

Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013

Amendments during consideration in detail to be moved by
The Honourable the Attorney-General and Minister for Justice

1 **Clause 2 (Commencement)**

Page 14, line 17, after ‘*area*’—

insert—

, small regional show

2 **Clause 4 (Amendment of s 47B (Adjustment of contribution schedule for particular schemes by order of specialist adjudicator or QCAT))**

Page 16, lines 3 to 15—

omit, insert—

- (b) there has been a change to the contribution schedule lot entitlements for the lots included in the scheme because of the formal acquisition; and
- (c) the owner of a lot included in the scheme believes that, because of the change, the contribution schedule lot entitlements for the lots included in the scheme—
 - (i) are not consistent with the deciding principle for the lot entitlements, or are not just and equitable to the extent the deciding principle allows; or
 - (ii) if there is no apparent deciding principle for the lot entitlements, are not just and equitable.

3 Clause 5 (Amendment of s 51 (Limited adjustment of lot entitlement schedule—after formal acquisition of part of scheme land))

Page 18, lines 33 to 35 and page 19, lines 1 to 6—

omit, insert—

- (a) if the body corporate has given the constructing authority a written notice under subsection (5)(b)—includes the changes requested by the body corporate, and is different to the proposed new community management statement mentioned in subsection (1)(b)(iii) only to the extent it includes those changes and changes of no substance (if any); or
- (b) if paragraph (a) does not apply—is the same as the proposed new community management statement mentioned in subsection (1)(b)(iii), or is different only to the extent that it includes changes of no substance.

4 Clause 6 (Amendment of s 51A (Limited adjustment of lot entitlement schedule for specified two-lot scheme—after formal acquisition of part of scheme land))

Page 22, lines 30 to 36, and page 23, lines 1 and 2—

omit, insert—

- (a) if the body corporate has given the constructing authority a written notice under subsection (4)(b)—includes the changes requested by the body corporate, and is different to the proposed new community management statement mentioned in subsection (1)(b)(iii) only to the extent it includes those changes and changes of no substance (if any); or
- (b) if paragraph (a) does not apply—is the same as the proposed new community

management statement mentioned in subsection (1)(b)(iii), or is different only to the extent that it includes changes of no substance.

5 Clause 92 (Amendment of s 349 (Cheating))

Page 63, line 24, after ‘TITO’—

insert—

system

6 Clause 121 (Amendment of s 4 (Definitions))

Page 80, after line 23—

insert—

approved arrangement means a lease, sublease, franchise agreement or management agreement entered into by the holder of a commercial special facility licence if the commissioner has approved the lease or sublease or the entering into of the agreement for the purposes of section 153(3).

7 Clause 121 (Amendment of s 4 (Definitions))

Page 81, lines 16 and 17—

omit, insert—

- (b) that is a one-off event or occasion—
 - (i) that is a small regional show; or
 - (ii) otherwise—that starts and ends on the same day.

8 Clause 121 (Amendment of s 4 (Definitions))

Page 81, after line 25—

insert—

small regional show means a function that is an agricultural, horticultural, industrial or pastoral show or exhibition, held at a rural place in Queensland, if the show or exhibition meets criteria prescribed under a regulation for this definition relevant to minimising adverse effects on—

- (a) the health or safety of members of the public; and
- (b) the amenity of the community.

Examples of criteria that may be prescribed under a regulation—

- the maximum number of persons expected to attend the show or exhibition having regard to attendance at the show or exhibition in previous years
- the maximum period during which liquor is to be sold at the show or exhibition
- the maximum duration of the show or exhibition

9 Clause 127 (Insertion of new ss 13–14B and pt 1, div 4, sdiv 2)

Page 84, lines 3 and 4—

omit, insert—

- (d) for a fundraising event other than a small regional show—the liquor is sold during a period not exceeding a total of 8 hours; and

10 Clause 127 (Insertion of new ss 13–14B and pt 1, div 4, sdiv 2)

Page 85, lines 10 to 28—

omit, insert—

- (c) neither the entity nor an executive officer of the entity has, within the 5 years immediately before the event, been

convicted of an offence under any of the following—

- (i) section 155A;
 - (ii) section 156;
 - (iii) section 156A;
 - (iv) section 169; and
- (d) for an entity or an executive officer of the entity that is a licensee or permittee, neither the entity nor the executive officer has, within the 5 years immediately before the event—
- (i) been given a written notice for an urgent suspension of the entity's or executive officer's licence under section 137C; or
 - (ii) been convicted of an offence under section 148A(2) or (4); or
 - (iii) breached a condition of a licence or permit relating to minimising alcohol-related disturbances, or public disorder, in a locality.

11 Clause 132 (Amendment of s 67AA (Principal activity is the provision of entertainment))

Page 95, line 24, 'subparagraph (i)'—

omit, insert—

paragraph (a)

12 Clause 144 (Amendment of s 141 (Order to close premises for unlawful trading))

Page 103, line 27, after '141(1)'—

insert—

and (2)

13 Clause 144 (Amendment of s 141 (Order to close premises for unlawful trading))

Page 104, lines 13 to 28—

omit, insert—

- (2) The commissioner may give the person conducting business on the premises an order to cease trading in liquor on the premises and to close the premises.
- (3) A person must not contravene an order under subsection (2).

Maximum penalty for subsection (3)—25 penalty units.

14 After clause 151

Page 105, after line 21—

insert—

151A Amendment of s 155AC (Application of div 1A)

Section 155AC—

insert—

- (2) To the extent that a holder of a commercial special facility licence has entered into an approved arrangement, this division applies for the licensed premises as if a reference to a licensee in this division were a reference to the lessee, sublessee, franchisee or manager with whom the holder entered into the approved arrangement.

15 Clause 171 (Amendment of s 5B (Availability of copies of records and transcriptions))

Page 114, lines 4 and 5, 'library committee'—

omit, insert—

Library Committee

16 Clause 171 (Amendment of s 5B (Availability of copies of records and transcriptions))

Page 114, after line 8—

insert—

(3B) However, despite an arrangement put in place under subsection (4), the chief executive must not provide to the Supreme Court Library Committee copies of the following records or transcriptions—

- (a) any part of a record under this Act of a criminal proceeding that has been made while the court is closed under a provision of an Act, or an order made under a provision of an Act requiring the court to be closed;
- (b) any part of a record under this Act of a criminal proceeding if the court makes an order prohibiting access to, or the disclosure or publication of, the part.

17 Clause 171 (Amendment of s 5B (Availability of copies of records and transcriptions))

Page 114, line 10, ‘to (6)’—

omit, insert—

to (7)

18 Clause 174 (Amendment of s 2 (Definitions))

Page 115, lines 16 to 22—

omit, insert—

sentencing information—

- (a) includes—
 - (i) information about sentencing contained in transcripts or parts of transcripts, of recordings of criminal proceedings; and
 - (ii) other information related to the administration of the criminal justice system in Queensland; but
- (b) does not include any part of a record or transcript that can not be provided to the committee under the *Recording of Evidence Act 1962*, section 5B(5).

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