wine, 1 only of the following—
 - (i) for beer in which the concentration of alcohol is less than 4%—11.25L;
 - (ii) for wine, other than fortified wine—750mL; and
 - (b) for any other liquor—zero.
- (2) In this section—
 - fortified wine* includes muscat, port and sherry.

Schedule 1Q Mapoon

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) the community area of the Mapoon Shire Council;
- (b) the foreshore of the community area.

2 Prescribed quantity

(1) The prescribed quantity of liquor for each restricted area is—

- (a) for beer and diluted spirit, 1 only of the following—
 - (i) 33.75L of beer in which the concentration of alcohol is less than 4% and zero diluted spirit;
 - (ii) 22.5L of beer in which the concentration of alcohol is less than 4% and 9L of diluted spirit; and
- (b) for wine, other than fortified wine—2L; and
- (c) for any other liquor—zero.

(2) In this section—

diluted spirit means a spirit mixed with a beverage in which the concentration of alcohol is not more than 5.5% of the beverage at 20°C.

fortified wine includes muscat, port and sherry.

Schedule 1R Palm Island

sections 37A and 37B

1 Areas declared to be restricted areas

Each of the following areas is a restricted area—

- (a) the community area of the Palm Island Shire Council;
- (b) any foreshore of the community area of the Palm Island Shire Council;
- (c) the jetty on Greater Palm Island known as Palm Island jetty.

2 Prescribed quantity

The prescribed quantity of liquor for each restricted area is—

- (a) for beer in which the concentration of alcohol is less than 4%—11.25L; and
- (b) for any other liquor—zero.

Schedule 1S Cherbourg

sections 37A and 37B

1 Area declared to be restricted area

The community area of the Cherbourg Shire Council is a restricted area.

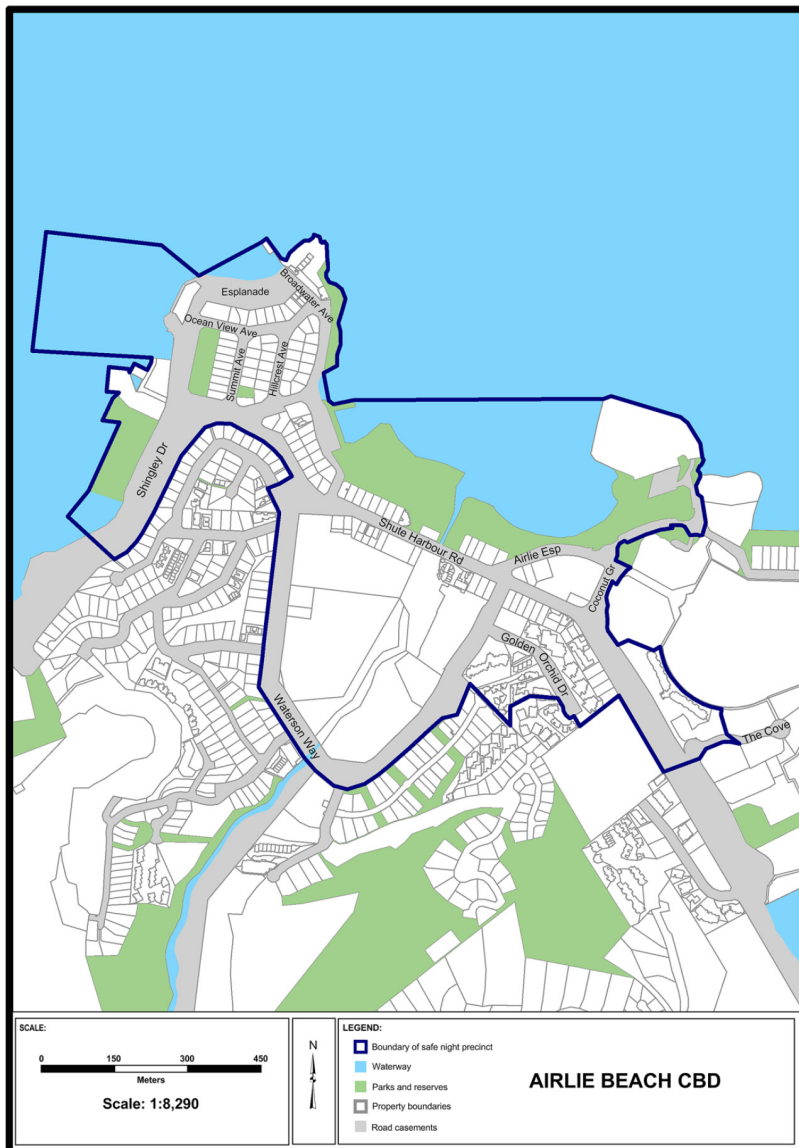
2 Prescribed quantity

The prescribed quantity for the restricted area is—

- (a) for beer in which the concentration of alcohol is less than 4%—11.25L; and
- (b) for any other liquor—zero.

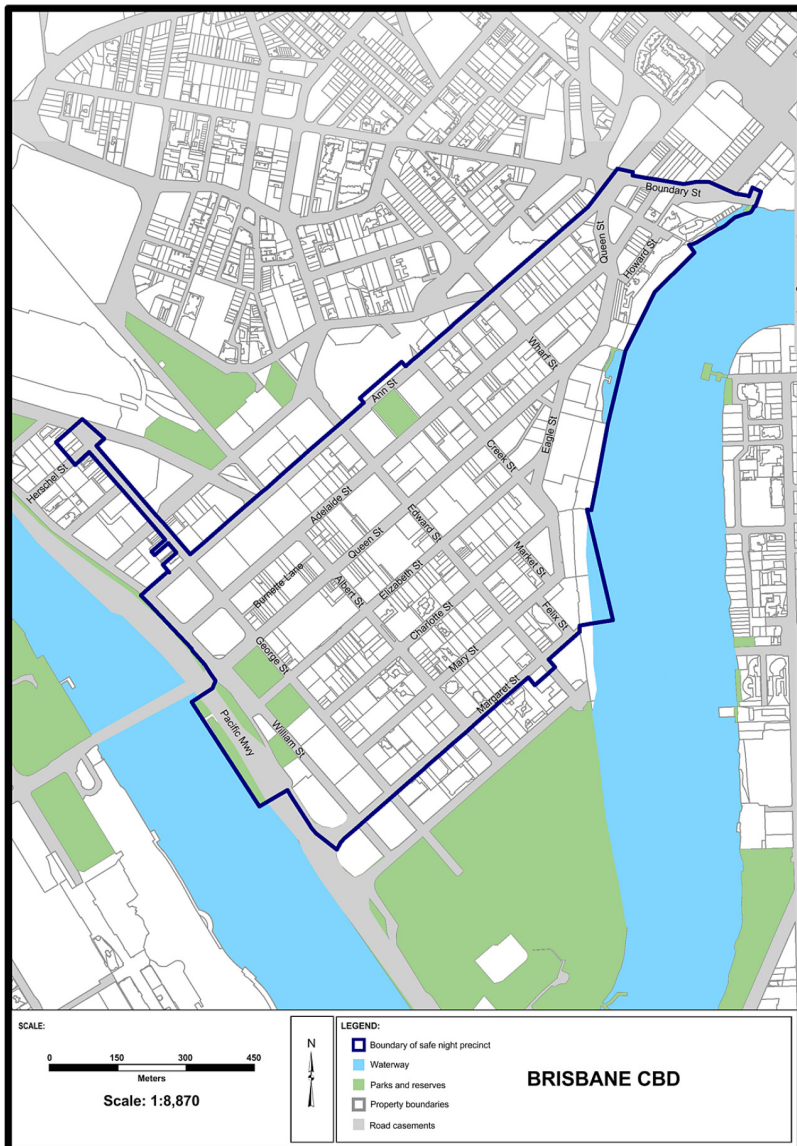
Schedule 2 Airlie Beach CBD safe night precinct

section 3B(1)(a)



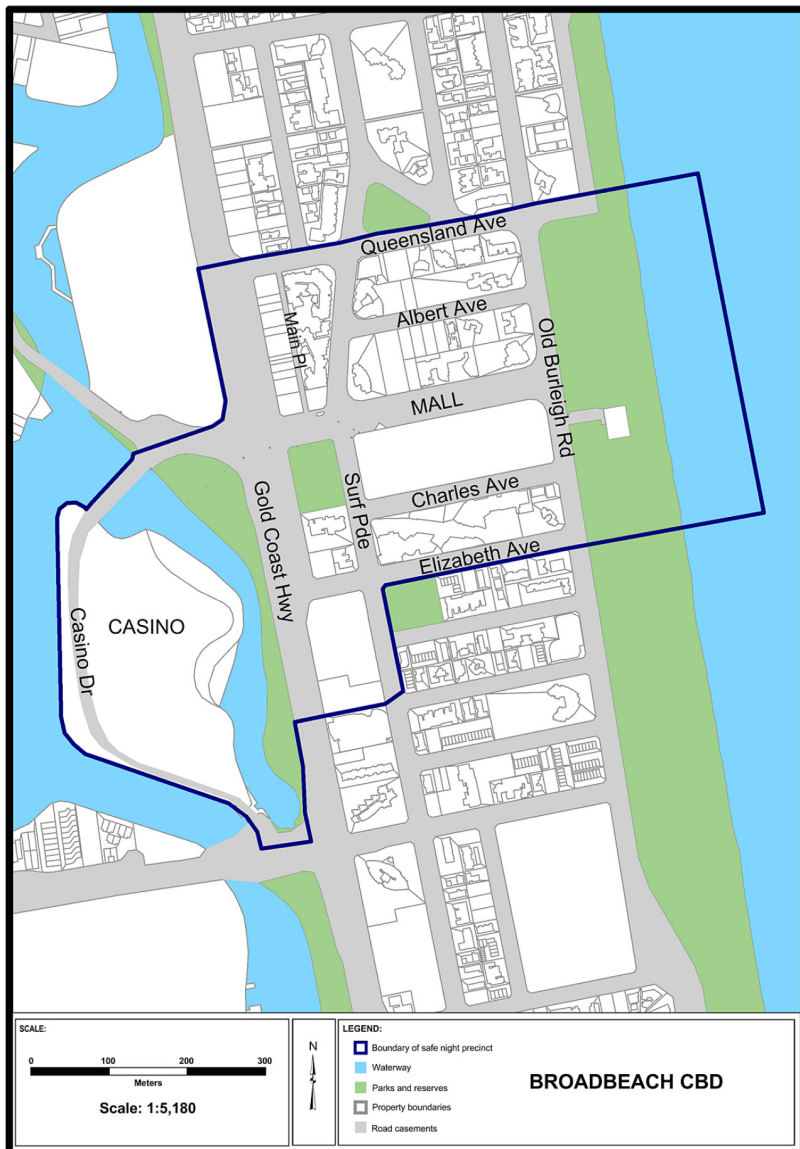
Schedule 3 Brisbane CBD safe night precinct

section 3B(1)(b)



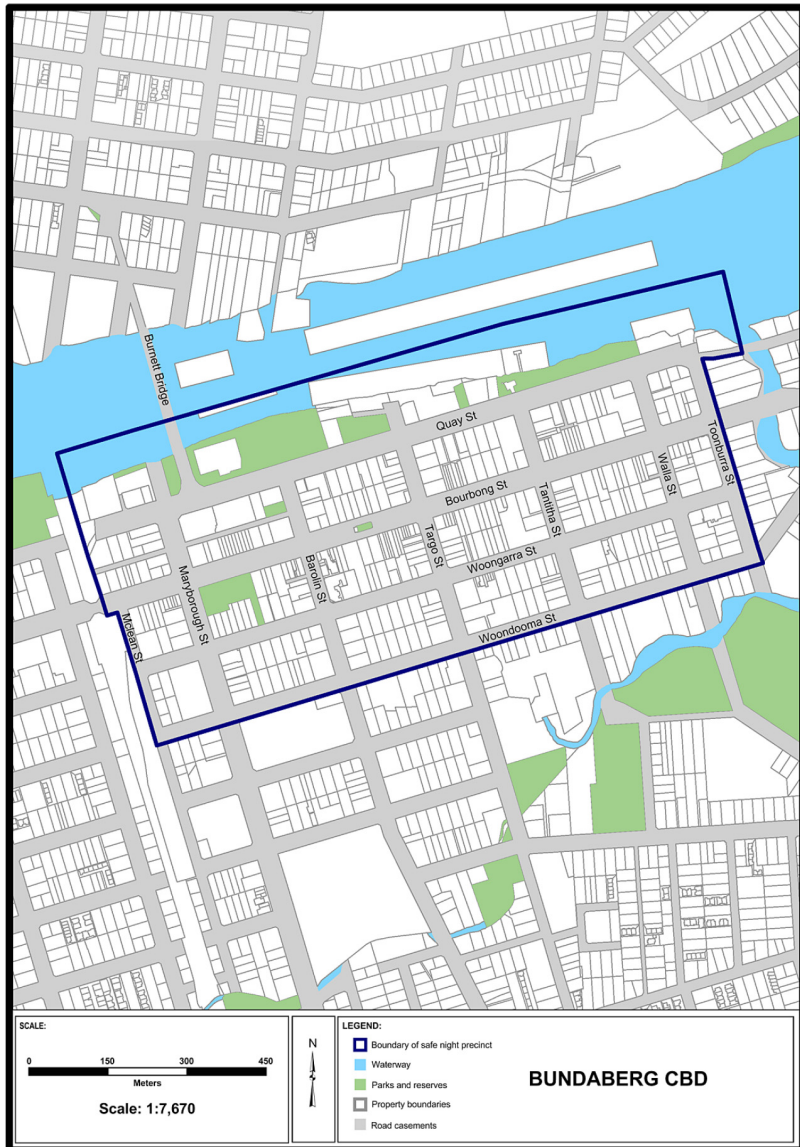
Schedule 4 Broadbeach CBD safe night precinct

section 3B(1)(c)



Schedule 5 Bundaberg CBD safe night precinct

section 3B(1)(d)



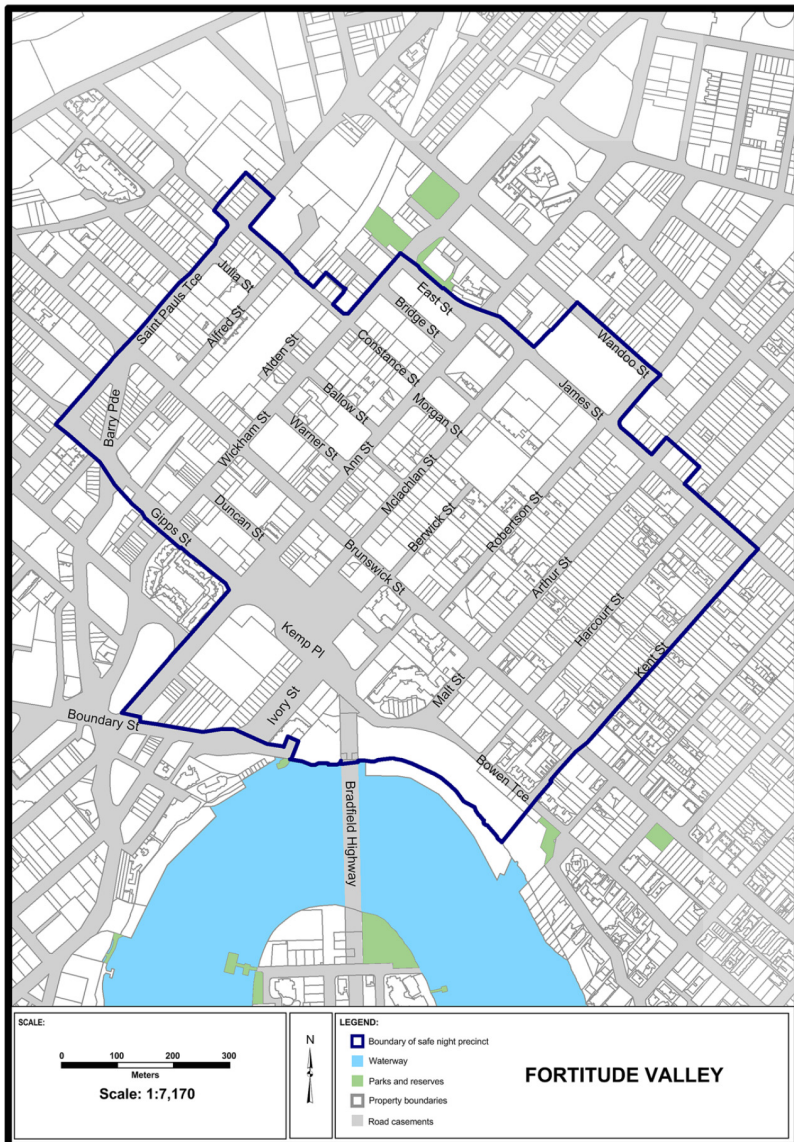
Schedule 6 Cairns CBD safe night precinct

section 3B(1)(e)



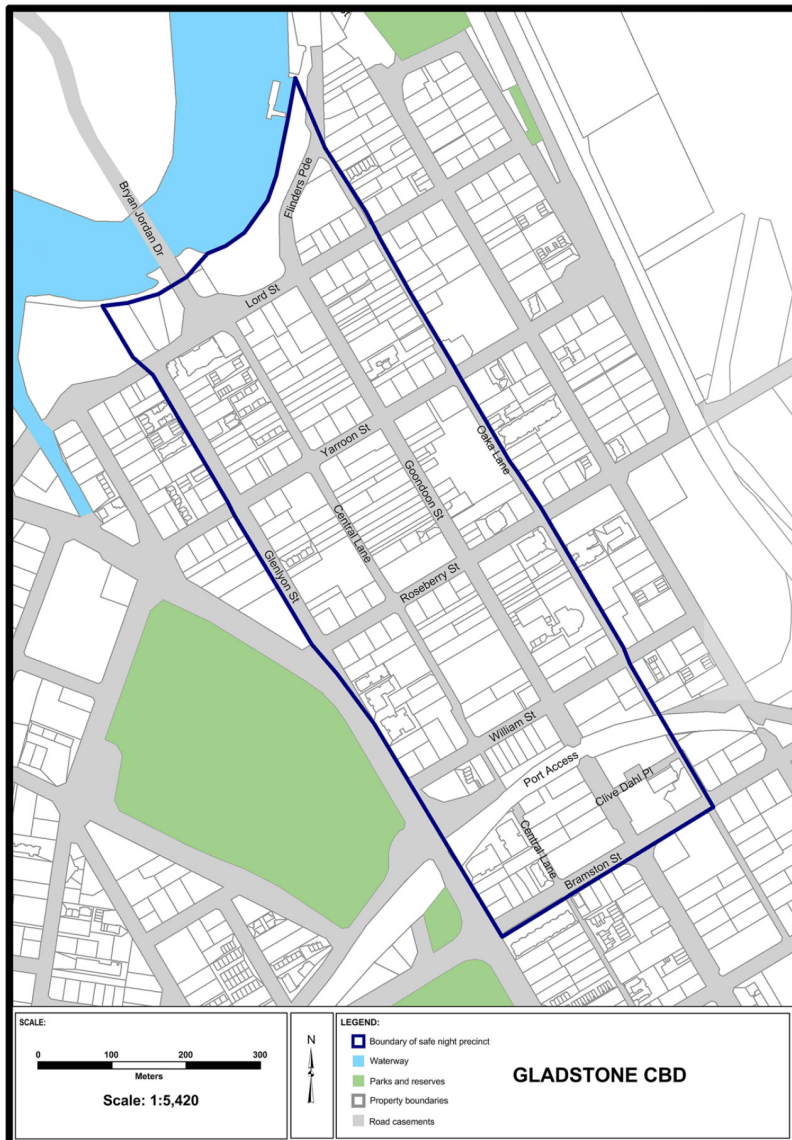
Schedule 7 Fortitude Valley safe night precinct

section 3B(1)(f)



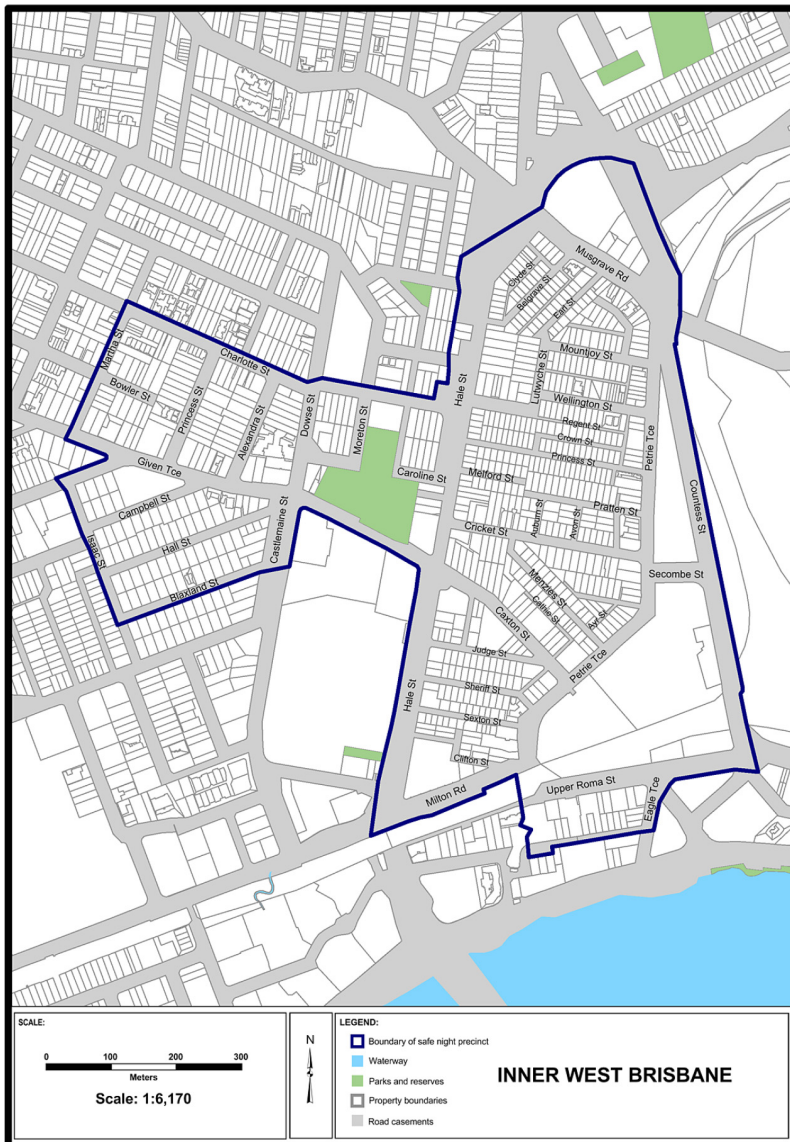
Schedule 8 Gladstone CBD safe night precinct

section 3B(1)(g)



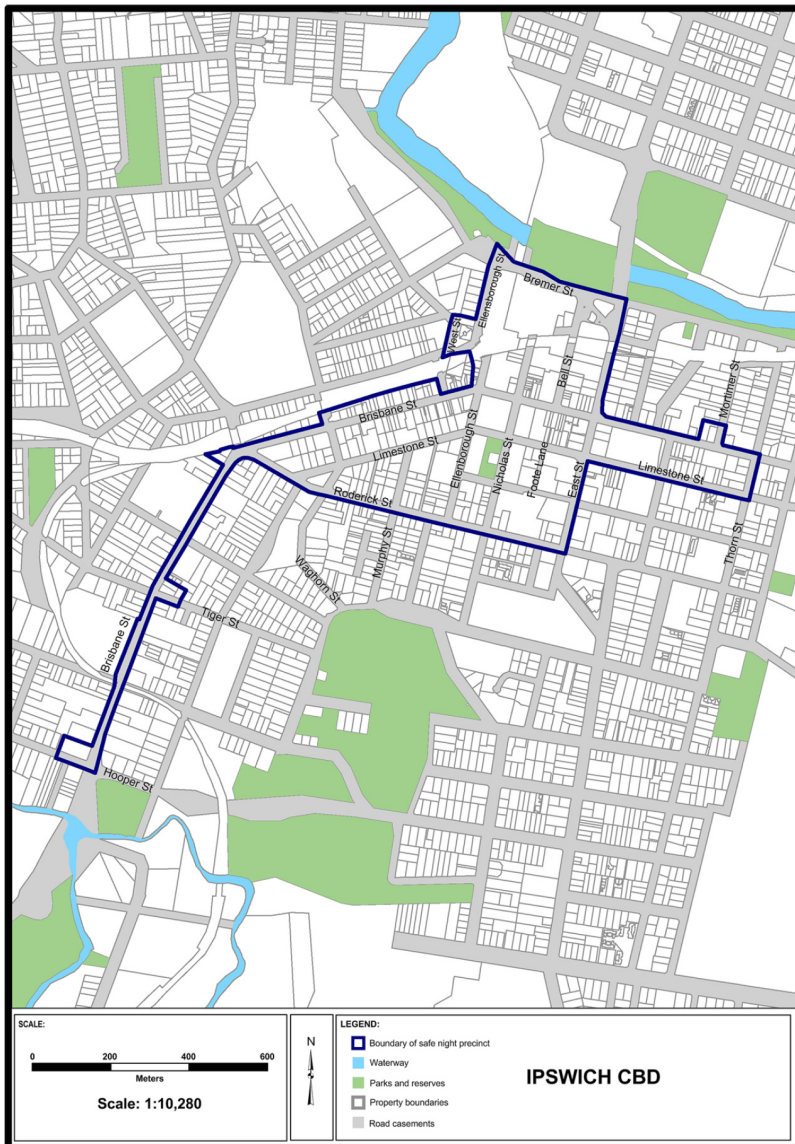
Schedule 9 Inner West Brisbane safe night precinct

section 3B(1)(h)



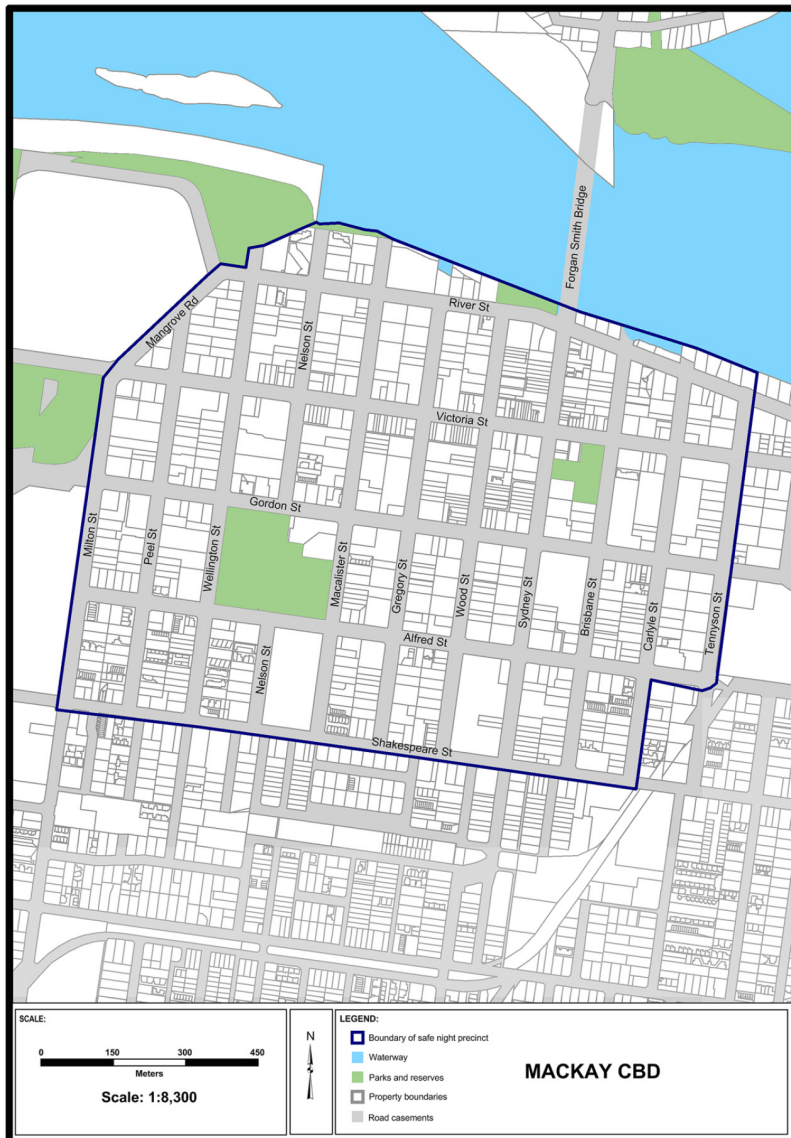
Schedule 10 Ipswich CBD safe night precinct

section 3B(1)(i)



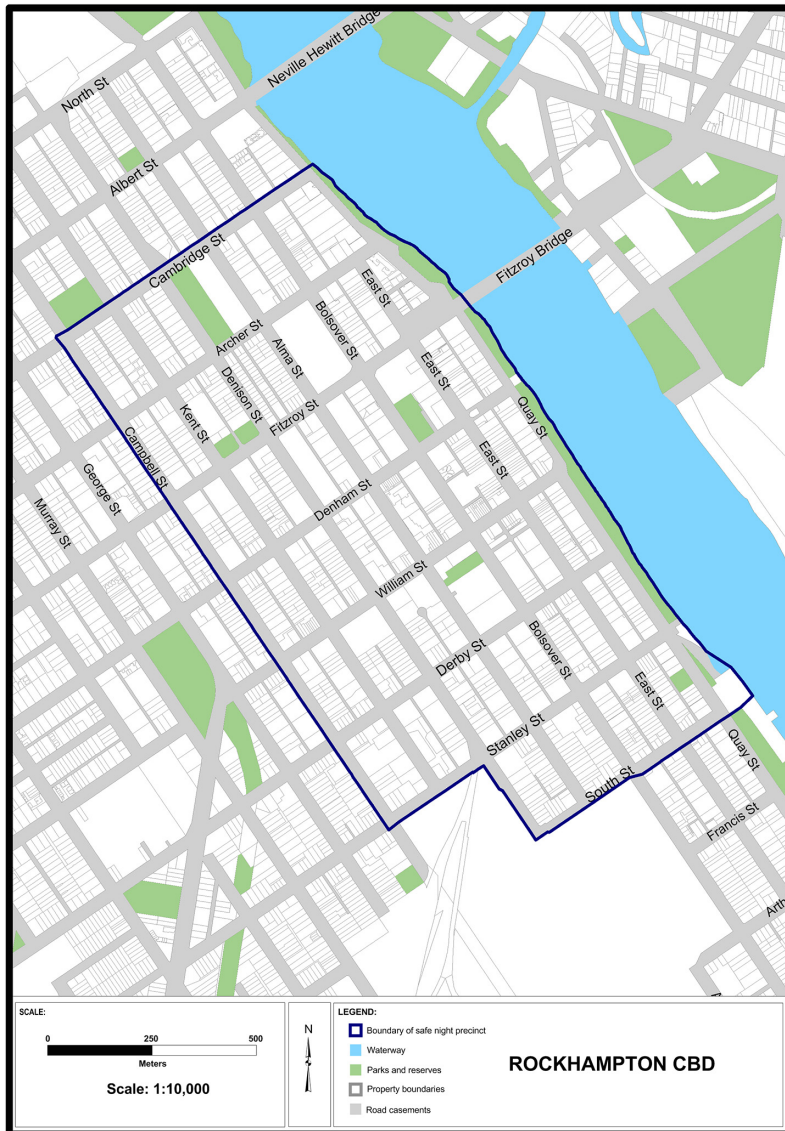
Schedule 11 Mackay CBD safe night precinct

section 3B(1)(j)



Schedule 12 Rockhampton CBD safe night precinct

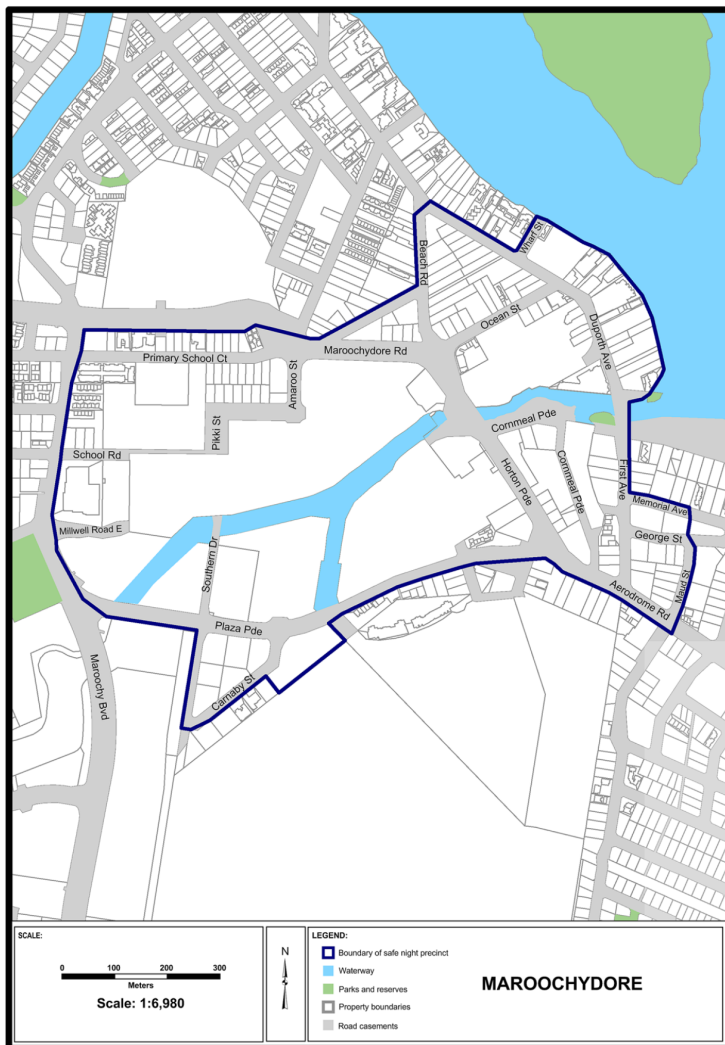
section 3B(1)(k)



Schedule 13 Sunshine Coast safe night precinct

section 3B(1)(l)

Part 1



Part 2

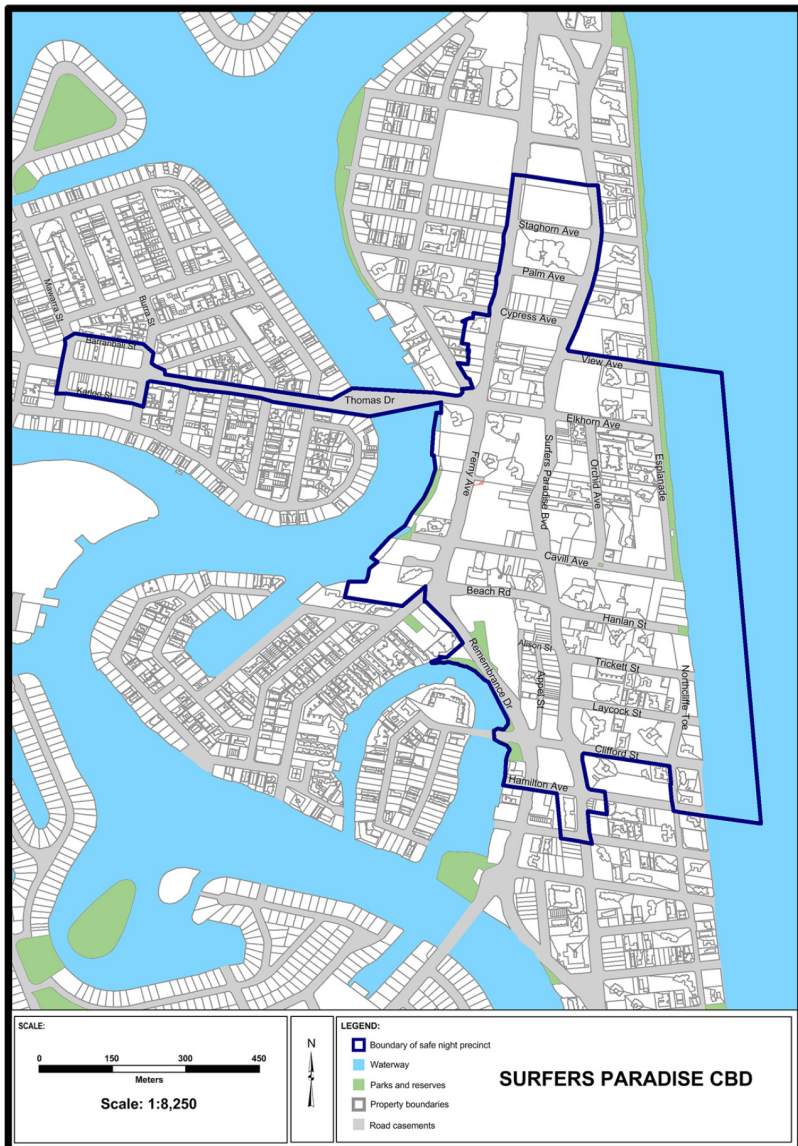


Part 3



Schedule 14 Surfers Paradise CBD safe night precinct

section 3B(1)(m)



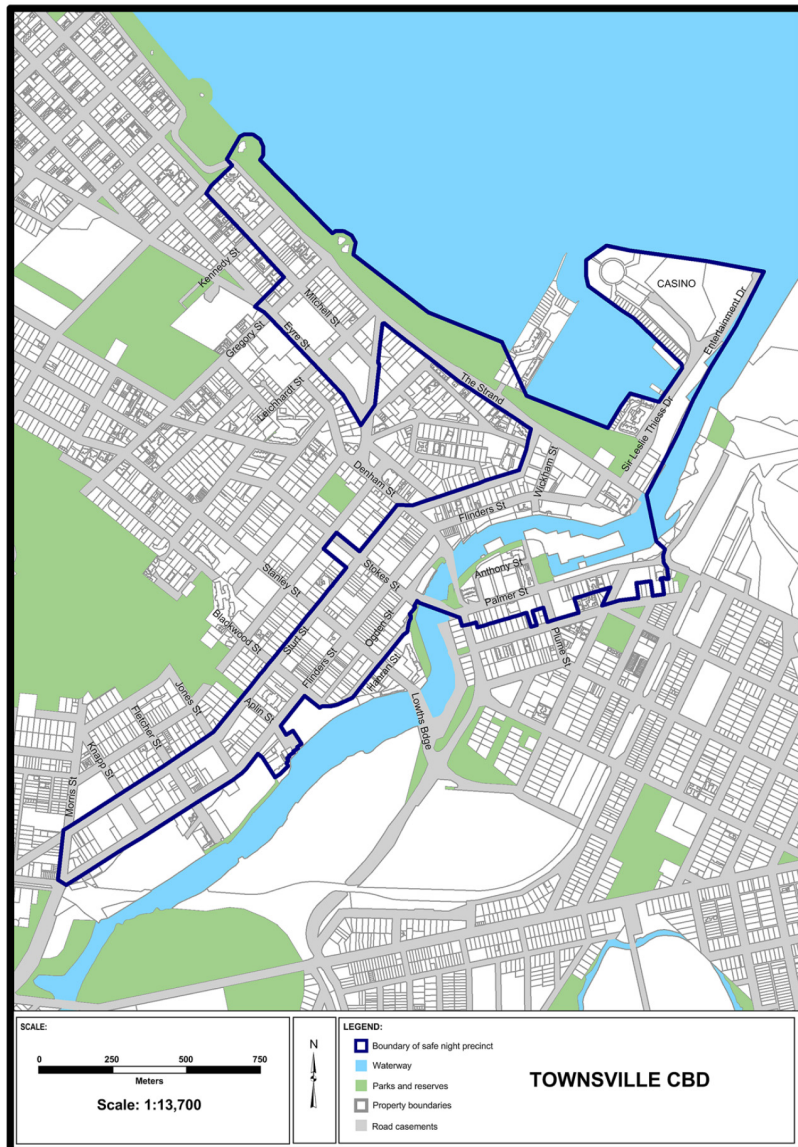
Schedule 15 Toowoomba CBD safe night precinct

section 3B(1)(n)



Schedule 16 Townsville CBD safe night precinct

section 3B(1)(o)



Schedule 17 Local boards

section 3C

Column 1	Column 2
Incorporated association	Safe night precinct
Safe Night Airlie Beach CBD Precinct Inc	Airlie Beach CBD safe night precinct
Brisbane CBD Safe Night Precinct Board Inc	Brisbane CBD Safe Night Precinct
Safe Night Broadbeach CBD Precinct Inc	Broadbeach CBD safe night precinct
Safe Night Bundaberg CBD Precinct Inc	Bundaberg CBD safe night precinct
Safe Night Cairns CBD Precinct Inc	Cairns CBD safe night precinct
Safe Night Fortitude Valley Precinct Inc	Fortitude Valley safe night precinct
Safe Night Gladstone CBD Precinct Inc	Gladstone CBD safe night precinct
Safe Night Inner West Brisbane Precinct Inc	Inner West Brisbane safe night precinct
Safe Night Ipswich CBD Precinct Inc	Ipswich CBD safe night precinct
Safe Night Mackay CBD Precinct Inc	Mackay CBD safe night precinct
Safe Night Rockhampton CBD Precinct Inc	Rockhampton CBD safe night precinct
Safe Night Sunshine Coast Precinct Inc	Sunshine Coast safe night precinct

Column 1

Incorporated association

Safe Night Surfers Paradise CBD
Precinct Inc

Safe Night Toowoomba CBD
Precinct Inc

Safe Night Townsville CBD
Precinct Inc

Column 2

Safe night precinct

Surfers Paradise CBD safe night
precinct

Toowoomba CBD safe night
precinct

Townsville CBD safe night precinct

Schedule 18 Prescribed rules

section 3E

1 Interpretation

In these rules—

association means an incorporated association prescribed to be the local board for a safe night precinct.

Note—

See the *Liquor Act 1992*, section 173NC(2).

financial year, for an association, means the 12 month period adopted by the association as its financial year in its rules.

meeting includes each of the following—

- (a) a general meeting of the association;
- (b) a meeting of the management committee of the association;
- (c) a meeting of any subcommittee appointed by the management committee of the association.

2 General meetings

- (1) The association must hold at least 3 general meetings each financial year, at intervals of not more than 5 months.
- (2) One of the general meetings may be the association's annual general meeting.

3 Meetings of management committee

The management committee of the association must meet at least once every 2 months to exercise its functions.

4 Management plan

- (1) The management committee of the association must develop a plan (a *management plan*) for the safe night precinct for which the association is the local board.
- (2) The management plan must state the actions the association intends to take to manage the precinct in a way that addresses—
 - (a) the safety of the community; and
 - (b) the precinct's amenity.

5 Quarterly reports

- (1) The association must—
 - (a) prepare a report (a *quarterly report*) for each quarter; and
 - (b) give a copy of the quarterly report to the commissioner—
 - (i) if subparagraph (ii) does not apply—within 1 month after the end of the quarter; or
 - (ii) if another period after the end of the quarter is agreed between the association and the commissioner—within the agreed period.
- (2) However, subrule (1) does not apply to the association if it is the local board for a safe night precinct for only part of a quarter.
- (3) A quarterly report must state—
 - (a) the progress the association has made during the quarter in taking the actions mentioned in rule 4(2); and
 - (b) the outcomes achieved by taking those actions.
- (4) In this rule—

commissioner means the Commissioner for Liquor and Gaming under the *Gaming Machine Act 1991*.

quarter means each of the following periods in a year—

- (a) 1 January to 31 March;
- (b) 1 April to 30 June;
- (c) 1 July to 30 September;
- (d) 1 October to 31 December.

6 Compliance with grant conditions

- (1) This rule applies if—
 - (a) the association receives funds by way of a grant; and
 - (b) the grant is subject to a condition, however described, requiring the association to give an acquittal of the funds.
- (2) The association must comply with the condition.

7 Voting at meetings

- (1) For each matter on which a vote is taken at a meeting, each member of the association who is eligible to vote at the meeting is entitled to—
 - (a) if the member holds more than 1 licence for licensed premises located in the safe night precinct—the number of votes that equals the number of licences held by the member for licensed premises located in the safe night precinct; or
 - (b) otherwise—1 vote.
- (2) For subrule (1)(a), the number of licences held by the member includes any licences for licensed premises located in the safe night precinct for which the member is an exempt licensee under section 173NB(2) of the Act.

8 Appointment of individual to exercise power for particular members

- (1) This rule applies if a member of the association is a corporation.

- (2) The member may appoint 1 or more individuals to exercise, for the member, all or any powers the member may exercise under the *Associations Incorporation Act 1981* or the association's rules.
- (3) However, the member (the ***first member***) may not appoint an individual who holds an appointment under this rule for another member (the ***other member***) unless the first member and the other member are related bodies corporate within the meaning of the Corporations Act, section 50.
- (4) The appointment—
 - (a) must be made in writing; and
 - (b) may be made by—
 - (i) appointing an individual by name; or
 - (ii) appointing a stated officer, or the holder of a stated office, by reference to the title of the office concerned; and
 - (c) may authorise an individual to exercise a power—
 - (i) generally or on a stated occasion; or
 - (ii) subject to a stated limitation.
- (5) If an appointment is made of a stated officer, or the holder of a stated office, the appointment is taken to be the appointment of the individual for the time being occupying or acting in the stated office.

9 Voting at meetings by individuals appointed under rule 8

- (1) This rule applies if a member of the association appoints 1 or more individuals under rule 8 to exercise the member's power to vote at a meeting.
- (2) For each matter on which a vote is taken at the meeting—
 - (a) if 1 individual has been appointed to vote for the member—the individual may exercise the number of votes to which the member is entitled under rule 7; or

- (b) if more than 1 individual has been appointed to vote for the member—the individuals may exercise, in total, the number of votes to which the member is entitled under rule 7.

10 Restriction on proxies for particular members—corporations

- (1) This rule applies if a member of the association is a corporation.
- (2) The member may not vote at any meeting by proxy.
- (3) However, this rule does not affect the member’s power to make an appointment under rule 8.

11 Restriction on proxies for particular members—individuals

- (1) This rule applies if—
 - (a) a member of the association is an individual; and
 - (b) the association’s rules allow the member to vote at a meeting by proxy.
- (2) The member may not appoint, as the member’s proxy for a meeting, an individual who holds either of the following appointments for another member of the association—
 - (a) an appointment as proxy;
 - (b) an appointment made under rule 8.

Schedule 19 Dictionary

section 3

advanced evaluation, of ID scanning equipment, means an evaluation of any of the following things relating to the equipment—

- (a) host computer systems and host computer interface systems;
- (b) communication protocols and networks.

Airlie Beach CBD safe night precinct see section 3B(1)(a).

basic evaluation, of ID scanning equipment, means an evaluation of documentation relating to the equipment, including, for example, operational manuals.

Brisbane CBD safe night precinct see section 3B(1)(b).

Broadbeach CBD safe night precinct see section 3B(1)(c).

Bundaberg CBD safe night precinct see section 3B(1)(d).

Cairns CBD safe night precinct see section 3B(1)(e).

car park event, for an application for a car park approval, means an occasion, of not more than 3 consecutive days, at which the licensee proposes to sell or supply liquor, or allow liquor to be consumed, in a regulated car park under the approval.

division, of the area of the Northern Peninsula Area Regional Council, means one of the divisions into which the area is divided for electoral purposes under the *Local Government Act 1993*.

Editor's note—

Local Government Act 1993—see the Local Government Act 2009, section 282.

foreshore, of an area, means land that—

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- (a) is adjacent to a boundary of the area formed by waters that are subject to tidal influence; and
 - (b) lies between high-water mark and low-water mark at ordinary spring tides.

Fortitude Valley safe night precinct see section 3B(1)(f).

Gladstone CBD safe night precinct see section 3B(1)(g).

host computer interface system means a computer that—

- (a) functions as an intermediary device between a host computer system and an ID scanner; or
- (b) allows a user to perform a function on a host computer system.

host computer system means a computer that—

- (a) has software installed on it that a person can use through the internet with another computer; or
- (b) has information contained on it that a person can access through the internet with another computer.

ID scanning equipment means an ID scanner or ID scanning system.

Inner West Brisbane safe night precinct see section 3B(1)(h).

intermediate evaluation, of ID scanning equipment, means an evaluation of any of the following things relating to the equipment—

- (a) hardware, other than hardware subject to advanced evaluation;
- (b) software, other than software subject to advanced evaluation;
- (c) display content.

Ipswich CBD safe night precinct see section 3B(1)(i).

Mackay CBD safe night precinct see section 3B(1)(j).

main licensed premises see section 7(1)(a).

occasion, for a permit to provide adult entertainment, means a period of not more than 3 consecutive days.

planning scheme means a planning scheme under the Planning Act.

relevant local government, for premises, means the local government for the area in which the premises are located.

relevant schedule means a schedule other than schedules 1 and 2 to 19.

Rockhampton CBD safe night precinct see section 3B(1)(k).

Sunshine Coast safe night precinct see section 3B(1)(l).

Surfers Paradise CBD safe night precinct see section 3B(1)(m).

Toowoomba CBD safe night precinct see section 3B(1)(n).

Townsville CBD safe night precinct see section 3B(1)(o).

transactions record see section 217 of the Act.