



Queensland

Liquor (Evidence on Appeals) Amendment Bill 2006



Queensland

Liquor (Evidence on Appeals) Amendment Bill 2006

Contents

		Page
1	Short title	4
2	Act amended	4
3	Amendment of s 34 (Arranging the hearing of appeal)	4
4	Insertion of new s 35	4
	35 Appeal is by way of rehearing	4

2006

A Bill

for

An Act to amend the *Liquor Act 1992*

The Parliament of Queensland enacts—

1

Clause 1 Short title

2

This Act may be cited as the *Liquor (Evidence on Appeals) Amendment Act 2006*.

3

4

Clause 2 Act amended

5

This Act amends the *Liquor Act 1992*.

6

Clause 3 Amendment of s 34 (Arranging the hearing of appeal)

7

(1) Section 34(1)—

8

omit.

9

(2) Section 34(2) and (3)—

10

renumber as section 34(1) and (2).

11

Clause 4 Insertion of new s 35

12

After section 34—

13

insert—

14

‘35 Appeal is by way of rehearing

15

‘(1) An appeal to the tribunal against a decision of the chief executive is by a rehearing on the evidence that was before the chief executive.

16

17

18

‘(2) However, the tribunal may give leave to adduce fresh, additional or substituted evidence (the *new evidence*) if the tribunal is satisfied—

19

20

21

(a) the new evidence should have been before the chief executive; or

22

23

(b) the party asking to adduce the new evidence did not know, and could not reasonably be expected to have known, of the existence of the new evidence on or before the day the chief executive’s decision was made; or

24

25

26

27

28

- (c) in the special circumstances of the case, it would be unfair not to allow the party to adduce the new evidence.
- ‘(3) For subsection (2)(a), evidence that should have been before the chief executive may include, for a decision on an application to which section 116 applies—
 - (a) information that was required to be given to the chief executive under section 116(3); and
 - (b) information the chief executive was required to take into account under section 116(4).
- ‘(4) If the tribunal gives leave under subsection (2), the tribunal may—
 - (a) adjourn the proceeding to allow the chief executive to reconsider the decision together with the new evidence; or
 - (b) continue with the appeal by way of rehearing on the evidence that was before the chief executive and on the new evidence.
- ‘(5) However, if the chief executive asks the tribunal for an adjournment to allow the chief executive to reconsider the decision together with the new evidence, the tribunal must adjourn the proceeding for a stated reasonable time.’.