



Queensland

Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Bill 2015



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2015

A Bill

for

An Act to amend the *Anglican Church of Australia Act 1895 Amendment Act 1901*, the *Anglican Church of Australia Constitution Act 1961*, the *Fair Trading Act 1989*, the *Liquor Act 1992*, the *Liquor Regulation 2002*, the *Oaths Act 1867*, the *Presbyterian Church of Australia Act 1900*, the *Presbyterian Church of Australia Act 1971*, the *Queensland Congregational Union Act 1967*, the *Safe Night Out Legislation Amendment Act 2014* and the *Wesleyan Methodists, Independents, and Baptists Churches Act 1838* for particular purposes and to repeal the *All Saints Church Land Act 1924*, the *Anglican Church of Australia Act 1895 Amendment Act 1901*, the *Anglican Church of Australia Act 1977*, the *Anglican Church of Australia (Diocese of Brisbane) Property Act 1889*, the *Ann Street Presbyterian Church Act 1889*, the *Boonah Show Ground Act 1914*, the *Chinese Temple Society Act 1964*, the *Presbyterian Church of Australia Act 1971*, the *Queensland Congregational Union Act 1967*, the *Roman Catholic Church (Corporation of the Sisters of Mercy of the Diocese of Cairns) Lands Vesting Act 1945*, the *Roman Catholic Church (Northern Lands) Vesting Act 1941*, the *Roman Catholic Relief Act 1830*, the *Wesleyan Methodists, Independents, and Baptists Churches Act 1838* and the *Wesleyan Methodist Trust Property Act 1853*

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Liquor and Fair Trading
Legislation (Red Tape Reduction) Amendment Act 2015*. 4
5

Clause 2 Commencement 6

(1) The following provisions commence on a day to be fixed by
proclamation— 7
8

(a) section 8(2), (3), (4) and (7); 9

(b) sections 11, 17 to 20, 22, 23, 25, 26, 30 to 34, 39, 40, 43
to 45, 48 and 51; 10
11

(c) section 46 to the extent it inserts sections 331 and 332. 12

(2) Part 6, division 1 commences on the day after assent. 13

**Part 2 Amendment of Fair Trading Act
1989** 14
15

Clause 3 Act amended 16

This part amends the *Fair Trading Act 1989*. 17

Clause 4 Amendment of s 31 (Issuing infringement notice) 18

Section 31(2)(a)(v), ‘(other than section 96(2))’— 19

omit. 20

Clause 5	Amendment of s 33 (Amount of penalty)	1
	Section 33(1), table, item 6, '(other than section 96(2))'—	2
	<i>omit.</i>	3
Clause 6	Omission of s 96 (Vicarious liability)	4
	Section 96—	5
	<i>omit.</i>	6

Part 3 Amendment of Liquor Act 1992 7

Clause 7	Act amended	8
	This part amends the <i>Liquor Act 1992</i> .	9
Clause 8	Amendment of s 4 (Definitions)	10
	(1) Section 4—	11
	<i>insert—</i>	12
	<i>document</i> , for part 7, see section 173NR.	13
	(2) Section 4—	14
	<i>insert—</i>	15
	<i>campdrafting competition</i> means a competition	16
	in which a competitor receives points for	17
	demonstrating the competitor's horsemanship	18
	skills by using a horse to—	19
	(a) separate 1 animal from a herd of cattle; and	20
	(b) make the animal complete required	21
	manoeuvres; and	22
	(c) guide the animal through a pegged course	23
	within a required time.	24

[s 8]

-
- campdrafting event*** means an event, held at a rural place in Queensland for the primary purpose of conducting a campdrafting competition, if—
- (a) the event is conducted by an organisation affiliated with the Australian Campdrafting Association; and
 - (b) the estimated number of members of the public expected to attend the event each day is not more than the number prescribed by a regulation for this paragraph; and
 - (c) the number of hours a day liquor is sold at the event is not more than the number prescribed by a regulation for this paragraph; and
 - (d) the duration of the event is not more than the period prescribed by a regulation for this paragraph; and
 - (e) the event meets any additional criteria prescribed by a regulation for this definition relevant to minimising adverse effects on—
 - (i) the health or safety of members of the public; and
 - (ii) the amenity of the community.
- car park*** means an area with a surface designed or adapted for the parking of vehicles, whether or not the area is being used for that purpose.
- car park approval*** see section 142ZZE(2).
- craft beer*** means beer produced in a craft brewery.
- craft brewery*** means premises—
- (a) that are either—
 - (i) licensed premises to which a producer/wholesaler licence relates; or

-
- (ii) premises to which an equivalent licence, issued under the law of another State, relates; and
- (b) at which no more than 40 million litres of beer is produced in any 1-year period under the licence.
- promotional event*** means an event held primarily for the purpose of promoting produce from a particular region or the hospitality industry.
- Examples of events held primarily for the purpose of promoting produce from a particular region—*
- craft market, farmers market, agricultural show, food and wine event
- Examples of events held primarily for the purpose of promoting the hospitality industry—*
- trade fair, craft beer festival
- regulated car park***, for licensed premises, means a car park, or part of a car park, that is in or on the licensed premises.
- related body corporate*** has the same meaning as in the *Corporations Act 2001* (Cwlth), section 9, definition *related body corporate*.
- (3) Section 4, definition *disciplinary action*—
- insert—*
- (db) cancelling or varying a car park approval for the licensed premises;
- (4) Section 4, definition *fundraising event*, paragraph (b)—
- omit, insert—*
- (b) is one of the following—
- (i) a one-off small regional show;
- (ii) a one-off campdrafting event;
- (iii) another one-off event or occasion starting and ending on the same day.
-

[s 8]

- | | | |
|-----|---|----|
| (5) | Section 4, definition <i>investigator</i> , paragraphs (b) and (c)— | 1 |
| | <i>omit, insert—</i> | 2 |
| | (b) a police officer; or | 3 |
| | (c) for the administration and enforcement of | 4 |
| | sections 168B, 169 and 171—a community | 5 |
| | police officer. | 6 |
| (6) | Section 4, definition <i>risk-assessed management plan</i> , | 7 |
| | ‘practices’— | 8 |
| | <i>omit, insert—</i> | 9 |
| | practices, relating to the matters prescribed by a | 10 |
| | regulation, | 11 |
| (7) | Section 4, definition <i>small regional show</i> , from ‘if the | 12 |
| | show’— | 13 |
| | <i>omit, insert—</i> | 14 |
| | if— | 15 |
| | (a) the show or exhibition is conducted by a | 16 |
| | member society of the Queensland Chamber | 17 |
| | of Agricultural Societies Inc.; and | 18 |
| | (b) the show or exhibition is the member | 19 |
| | society’s primary annual event; and | 20 |
| | (c) the estimated number of members of the | 21 |
| | public expected to attend the show or | 22 |
| | exhibition each day is not more than the | 23 |
| | number prescribed by a regulation for this | 24 |
| | paragraph; and | 25 |
| | (d) the number of hours a day liquor is sold at | 26 |
| | the show or exhibition is not more than the | 27 |
| | number prescribed by a regulation for this | 28 |
| | paragraph; and | 29 |

- (e) the duration of the show or exhibition is not more than the period prescribed by a regulation for this paragraph; and
- (f) the show or exhibition meets any additional criteria prescribed by a regulation for this definition relevant to minimising adverse effects on—
 - (i) the health or safety of members of the public; and
 - (ii) the amenity of the community.

Clause 9 Replacement of s 4B (Meaning of *liquor*)

Section 4B—

omit, insert—

4B Meaning of *liquor*

- (1) ***Liquor*** is a spirituous or fermented fluid or another substance—

- (a) in which the level of ethyl alcohol (ethanol) is more than 0.5% by volume at 20°C; and
- (b) that is intended for human consumption.

Examples of spirituous or fermented fluids—

alcoholic cocktails, beers, liqueurs, pre-mixed alcoholic drinks, spirits and wines

Examples of other substances—

aerosol sprays, ice confections, jellies and powders

- (2) ***Liquor*** also includes any other substance containing ethyl alcohol (ethanol) that is prescribed by regulation as liquor.

Clause 10 Replacement of s 6 (Acceptable evidence of age)

Section 6—

omit, insert—

[s 10]

6 Acceptable evidence of age

- (1) For this Act, acceptable evidence of the age of a person is a document, issued to the person, that—
 - (a) is one of the following—
 - (i) an adult proof of age card;
 - (ii) a recognised proof of age card;
 - (iii) an Australian driver licence;
 - (iv) a foreign driver licence;
 - (v) an Australian or foreign passport; and
 - (b) is current; and
 - (c) bears a photo of the person; and
 - (d) indicates, by reference to the person's date of birth or otherwise, the person has attained a particular age.
- (2) In this section—

adult proof of age card see the *Adult Proof of Age Card Act 2008*, section 5.

Australian driver licence see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

authorised entity means—
 - (a) an entity of the Commonwealth or another State performing functions similar to the functions of the chief executive under the *Adult Proof of Age Card Act 2008*; or
 - (b) an entity—
 - (i) approved by an entity mentioned in paragraph (a) to issue documents used as evidence of the age of persons; and
 - (ii) approved, in writing, by the commissioner.

	<i>foreign driver licence</i> see the <i>Transport Operations (Road Use Management) Act 1995</i> , schedule 4.	1 2 3
	<i>recognised proof of age card</i> means a document issued to a person, by an authorised entity, for the purpose of evidencing the age of the person.	4 5 6
Clause 11	Amendment of s 13 (Exemption for the sale of liquor at fundraising event)	7 8
	Section 13(1)(d), after ‘show’—	9
	<i>insert—</i>	10
	or a campdrafting event	11
Clause 12	Insertion of new s 14AB	12
	After section 14A—	13
	<i>insert—</i>	14
	14AB Exemption for particular liquors	15
	(1) This Act does not apply to liquor if it is to be used only as—	16 17
	(a) a preservative or medium in which fruit is offered for sale to the public in sealed containers and with the contents visible; or	18 19 20
	(b) a food additive or an ingredient for food preparation; or	21 22
	<i>Examples of food additives or ingredient for food preparation—</i>	23 24
	Chinese cooking wine and soy sauce	25
	(c) a personal hygiene product that is not swallowed; or	26 27
	<i>Examples of personal hygiene products—</i>	28
	perfumes, mouthwashes and topical disinfectants	29

[s 13]

	(d) a medicine or for medicinal or chemical purposes.	1 2
	<i>Example of a substance used as a medicine or for medicinal or chemical purposes—</i>	3 4
	cough syrup	5
	(2) However, this Act does apply to a substance that is liquor mentioned in subsection (1) if—	6 7
	(a) the substance is being used as a beverage or for manufacturing a beverage; or	8 9
	(b) all of the following apply—	10
	(i) a regulation prescribes the substance for this paragraph;	11 12
	(ii) the substance is sold otherwise than by wholesale;	13 14
	(iii) if the regulation prescribes a maximum amount of the substance that may be contained in a container in which the substance is sold—the substance is sold in a container containing more than the amount prescribed.	15 16 17 18 19 20
Clause 13	Amendment of s 14B (Other exemptions for the sale of liquor)	21 22
	(1) Section 14B(1)(a), (b) and (e)— <i>omit.</i>	23 24
	(2) Section 14B(1)(c) to (n)— <i>renumber</i> as section 14B(1)(a) to (k).	25 26
	(3) Section 14B(2), definition <i>bed and breakfast accommodation</i> , paragraph (c), ‘6’— <i>omit, insert—</i> 8 adult	27 28 29 30

Clause 14	Amendment of s 62 (Consumption of liquor on premises by residents and guests)	1 2
	Section 62, from ‘must be’—	3
	<i>omit, insert—</i>	4
	may be consumed only in—	5
	(a) a residential unit on the premises; or	6
	(b) another part of the premises approved by the commissioner for this section.	7 8
Clause 15	Amendment of s 65A (Consumption of liquor on premises by residents and guests)	9 10
	Section 65A, from ‘must be’—	11
	<i>omit, insert—</i>	12
	may be consumed only in—	13
	(a) a residential unit on the premises; or	14
	(b) another part of the premises approved by the commissioner for this section.	15 16
Clause 16	Amendment of s 67B (Principal activity is the provision of accommodation)	17 18
	Section 67B(3), from ‘must be’—	19
	<i>omit, insert—</i>	20
	may be consumed only in—	21
	(a) a residential unit on the premises; or	22
	(b) another part of the premises approved by the commissioner for this section.	23 24
Clause 17	Amendment of s 73 (Authority of producer/wholesaler licence)	25 26
	(1) Section 73—	27

[s 18]

insert—

(1A) Also, a producer/wholesaler licence authorises the licensee, if the licensee is a producer of liquor, to—

(a) sell craft beer, produced by the licensee on the licensed premises, to persons at a promotional event, for consumption away from the event, if—

(i) the licence is subject to a condition mentioned in section 74A(2)(a); and

(ii) the organiser of the promotional event has given the licensee written consent to sell craft beer to persons at the event; or

(b) supply craft beer, produced by the licensee on the licensed premises, to persons at a promotional event, for consumption at the event, free of charge and for the purpose of sampling the craft beer, if—

(i) the licence is subject to a condition mentioned in section 74A(2)(b); and

(ii) the organiser of the promotional event has given the licensee written consent to supply craft beer samples to persons at the event.

(2) Section 73(2), ‘under subsection (1)’—

omit, insert—

under subsection (1) or (2)

(3) Section 73(1A) and (2)—

renumber as section 73(2) and (3).

Clause 18 Insertion of new s 74A

After section 74—

insert—

74A Sale or supply of craft beer at promotional event

- (1) This section applies if the commissioner is satisfied licensed premises for a producer/wholesaler licence are a craft brewery.
- (2) The commissioner may impose a condition on the licence authorising the licensee to—
 - (a) sell craft beer, produced by the licensee at the craft brewery, to persons at a promotional event, for consumption away from the event; or
 - (b) supply craft beer, produced by the licensee at the craft brewery, to persons at a promotional event, for consumption at the event if—
 - (i) the supply is for persons to sample the craft beer; and
 - (ii) no charge is made for the sample.
- (3) The commissioner must not impose a condition under subsection (2) if—
 - (a) the total number of producer/wholesaler licences, or equivalent licences issued under the law of another State, held by the licensee, and any related body corporate of the licensee, is more than 1; and
 - (b) more than 40 million litres of beer is produced, in any 1-year period, at one or more of the following premises—
 - (i) a licensed premises for a producer/wholesaler licence mentioned in paragraph (a);

[s 19]

	(ii) a premises to which an equivalent licence, mentioned in paragraph (a), relates.	1 2 3
(4)	For subsection (2)(a), unless a further condition imposed on the licence under subsection (5)(a) states otherwise, the total volume of craft beer that may be sold and supplied to each person at the promotional event, for consumption away from the event, is 9 litres.	4 5 6 7 8 9
(5)	If the commissioner imposes a condition under subsection (2), the commissioner may also impose further conditions on the licence in relation to the following—	10 11 12 13
(a)	the total volume of the licensee's craft beer that may be sold to each person at a promotional event for consumption away from the event;	14 15 16 17
(b)	for craft beer that may be supplied to persons at a promotional event, for consumption at the event, free of charge and for the purpose of sampling the craft beer—	18 19 20 21
(i)	the total volume of the craft beer that may be supplied to each person at the event for the purpose of sampling; or	22 23 24
(ii)	the volume of the individual samples that may be supplied to persons at the event.	25 26 27
(6)	This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on a licence.	28 29 30
Clause 19	Amendment of s 75 (Restriction on sale of liquor under producer/wholesaler licence)	31 32
	Section 75(2)—	33
	<i>insert—</i>	34

- (c) to the extent the holder is authorised under section 73(2) to sell or supply craft beer produced by the holder to persons at a promotional event—sell or supply the craft beer to persons at the event.

Clause 20	Insertion of new s 75A	6
	Part 4, division 4—	7
	<i>insert—</i>	8
	75A Venue of promotional event not licensed premises for producer/wholesaler licence	9 10
	(1) This section applies if a holder of a producer/wholesaler licence is authorised under section 73(2) to sell or supply craft beer, produced by the holder, to persons at a promotional event.	11 12 13 14 15
	(2) The following are not licensed premises for the producer/wholesaler licence, or premises to which the producer/wholesaler licence relates—	16 17 18
	(a) the venue of the promotional event;	19
	(b) a part of the venue.	20
	(3) However, a relevant part 6 provision applies as if a reference in the provision to licensed premises, or premises to which a licence relates, includes—	21 22 23
	(a) if the commissioner imposes a condition on the producer/wholesaler licence defining the area at the venue of the event in which the craft beer may be sold or supplied by the holder to persons at the event—the area defined in the condition; or	24 25 26 27 28 29
	(b) otherwise—the area, at the venue of the event, allocated by the organiser of the event to the holder for the purpose of selling or supplying craft beer produced by the holder to persons at the event.	30 31 32 33 34

[s 21]

	(4)	Also, section 142ZZC applies to the holder as if subsection (2)(b) of that section were omitted.	1 2
	(5)	In this section—	3
		relevant part 6 provision means a provision of part 6 other than the following provisions—	4 5
	(a)	part 6, division 1AB;	6
	(b)	section 143;	7
	(c)	sections 144 to 145A;	8
	(d)	section 148AA;	9
	(e)	section 150;	10
	(f)	section 153;	11
	(g)	sections 154 to 155AB;	12
	(h)	part 6, division 1A;	13
	(i)	section 157(1);	14
	(j)	sections 162 and 163;	15
	(k)	section 168A;	16
	(l)	part 6, division 5.	17
Clause 21		Amendment of s 77 (Authority of community club licence)	18
	(1)	Section 77(1)(a)(i) and (ii)—	19
		<i>omit, insert—</i>	20
	(i)	a member of the club for consumption on or off the premises; or	21 22
	(ii)	a member of a reciprocal club, whose members' reciprocal rights are secured by formal reciprocal arrangements, for consumption on or off the premises; or	23 24 25 26
	(2)	Section 77(1)(a)(iv) and (v)—	27
		<i>omit, insert—</i>	28

[s 22]

	(iv) a guest of a person mentioned in subparagraph (i) or (ii), in the person's company, for consumption on or off the premises; or	1 2 3 4
	(v) a visitor to the club, for consumption on or off the premises, whose ordinary place of residence is in—	5 6 7
	(A) another State or in a foreign country; or	8 9
	(B) the State, at least 15km from the club's premises; or	10 11
Clause 22	Amendment of s 100 (Available permits)	12
	Section 100—	13
	<i>insert—</i>	14
	(g) a craft beer producer permit.	15
Clause 23	Insertion of new pt 4A, div 8	16
	Part 4A—	17
	<i>insert—</i>	18
	Division 8 Craft beer producer permits	19 20
	103W Authority of craft beer producer permit	21
	(1) A craft beer producer permit authorises the permittee to—	22 23
	(a) sell craft beer, produced by the permittee at the permittee's craft brewery, to persons at a promotional event, with the written consent of the organiser of the event, for consumption away from the event; or	24 25 26 27 28
	<i>Note—</i>	29

[s 23]

- | | | |
|------|--|----------------------------|
| | See section 172(4) in relation to the sale of craft beer by a permittee to persons at the promotional event by the taking or receiving of orders. | 1
2
3 |
| (b) | supply craft beer, produced by the permittee at the permittee's craft brewery, to persons at a promotional event, with the written consent of the organiser of the event, for consumption at the event, free of charge and for the purpose of sampling the craft beer. | 4
5
6
7
8
9 |
| (2) | A craft beer producer permit applies— | 10 |
| (a) | if the permit is granted for a single promotional event—during the promotional event; or | 11
12
13 |
| (b) | if the permit is granted for a recurring promotional event—during each occurrence of the event— | 14
15
16 |
| (i) | while the permit is in force; and | 17 |
| (ii) | only if, for each occurrence— | 18 |
| | (A) the same place is used; and | 19 |
| | (B) the type of event remains the same. | 20
21 |
| | <i>Example of a recurring promotional event—</i> | 22 |
| | a fortnightly farmers market | 23 |
| (3) | For subsection (1)(a), unless a condition imposed on the permit states otherwise, the total volume of craft beer that may be sold and supplied to each person at the promotional event, for consumption away from the event, is 9 litres. | 24
25
26
27
28 |
| (4) | A craft beer producer permit is subject to the conditions stated in the permit. | 29
30 |

103X Restriction on grant of craft beer producer permit

- (1) The commissioner may grant a craft beer producer permit only—
 - (a) to the operator of a craft brewery; and
 - (b) if the commissioner is satisfied the operator will only sell or supply, to persons at the promotional event that is the subject of the permit, craft beer produced at the operator's craft brewery.
- (2) However, the commissioner must not grant a craft beer producer permit if—
 - (a) the total number of producer/wholesaler licences, or equivalent licences issued under the law of another State, held by the operator, and any related body corporate of the operator, is more than 1; and
 - (b) more than 40 million litres of beer is produced, in any 1-year period, at one or more of the following premises—
 - (i) a licensed premises for a producer/wholesaler licence mentioned in paragraph (a);
 - (ii) a premises to which an equivalent licence, mentioned in paragraph (a), relates.

103Y Duration of craft beer producer permit

A craft beer producer permit—

- (a) is issued for the term stated in it, of not longer than 3 months, unless it is sooner surrendered, suspended or cancelled under this Act; and
- (b) is not renewable; and

[s 23]

(c) is not transferable. 1

103Z Premises to which craft beer producer permit relates 2
3

The premises to which a craft beer producer permit relates is— 4
5

(a) if the commissioner imposes a condition on 6
the permit defining the area, at the venue of 7
the promotional event the subject of the 8
permit, in which the craft beer may be sold 9
or supplied by the permittee to persons at 10
the event—the area defined in the condition; 11
or 12

(b) otherwise—the area, at the venue of the 13
event, allocated by the organiser of the event 14
to the permittee for the purpose of selling or 15
supplying craft beer produced by the 16
permittee to persons at the event. 17

103ZA Conditions on craft beer producer permits 18

(1) The commissioner may impose conditions on a 19
craft beer producer permit in relation to the 20
following— 21

(a) the total volume of the permittee's craft beer 22
that may be sold to each person at a 23
promotional event for consumption away 24
from the event; 25

(b) for craft beer that may be supplied to 26
persons at a promotional event, for 27
consumption at the event, free of charge and 28
for the purpose of sampling the craft beer— 29

(i) the total volume of the craft beer that 30
may be supplied to each person at the 31
event for the purpose of sampling; or 32

[s 24]

	(ii) the volume of the individual samples	1
	that may be supplied to persons at the	2
	event.	3
	(2) This section does not limit the power of the	4
	commissioner, under part 5, to impose, amend or	5
	revoke conditions on a permit.	6
Clause 24	Amendment of s 105A (Additional requirement for	7
	particular applications—risk-assessed management	8
	plan)	9
	(1) Section 105A(1), from ‘a subsidiary’—	10
	<i>omit, insert—</i>	11
	any of the following licences relating to low risk	12
	premises—	13
	(a) a subsidiary on-premises licence (meals);	14
	(b) another subsidiary on-premises licence, if	15
	the principal activity stated in the licence is	16
	the provision of—	17
	(i) catering; or	18
	(ii) education;	19
	(c) a subsidiary off-premises licence if the	20
	principal activity stated in the licence is the	21
	provision of—	22
	(i) floral arrangements; or	23
	(ii) gift baskets;	24
	(d) an industrial canteen licence;	25
	(e) a producer/wholesaler licence, if liquor sold	26
	on the licensed premises is not consumed on	27
	the premises;	28
	(f) a community other licence.	29
	(2) Section 105A(3), ‘subsidiary on-premises licence (meals)’—	30
	<i>omit, insert—</i>	31

[s 25]

	licence mentioned in subsection (1)(a) to (f)	1
(3)	Section 105A(6), definition <i>low risk premises</i> , paragraph (a)—	2
	<i>omit, insert—</i>	3
	(a) if the application were to be granted, the premises would not be the subject of—	4
	(i) an adult entertainment permit; or	5
	(ii) an extended trading hours approval that extends trading hours to include trading between 12a.m. and 5a.m.;	6
(4)	Section 105A(6), definition <i>relevant application</i> , paragraph (f)—	7
	<i>omit, insert—</i>	8
	(f) a car park approval.	9
Clause 25	Amendment of s 136 (Grounds for disciplinary action)	10
(1)	Section 136(1)(a)(iv)—	11
	<i>renumber</i> as section 136(1)(a)(v).	12
(2)	Section 136(1)(a)—	13
	<i>insert—</i>	14
	(iv) comply with a condition stated in a car park approval for the licensed premises; or	15
Clause 26	Insertion of new s 137CB	16
	After section 137CA—	17
	<i>insert—</i>	18
	137CB Immediate suspension of car park approval	19
(1)	This section applies if the commissioner believes on reasonable grounds a ground mentioned in	20

[s 27]

	section 136(1)(a)(iv) exists for taking	1
	disciplinary action in relation to a licence.	2
(2)	The commissioner may immediately suspend the	3
	car park approval by giving the licensee a written	4
	notice that—	5
	(a) states the car park approval is suspended;	6
	and	7
	(b) complies with section 157(2) of the tribunal	8
	Act.	9
(3)	The suspension takes effect immediately after the	10
	notice is given to the licensee.	11
(4)	At the same time the commissioner gives the	12
	licensee the notice, the commissioner must give	13
	the licensee a notice under section 137(1).	14
(5)	The suspension continues until the first of the	15
	following happens—	16
	(a) the commissioner revokes it;	17
	(b) the commissioner, under section 137B(1),	18
	gives the licensee notice of the	19
	commissioner's decision under section	20
	137A(1) or (4);	21
	(c) the end of 60 days after the notice under	22
	subsection (3) was given to the licensee.	23
Clause 27	Amendment of s 142AE (Application of div 6)	24
	Section 142AE(4)—	25
	<i>insert—</i>	26
	(d) section 142AI(a) and (b) does not apply to a	27
	licensee to the extent an incident mentioned	28
	in section 142AI(a) must be recorded in a	29
	register kept by the licensee under the	30
	<i>Security Providers Act 1993.</i>	31

[s 28]

Clause	28	Amendment of s 142ZAA (Immediate cancellation—identified participants)	1
			2
	(1)	Section 142ZAA(2)—	3
		<i>omit, insert—</i>	4
	(2)	The commissioner must, as soon as practicable	5
		after the person becomes a disqualified person,	6
		give written notice of the cancellation of the	7
		approval to—	8
	(a)	the person; and	9
	(b)	if the commissioner knows or suspects the	10
		person is employed by a licensee for	11
		licensed premises or a permittee for	12
		premises to which a permit relates—the	13
		licensee or permittee.	14
	(2)	Section 142ZAA(3), after ‘written notice’—	15
		<i>insert—</i>	16
		given to the disqualified person	17
Clause	29	Amendment of s 142ZE (Suspension or cancellation)	18
	(1)	Section 142ZE(4)—	19
		<i>omit, insert—</i>	20
	(4)	The commissioner must, as soon as practicable	21
		after making the decision, give written notice of	22
		the decision to—	23
	(a)	the holder of the approval; and	24
	(b)	if the commissioner knows or suspects the	25
		holder of the approval is employed by a	26
		licensee for licensed premises or a permittee	27
		for premises to which a permit relates—the	28
		licensee or permittee.	29
	(2)	Section 142ZE(4A), after ‘written notice’—	30
		<i>insert—</i>	31

	given to the holder of the approval	1
Clause 30	Insertion of new pt 6, div 1AB	2
	Part 6—	3
	<i>insert—</i>	4
	Division 1AB Sale, supply and consumption of liquor in car parks	5 6 7
	142ZZE Sale, supply or consumption of liquor in car park	8 9
	(1) A licensee must not, in a regulated car park for the licensee's licensed premises—	10 11
	(a) sell or supply liquor; or	12
	(b) allow liquor to be consumed.	13
	Maximum penalty—25 penalty units.	14
	(2) Subsection (1) does not apply to the extent the licensee is authorised, under an approval (a <i>car park approval</i>) granted by the commissioner, to sell or supply liquor, or allow liquor to be consumed, in the regulated car park.	15 16 17 18 19
	142ZZF Application for car park approval	20
	(1) A licensee may apply for a car park approval for the licensed premises.	21 22
	(2) In addition to the requirements under section 105, the application must—	23 24
	(a) identify the licensed premises to which the approval will apply; and	25 26
	(b) state the days on which the licensee proposes to sell or supply liquor, or allow	27 28

[s 30]

liquor to be consumed, in a regulated car 1
park. 2

142ZZG Commissioner's consideration of 3 application 4

- (1) When considering an application for a car park 5
approval, the commissioner must consider the 6
effect on the health and safety of members of the 7
public, and the amenity of the community or 8
locality, that— 9
 - (a) the grant of the approval may have; and 10
 - (b) if the licensee has previously been granted 11
authority under this Act to sell or supply 12
liquor, or allow liquor to be consumed, in a 13
car park, including under a car park 14
approval (whether or not for the licensed 15
premises the subject of the 16
application)—the grant of that authority 17
had. 18
- (2) If an application for a car park approval states 19
more than 1 day on which the licensee proposes 20
to sell or supply liquor, or allow liquor to be 21
consumed, in a regulated car park, the 22
commissioner may grant the car park approval 23
for some or all of the stated days. 24

142ZZH Restriction on grant of car park approval 25

- (1) This section applies if the commissioner is 26
satisfied a licensee has failed to comply with a 27
condition of a car park approval (the *earlier* 28
approval) for a regulated car park. 29
- (2) The commissioner must not grant another car 30
park approval to the licensee for the regulated car 31
park for a day that is less than 3 months after the 32
day the commissioner became satisfied of the 33

failure to comply with the condition of the earlier approval. 1
2

142ZZI Conditions on car park approval 3

- (1) The commissioner may impose conditions on a car park approval— 4
5
- (a) to give effect to the main purpose of this Act mentioned in section 3(a); or 6
7
- (b) to ensure appropriate compliance with this Act; or 8
9
- (c) to minimise alcohol-related disturbances, or public disorder, in the locality; or 10
11
- (d) about the provision of amplified entertainment, including, for example, amplified music, in the regulated car park; or 12
13
14
15
- Examples for paragraph (d)—* 16
- a condition prohibiting the provision of amplified entertainment 17
18
 - a condition about the maximum volume at which amplified entertainment may be provided 19
20
21
 - a condition about the times during which amplified entertainment may be provided 22
23
- (e) about other noise, including patron noise, resulting from or associated with the sale, supply or consumption of liquor in the regulated car park. 24
25
26
27
- (2) Section 128C applies to the commissioner's power, under subsection (1)(a), to impose conditions on a car park approval as if a reference in section 128C to a licence or permit under part 5 were a reference to a car park approval. 28
29
30
31
32

[s 31]

142ZZJ Authority of car park approval

- (1) A car park approval authorises the licensee to sell or supply liquor, or allow liquor to be consumed, in a regulated car park—
 - (a) to which the approval applies; and
 - (b) on the days, and during the hours, stated in the approval; and
 - (c) subject to the conditions stated in the approval.
- (2) A car park approval must not authorise the sale, supply or consumption of liquor, outside the trading hours authorised under the licence for the licensed premises.
- (3) A regulation may prescribe the maximum period for which a car park approval may be granted.

Clause 31 Insertion of new s 148AB

Part 6—

insert—

148AB Restriction on sale of craft beer

- (1) A licensee or permittee authorised under this Act to sell, to persons at a promotional event, craft beer produced by the licensee or permittee must not sell the craft beer to a person, or permit or allow the craft beer to be sold to a person—
 - (a) for consumption at the promotional event; or
 - (b) in unsealed containers.Maximum penalty—100 penalty units.
- (2) A licensee or permittee authorised under this Act to supply, to persons at a promotional event, craft beer produced by the licensee or permittee for consumption at the event, free of charge and for

[s 32]

	the purpose of sampling the craft beer, must not—	1 2
	(a) charge a person for a sample; or	3
	(b) allow or permit a person to be charged for a sample.	4 5
	Maximum penalty—100 penalty units.	6
Clause 32	Omission of s 153A (Sale, supply or consumption of liquor in car park)	7 8
	Section 153A—	9
	<i>omit.</i>	10
Clause 33	Amendment of s 155 (Minors on premises)	11
	Section 155(4), definition <i>exempt minor</i> , paragraph (d), ‘other licence’—	12 13
	<i>omit, insert—</i>	14
	other licence, craft beer producer permit	15
Clause 34	Amendment of s 155AC (Application of div 1A)	16
	Section 155AC(1)(b)—	17
	<i>omit, insert—</i>	18
	(b) premises to which a permit relates, other than premises to which—	19 20
	(i) a craft beer producer permit relates; or	21
	(ii) a community liquor permit or restricted liquor permit relates if liquor is served or supplied at the premises only by volunteers.	22 23 24 25

[s 35]

Clause 35	Amendment of s 155AD (Who must be present or reasonably available at licensed premises etc.)	1
		2
	(1) Section 155AD—	3
	<i>insert—</i>	4
	(2A) Subsection (2) applies subject to section 155AG.	5
	(2) Section 155AD(4), ‘section 155AF’—	6
	<i>omit, insert—</i>	7
	sections 155AF and 155AG	8
Clause 36	Insertion of new ss 155AG and 155AH	9
	Part 6, division 1A—	10
	<i>insert—</i>	11
	155AG Exemption from obligations under s 155AD(2)(a) and (3)(a)	12
		13
	(1) This section applies to licensed premises, or premises to which a permit relates, that are not open for business beyond 12 midnight.	14
		15
		16
	(2) The licensee or permittee for the premises is exempted from a requirement, under section 155AD(2)(a) or (3)(a), to take reasonable steps to ensure an approved manager is present or reasonably available during the times mentioned in those paragraphs, if—	17
		18
		19
		20
		21
		22
	(a) the period of time (the <i>absence</i>) during which there is no approved manager present or reasonably available at the premises—	23
		24
		25
	(i) is not longer than 3 consecutive days; and	26
		27
	(ii) does not total more than 7 days in a month; and	28
		29
	(b) during the absence, 1 or more of the following persons are readily contactable by	30
		31

[s 36]

-
- phone by each person involved in the service or supply of liquor at the premises—
- (i) an approved manager;
 - (ii) if the licensee or permittee is an individual—the licensee or permittee; and
- (c) the licensee or permittee has nominated a person, who has a current training course certificate, to take on the responsibilities of an approved manager under section 142ZF(2) for the premises; and
- (d) the licensee or permittee has given written notice of the nomination, stating the following, to the nominated person—
- (i) the name of the nominated person;
 - (ii) the name of the premises;
 - (iii) the date the nomination was made;
 - (iv) the day or days on which the nominated person will have the responsibilities mentioned in paragraph (c); and
- (e) the nominated person consents to the nomination by signing a copy of the notice and returning the signed copy to the licensee or permittee; and
- (f) during the absence the nominated person is present or reasonably available at the premises during—
- (i) ordinary trading hours; and
 - (ii) approved extended trading hours between 7a.m. and 10a.m.
- (3) For this section, the nominated person is *present* at premises if the nominated person is at the premises exercising the responsibilities of an
-

[s 37]

- approved manager under section 142ZF(2) for
 the premises. 1
 2
- (4) Also, for this section, the nominated person is 3
reasonably available in relation to the licensed 4
 premises or premises to which the permit relates 5
 if— 6
- (a) the nominated person is readily contactable 7
 by each person involved in the service or 8
 supply of liquor at the premises; and 9
- (b) the time reasonably needed for the 10
 nominated person to travel from any place at 11
 which the nominated person may be present 12
 to the premises is not more than 1 hour. 13
- (5) In this section— 14
- approved manager* means a person employed by 15
 a licensee or permittee as an approved manager. 16

**155AH Signed copy of written notice of nomination
 must be available at premises** 17
 18

The licensee or permittee must— 19

- (a) keep at the premises the copy of the notice 20
 signed by the nominated person under 21
 section 155AG(2)(e); and 22
- (b) if asked by an investigator at the 23
 premises—make the copy of the notice 24
 available to inspect by the investigator. 25

Maximum penalty—100 penalty units. 26

Clause 37 Amendment of s 158 (False representation of age) 27

Section 158(3), from ‘a proof of age card’— 28

omit, insert— 29

a document that is acceptable evidence of age for this 30
 Act. 31

Clause	38	Amendment of s 159 (Wrongful dealing with genuine evidence of age)	1
		Section 159(1)(b)—	2
		<i>omit, insert—</i>	3
		(b) to obtain a document that is acceptable evidence of age for this Act.	4
Clause	39	Insertion of new ss 162B and 162C	5
		Before section 163—	6
		<i>insert—</i>	7
		162B Taking liquor into or from area defined in commercial public event permit	8
		(1) This section applies if a commercial public event permit to sell or supply liquor at a public event is granted to a licensee.	9
		(2) A person must not take liquor into the area defined in the permit for the event while the permit is in force.	10
		Maximum penalty—25 penalty units.	11
		(3) A person must not take liquor from the area defined in the permit for the event—	12
		(a) while the permit is in force; and	13
		(b) during the 1-hour period after the permit expires.	14
		Maximum penalty—25 penalty units.	15
		(4) However, a person may take liquor into or from the area defined in the permit if—	16
		(a) both of the following apply—	17
		(i) the person is the licensee, an employee of the licensee, an agent of the licensee or another person acting under the direction of the licensee;	18

[s 39]

	(ii) the taking of the liquor into or from the area is for the purpose of conducting the event; or	1 2 3
	(b) the taking of the liquor into or from the area is otherwise permitted under the permit.	4 5
162C	Taking liquor into or from venue of event or occasion for community liquor permit	6 7
(1)	This section applies if a community liquor permit for an event or occasion is granted to a permittee.	8 9
(2)	A person must not take liquor into the venue of the event or occasion while the permit is in force. Maximum penalty—25 penalty units.	10 11 12
(3)	A person must not take liquor from the venue of the event or occasion—	13 14
	(a) while the permit is in force; and	15
	(b) during the 1-hour period after the permit expires. Maximum penalty—25 penalty units.	16 17 18
(4)	However, a person may take liquor into or from the venue if—	19 20
	(a) both of the following apply—	21
	(i) the person is the permittee, an employee of the permittee, an agent of the permittee or another person acting under the direction of the permittee;	22 23 24 25
	(ii) the taking of the liquor into or from the venue is for the purpose of conducting the event or occasion; or	26 27 28
	(b) the taking of the liquor into or from the venue is otherwise permitted under the permit.	29 30 31

Clause 40	Amendment of s 172 (Offer to purchase liquor made elsewhere than at licensed premises)	1
		2
	(1) Section 172(2)—	3
	<i>omit, insert—</i>	4
	(2) Subsection (1) does not apply to the holder of a producer/wholesaler licence for orders taken—	5
		6
	(a) to supply liquor by wholesale to a person mentioned in section 75(1); or	7
		8
	(b) if the holder is authorised under section 73(2)(a), or under a craft beer producer permit, to sell the holder's craft beer at a promotional event—at the promotional event.	9
		10
		11
		12
		13
	(2) Section 172—	14
	<i>insert—</i>	15
	(4) Subsection (3) does not apply to the holder of a craft beer producer permit for orders taken at the promotional event that is the subject of the permit.	16
		17
		18
		19
Clause 41	Insertion of new pt 7, div 1A	20
	Part 7, before division 1—	21
	<i>insert—</i>	22
	Division 1A Preliminary	23
	173NR Definition for pt 7	24
	In this part—	25
	<i>document</i> see the <i>Evidence Act 1977</i> , schedule 3.	26
Clause 42	Insertion of new s 183AA	27
	After section 183—	28
	<i>insert—</i>	29

[s 42]

183AA Power to require production of documents	1
(1) An investigator may require a person, by written notice given to the person, to produce to the investigator, at a reasonable time and place stated in the notice, any documents the investigator believes, on reasonable grounds—	2 3 4 5 6
(a) the person has possession or control of; and	7
(b) are relevant to the administration or enforcement of this Act.	8 9
(2) An investigator may require the person to give the investigator reasonable assistance in relation to the exercise of the power mentioned in subsection (1).	10 11 12 13
(3) A person must not, without reasonable excuse, fail to comply with a requirement made under subsection (1).	14 15 16
Maximum penalty—50 penalty units.	17
(4) It is a reasonable excuse for a person to fail to produce a document, other than a document required to be kept by the person under this Act, if producing the document might tend to incriminate the person.	18 19 20 21 22
(5) An investigator may examine the document and—	23 24
(a) make copies of, or take extracts from, the document; or	25 26
(b) if the investigator considers, on reasonable grounds, it is necessary to remove the document to examine or copy it—remove the document from the person’s possession or control.	27 28 29 30 31
(6) Subsection (7) applies if a document removed under subsection (5) is—	32 33

[s 43]

	(a) a record made and kept under section 217;	1
	or	2
	(b) an accounting record or other record about a	3
	business conducted under authority of a	4
	licence.	5
(7)	The investigator must permit, at all reasonable	6
	times, a person who, if the record had not been	7
	removed, would be entitled to inspect the record	8
	or make additions to the record to—	9
	(a) inspect the record; and	10
	(b) make additions to the record.	11
(8)	An investigator who has removed a document	12
	under subsection (5) must, as soon as is	13
	practicable after the removal—	14
	(a) examine, and if the investigator considers it	15
	necessary, copy the document; and	16
	(b) return the document to the person from	17
	whom it was removed.	18
Clause 43	Amendment of s 217 (Records to be kept by licensee)	19
(1)	Section 217—	20
	<i>insert—</i>	21
(4A)	A licensee under a producer/wholesaler licence,	22
	or a permittee under a craft beer producer permit,	23
	(each a <i>producer</i>) must make and maintain a	24
	correct and up-to-date record (a <i>promotional</i>	25
	<i>events record</i>) of each promotional event at	26
	which the producer—	27
	(a) sells, to persons at the event, craft beer	28
	produced by the producer for consumption	29
	away from the event including, for example,	30
	by taking or receiving, or causing or	31
	permitting an agent or employee to take or	32

[s 44]

	receive, orders for the producer's craft beer;	1
	or	2
	(b) supplies, to persons at the event, craft beer	3
	produced by the producer, free of charge, for	4
	the purpose of sampling the craft beer.	5
	Maximum penalty—350 penalty units.	6
(4B)	A promotional events record must—	7
	(a) be in a language and form acceptable to the	8
	commissioner; and	9
	(b) include the written consent, mentioned in	10
	section 73(2)(a)(ii) or (b)(ii), or section	11
	103W(1)(a) or (b), for the promotional	12
	event; and	13
	(c) be kept, at the producer's craft brewery or in	14
	another place approved by the	15
	commissioner, for 6 years after the day on	16
	which the record is made, by the producer	17
	or, if the craft brewery is no longer operated	18
	by the producer, by the operator of the craft	19
	brewery.	20
(2)	Section 217(5)—	21
	<i>insert—</i>	22
	(c) the producer's promotional events records	23
	are not kept as required by subsection (4B).	24
Clause 44	Amendment of s 226 (Contravention of conditions of	25
	licences etc.)	26
	Section 226—	27
	<i>insert—</i>	28
	(d) a car park approval.	29

Clause 45	Insertion of new s 228C	1
	After section 228B—	2
	<i>insert—</i>	3
	228C Inconsistency with authority to sell or supply craft beer and authority under commercial special facility licence	4 5 6
	(1) This section applies if—	7
	(a) a person is authorised, under either of the following, to sell or supply, to persons at a promotional event, craft beer produced by the person—	8 9 10 11
	(i) a producer/wholesaler licence;	12
	(ii) a craft beer producer permit; and	13
	(b) sale or supply of liquor at the event is also authorised under a commercial special facility licence; and	14 15 16
	(c) there is an inconsistency between the authority mentioned in paragraph (a) and the authority mentioned in paragraph (b).	17 18 19
	(2) The commercial special facility licence prevails to the extent of the inconsistency.	20 21
	<i>Example—</i>	22
	A promotional event is held at a venue that is the subject of a commercial special facility licence. Sale and supply of liquor at the event is authorised under that licence. The holder of a producer/wholesaler licence is also authorised under that licence to sell or supply the holder's craft beer to persons at the event.	23 24 25 26 27 28
	A condition imposed on the commercial special facility licence states the total volume of liquor that may be sold to each person at a promotional event is 4 litres. A condition imposed on the holder's producer/wholesaler licence states the total volume of the licensee's craft beer that may be sold to each person at a promotional event is 8 litres.	29 30 31 32 33 34 35

[s 46]

	Despite the condition imposed on the holder's licence, the holder may sell only a total of 4 litres of the holder's craft beer to each person at a promotional event.	1 2 3
Clause 46	Insertion of new pt 12, div 17	4
	Part 12—	5
	<i>insert—</i>	6
	Division 17	7
	Transitional provisions for Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Act 2015	8 9 10 11
	330 Acceptable evidence of age	12
	(1) This section applies if a document was acceptable evidence of the age of a person under section 6 as in force immediately before the commencement.	13 14 15 16
	(2) Despite the amendment of section 6 by the <i>Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Act 2015</i> , the document continues, on the commencement, to be acceptable evidence of the age of the person under section 6 until—	17 18 19 20 21 22
	(a) if the document is cancelled or revoked before it expires—the document is cancelled or revoked; or	23 24 25
	(b) otherwise—the document expires.	26
	331 Conditions relating to sale etc. of liquor in car park	27 28
	(1) This section applies if, immediately before the commencement, a licence is subject to a condition relating to the sale, supply or consumption of liquor in a car park, or part of a	29 30 31 32

-
- car park, that is in or on the licensee's licensed premises. 1
2
- (2) On the commencement, section 142ZZE applies to the licensee despite the condition. 3
4
- (3) A car park approval granted in relation to a regulated car park for the licensee's licensed premises prevails over the condition to the extent of any inconsistency. 5
6
7
8
- (4) To remove any doubt, it is declared that the condition does not have effect as a car park approval for section 142ZZE. 9
10
11

332 Approvals under section 153A in force on commencement 12
13

- (1) An approval of the commissioner under previous section 153A stops having effect on the commencement. 14
15
16
- (2) In this section— 17
- previous section 153A* means section 153A as in force from time to time before the commencement. 18
19
20

Part 4 **Amendment of Liquor Regulation 2002** 21
22

Clause 47 **Regulation amended** 23

This part amends the *Liquor Regulation 2002*. 24

Clause 48 **Replacement of s 38AA (Prescribed criteria for show or exhibition—Act, s 4, definition *small regional show*)** 25
26

Section 38AA— 27

[s 49]

omit, insert—

38AA Prescribed matters for show, exhibition or event—Act, s 4, definitions *campdrafting event* and *small regional show*

- (1) For section 4 of the Act, definition *campdrafting event*, paragraph (b) and definition *small regional show*, paragraph (c), the prescribed number is 2000.
- (2) For section 4 of the Act, definition *campdrafting event*, paragraph (c) and definition *small regional show*, paragraph (d), the prescribed number is 14.
- (3) For section 4 of the Act, definition *campdrafting event*, paragraph (d) and definition *small regional show*, paragraph (e), the prescribed period is a period of 3 consecutive days.

Clause 49 Insertion of new s 38AB

After section 38AA—

insert—

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.

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

- (1) Section 38A, heading, ‘s 50’—

omit, insert— 1

s 4 2

(2) Section 38A(1), ‘section 50’— 3

omit, insert— 4

section 4 5

Clause 51 Insertion of new s 41A 6

After section 41— 7

insert— 8

41A Maximum period for car park approval—Act, s 9

142ZZJ(3) 10

For section 142ZZJ(3) of the Act, the period is 3 11

months. 12

Part 5 Amendment of Safe Night Out 13

Legislation Amendment Act 14

2014 15

Clause 52 Act amended 16

This part amends the *Safe Night Out Legislation Amendment* 17

Act 2014. 18

Clause 53 Amendment of s 2 (Commencement) 19

Section 2(6), fifth dot-point, ‘sections 47 and 48’— 20

omit, insert— 21

section 47 22

Editor’s note— 23

Legislation ultimately amended— 24

[s 54]

	• <i>Liquor Act 1992</i>	1
Clause 54	Omission of s 48 (Amendment of s 105A (Additional requirement for particular applications—risk-assessed management plan))	2
	Section 48—	3
	<i>omit.</i>	4
	<i>Editor’s note—</i>	5
	Legislation ultimately amended—	6
	• <i>Liquor Act 1992</i>	7
		8
		9
Part 6	Repeal of various Acts and related amendments	10
		11
Division 1	Repeals	12
Clause 55	Repeals	13
	The following Acts are repealed—	14
	• All Saints Church Lands Act 1924 15 Geo 5 No. 23	15
	• Anglican Church of Australia Act 1895 Amendment Act 1901 1 Edw 7 No. 21	16
		17
	• Anglican Church of Australia Act 1977	18
	• Anglican Church of Australia (Diocese of Brisbane) Property Act 1889 53 Vic	19
		20
	• Ann Street Presbyterian Church Act 1889 53 Vic	21
	• Boonah Show Ground Act 1914 5 Geo 5	22
	• Chinese Temple Society Act 1964	23
	• Presbyterian Church of Australia Act 1971	24

-
- Queensland Congregational Union Act 1967 1
 - Roman Catholic Church (Corporation of the Sisters of
Mercy of the Diocese of Cairns) Lands Vesting Act 2
1945 9 Geo 6 3
4
 - Roman Catholic Church (Northern Lands) Vesting Act 5
1941 6 Geo 6 6
 - Roman Catholic Relief Act 1830 10 Geo 4 No. 9 (NSW) 7
 - Wesleyan Methodists, Independents, and Baptists 8
Churches Act 1838 2 Vic No. 7 (NSW) 9
 - Wesleyan Methodist Trust Property Act 1853 17 Vic 10
(NSW). 11

Division 2	Amendment of Anglican Church of Australia Act 1895 Amendment Act 1901	12 13 14
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Clause	56	Act amended	15
		This division amends the <i>Anglican Church of Australia Act 1895 Amendment Act 1901</i> .	16 17

Clause	57	Amendment, relocation and renumbering of s 2 (Declaration of synod's powers with reference to lands held on trust for Anglican Church of Australia purposes and no other purposes whatsoever)	18 19 20 21
		(1) Section 2(1), 'the provisions of the principal Act'—	22
		<i>omit, insert—</i>	23
		this Act	24
		(2) Section 2(2)—	25
		<i>omit.</i>	26
		(3) Section 2, as amended—	27

[s 58]

relocate to the *Anglican Church of Australia Act 1895* and
renumber as section 13A. 1
2

Clause 58	Relocation and renumbering of s 3 (Application of moneys arising from sales, mortgages, or leases)	3 4
	Section 3—	5
	<i>relocate</i> to the <i>Anglican Church of Australia Act 1895</i> and <i>renumber</i> as section 13B.	6 7

Division 3	Amendment of Anglican Church of Australia Constitution Act 1961	8 9
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Clause 59	Act amended	10
	This division amends the <i>Anglican Church of Australia Constitution Act 1961</i> .	11 12

Clause 60	Amendment of long title	13
	Long title, from ‘contained in’—	14
	<i>omit, insert—</i>	15
	and related purposes	16

Clause 61	Amendment of preamble	17
	(1) Preamble, unnumbered paragraphs—	18
	<i>number</i> as preamble, paragraphs 1 to 5.	19
	(2) Preamble, paragraph 5, as numbered—	20
	<i>omit</i> .	21

Clause 62	Amendment of s 2 (Constitution to have legal force and effect)	22 23
	(1) Section 2, ‘contained in schedule 1 (the <i>constitution</i>)’—	24

<i>omit.</i>	1
(2) Section 2, ‘and in that part of the Diocese of Carpentaria which is within the State’—	2 3
<i>omit.</i>	4
(3) Section 2—	5
<i>insert—</i>	6
(2) A reference in this Act to the <i>constitution</i> is a reference to the constitution of the Anglican Church of Australia mentioned in the preamble, paragraph 1 as a constitution for the Church of England in Australia, as amended from time to time.	7 8 9 10 11 12

Clause 63	Amendment of s 4 (Inconsistency with certain Acts)	13
	Section 4(1), ‘and that part of the Diocese of Carpentaria’—	14
	<i>omit.</i>	15

Clause 64	Amendment of s 5 (Certain Acts to continue to apply)	16
	(1) Section 5, ‘constitution set out in schedule 1’—	17
	<i>omit, insert—</i>	18
	constitution,	19
	(2) Section 5, ‘and in the said part of the said Diocese of Carpentaria’—	20 21
	<i>omit.</i>	22

Clause 65	Amendment of s 8 (Taking of evidence upon oath)	23
	Section 8, ‘arbitrator within the meaning of the <i>Interdict Act 1867</i> ’—	24 25
	<i>omit, insert—</i>	26
	arbitration tribunal under the <i>Commercial Arbitration Act 2013</i>	27 28

[s 66]

Clause 66	Amendment of sch 2	1
	Schedule 2, heading—	2
	<i>omit, insert—</i>	3
	Schedule 2 Acts	4
	sections 4, 5 and 6	5
	Division 4 Amendment of Oaths Act 1867	6
Clause 67	Act amended	7
	This division amends the <i>Oaths Act 1867</i> .	8
Clause 68	Amendment of s 1 (Oath substituted for the oaths and declaration now prescribed by law)	9 10
	Section 1, ‘or the oath prescribed by the Act of Parliament commonly called the <i>Roman Catholic Relief Act 1830</i> ’—	11 12
	<i>omit.</i>	13
	Division 5 Amendment of Presbyterian Church of Australia Act 1900	14 15
Clause 69	Act amended	16
	This division amends the <i>Presbyterian Church of Australia Act 1900</i> .	17 18
Clause 70	Amendment of long title	19
	Long title, from ‘with regard to’—	20
	<i>omit, insert—</i>	21
	for the church’s union with other churches	22

Clause 71	Amendment of preamble	1
	(1) Preamble, unnumbered paragraphs—	2
	<i>number</i> as preamble, paragraphs 2 to 5 and 9.	3
	(2) Preamble, paragraph 2, as numbered, ‘the schedule’—	4
	<i>omit, insert</i> —	5
	schedule 1	6
Clause 72	Amendment and renumbering of s 1 (Adoption of Basis of Union and Articles of Agreement)	7
	(1) Section 1, from ‘From and after’ to ‘and, except’—	8
	<i>omit, insert</i> —	9
	Except	10
	(2) Section 1, ‘with the State’—	11
	<i>omit, insert</i> —	12
	in the State	13
	(3) Section 1—	14
	<i>insert</i> —	15
	(1) From and after 7 November 1900, the Basis of Union and Articles of Agreement set forth in schedule 1, as amended from time to time in accordance with their terms, have the full force and effect of law.	16
	(2) Section 1, as amended—	17
	<i>renumber</i> as section 2.	18
		19
		20
		21
		22
		23
Clause 73	Relocation and renumbering of s 2 (Short title)	24
	Section 2—	25
	<i>relocate</i> and <i>renumber</i> as section 1.	26

[s 74]

Clause 74	Numbering of schedule (The scheme of union)	1
	Schedule—	2
	<i>number</i> as schedule 1.	3
Division 6	Amendment of Presbyterian Church of Australia Act 1971	4
		5
Clause 75	Act amended	6
	This division amends the <i>Presbyterian Church of Australia Act 1971</i> .	7
		8
Clause 76	Amendment and relocation of preamble	9
	(1) Preamble, unnumbered paragraphs—	10
	<i>number</i> as paragraphs 1 to 7.	11
	(2) Preamble, paragraph 1, as numbered—	12
	<i>relocate</i> to the <i>Presbyterian Church of Australia Act 1900</i> as preamble, paragraph 1.	13
		14
	(3) Preamble, paragraph 6, as numbered, from ‘that the federal union’ to ‘of Australia and’—	15
		16
	<i>omit</i> .	17
	(4) Preamble, paragraphs 4 to 6, as amended and numbered—	18
	<i>relocate</i> to the <i>Presbyterian Church of Australia Act 1900</i> and <i>renumber</i> as preamble, paragraphs 6 to 8.	19
		20
Clause 77	Amendment, relocation and renumbering of s 3 (Union with other churches)	21
		22
	(1) Section 3(1), ‘at any time prior to the adoption pursuant to section 2 of the whole basis of union set forth in the schedule’—	23
		24
		25
	<i>omit</i> .	26

-
- (2) Section 3(1)(a), ‘the provisions of part III of the basis of union’— 1
2
omit, insert— 3
 schedule 2 4
- (3) Section 3(1)(b), from ‘part III’ to ‘as a whole’— 5
omit, insert— 6
 provisions substantially the same as schedule 2 7
- (4) Section 3(1)(c), ‘part III of the said basis of union’— 8
omit, insert— 9
 schedule 2 10
- (5) Section 3(1), from ‘all interests in property’— 11
omit, insert— 12
 all interests in property held immediately before 13
 the publication of the notice by or in trust for 14
 some or all the purposes of the Presbyterian 15
 Church of Queensland or the general assembly 16
 thereof, or any presbytery, session, committee of 17
 management, congregation, committee or council 18
 or board however constituted or fund in 19
 connection with the Presbyterian Church of 20
 Queensland are to be held for the same purposes 21
 and on the same trusts but subject to schedule 2. 22
 Note— 23
 See, for example, the notice titled ‘Presbyterian Church 24
 of Australia Act 1971’ published in the gazette on 11 25
 December 1971 at page 1713. 26
- (6) Section 3(2)(a), ‘part III of the said basis of union set forth in 27
the schedule’— 28
omit, insert— 29
 schedule 2 30
- (7) Section 3(2)(b) and (e) and (3), ‘the said part III’— 31
omit, insert— 32
-

[s 78]

	schedule 2	1
(8)	Section 3(2)(c), ‘the provisions of the said part III shall apply mutatis mutandis’—	2
	<i>omit, insert</i> —	3
	schedule 2 applies, with all necessary changes,	4
(9)	Section 3(2)(d), ‘part III, section 18’—	5
	<i>omit, insert</i> —	6
	schedule 2, item 4	7
(10)	Section 3(2)(d), ‘set forth in the schedule’—	8
	<i>omit, insert</i> —	9
	mentioned in section 2(1)	10
(11)	Section 3, as amended—	11
	<i>relocate</i> to the <i>Presbyterian Church of Australia Act 1900</i> as section 3.	12
		13
		14
Clause 78	Amendment of s 4 (Application of property held under certain trusts)	15
		16
(1)	Section 4, ‘either section 2 or 3’, first occurring—	17
	<i>omit, insert</i> —	18
	section 3	19
(2)	Section 4, ‘either section 2 or 3, as the case may be,’—	20
	<i>omit, insert</i> —	21
	section 3	22
(3)	Section 4, ‘section 2 or 3, as the case may be,’—	23
	<i>omit, insert</i> —	24
	section 3	25
(4)	Section 4, as amended—	26
	<i>relocate</i> to the <i>Presbyterian Church of Australia Act 1900</i> as section 4.	27
		28

Clause 79	Amendment and relocation of s 5 (Powers of commission)	1
		2
(1)	Section 5, ‘the basis of union set forth in the schedule’—	3
	<i>omit, insert—</i>	4
	schedule 2	5
(2)	Section 5, as amended—	6
	<i>relocate</i> to the <i>Presbyterian Church of Australia Act 1900</i> as	7
	section 5.	8
Clause 80	Amendment, relocation and numbering of schedule (Basis of union)	9
		10
(1)	Schedule, heading, after ‘union’—	11
	<i>insert—</i>	12
	with other churches	13
(2)	Schedule, heading, ‘section 5’—	14
	<i>omit, insert—</i>	15
	sections 3 and 5	16
(3)	Schedule, parts I and II—	17
	<i>omit.</i>	18
(4)	Schedule, part III, heading—	19
	<i>omit.</i>	20
(5)	Schedule, item 18, ‘section 15’—	21
	<i>omit, insert—</i>	22
	item 1	23
(6)	Schedule, items 15 to 18—	24
	<i>renumber</i> as schedule, items 1 to 4.	25
(7)	Schedule, as amended—	26

[s 81]

*relocate to Presbyterian Church of Australia Act 1900 and
number as schedule 2.* 1
2

Division 7 Amendment of Queensland 3
Congregational Union Act 1967 4

Clause 81 Act amended 5
This division amends the *Queensland Congregational Union* 6
Act 1967. 7

Clause 82 Insertion of new s 5 8
After section 4— 9
insert— 10
 5 Saving of operation of Act 11
 This Act is an Act to which the *Acts* 12
 Interpretation Act 1954, section 20A applies. 13

Division 8 Amendment of Wesleyan 14
Methodists, Independents, and 15
Baptists Churches Act 1838 16

Clause 83 Act amended 17
This division amends the *Wesleyan Methodists, Independents,* 18
and Baptists Churches Act 1838. 19

Clause 84 Insertion of new s 3 20
After section 2— 21
insert— 22

3 Saving of operation of Act

1

This Act is an Act to which the *Acts Interpretation Act 1954*, section 20A applies.

2

3

Authorised by the Parliamentary Counsel