



Queensland

# Liquor and Other Legislation Amendment Regulation (No. 1) 2008

## Subordinate Legislation 2008 No. 418

made under the

*Gaming Machine Act 1991*

*Keno Act 1996*

*Land Act 1994*

*Liquor Act 1992*

*Prostitution Act 1999*

*Wagering Act 1998*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Liquor and Other Legislation Amendment Regulation (No. 1) 2008*.

### 2 Commencement

This regulation commences on 1 January 2009.

## Part 2 Amendment of Liquor Regulation 2002

### 3 Regulation amended in pt 2

This part amends the *Liquor Regulation 2002*.

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

(1) Section 4(1)(c)—

*omit, insert—*

‘(c) for an applicant who is an individual, evidence, satisfactory to the chief executive, of the applicant’s identity;’.

(2) Section 4(2)(a) and (b)—

*omit, insert—*

‘(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;’.

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- (3) Section 4(2)(c), ‘club’—  
*omit, insert—*  
‘community club licence, a community other’.
- (4) Section 4(2)(f)—  
*omit, insert—*  
‘(f) for an application for a transfer of a licence if the transferee is an individual—evidence, satisfactory to the chief executive, of the transferee’s identity;’.
- (5) Section 4(2)(c) to (g)—  
*renumber* as section 4(2)(b) to (f).

## **5 Amendment of s 5 (Timing for making applications)**

- (1) Section 5(1)(a), ‘general purpose’—  
*omit, insert—*  
‘community liquor’.
- (2) Section 5(1)(b), ‘permit, other than an extended hours permit that would extend trading hours on a regular basis;’—  
*omit, insert—*  
‘permit;’.
- (3) Section 5(1)(c), ‘club’—  
*omit, insert—*  
‘liquor’.
- (4) Section 5(1)(d), after ‘trading hours’—  
*insert—*  
‘or licence conditions’.
- (5) Section 5(2), ‘catering away’—  
*omit, insert—*  
‘commercial public event’.

**6 Omission of s 6 (Proposed event management plan as part of application for catering away permit)**

Section 6—

*omit.*

**7 Amendment of s 7 (Circumstances in which chief executive may approve premises as detached bottle shop)**

(1) Section 7(1), ‘section 59(1)(d)’—

*omit, insert—*

‘section 60(1)(d)’.

(2) Section 7(4)(a)(i), from ‘premises other than’—

*omit, insert—*

‘premises; and’.

**8 Amendment of s 8 (Obligation to conduct business at detached bottle shop if no appeal)**

Section 8(1)(a), ‘59(1)(d)’—

*omit, insert—*

‘60(1)(d)’.

**9 Amendment of s 9 (Obligation to conduct business at detached bottle shop after an appeal)**

Section 9(1)(a), ‘59(1)(d)’—

*omit, insert—*

‘60(1)(d)’.

**10 Amendment of s 11 (Prescription of amount and circumstances for sale of liquor at a detached bottle shop)**

(1) Section 11, heading, from ‘sale’—

[s 11]

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*omit, insert—*

**‘consumption of liquor at a detached bottle shop—Act, s 60(1)(d)(ii)’.**

- (2) Section 11, ‘The holder of a general’—

*omit, insert—*

‘For section 60(1)(d)(ii) of the Act, the holder of a commercial hotel’.

**11 Amendment of pt 4 hdg (Club licences and other premises)**

Part 4, heading, ‘Club’—

*omit, insert—*

**‘Community club’.**

**12 Amendment of s 16 (Definition for pt 4)**

Section 16, definition *other premises*, ‘section 85(1A)’—

*omit, insert—*

‘section 77(2)’.

**13 Amendment of s 17 (Application for inclusion of, or change to, statement about other premises—Act, s 154C)**

Section 17(1), before ‘club licence’—

*insert—*

‘community’.

**14 Amendment of s 21 (Application of part to applications for alteration of licensed premises)**

- (1) Section 21(2)(d), before ‘club licence’—

*insert—*

‘community’.



- (2) Section 21(6), definition *other premises*, ‘section 85(1A)’—  
*omit, insert—*  
‘section 77(2)’.

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

- (1) Section 25(1)(a) to (c)—  
*omit, insert—*  
‘(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;

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- (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) Section 25(2)—  
*insert—*  
**‘supplied** includes sold.’.
- (3) Section 25(2), definition *bulk*—  
*omit, insert—*  
**‘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.’.

## 16 Insertion of new s 25A

Part 6—

*insert—*

### **‘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;
- (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%.’

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**17 Omission of s 26 (Annual return to chief executive for producer/wholesaler licences)**

Section 26—

*omit.*

**18 Amendment of s 27 (Details about meals and beverages to be recorded by certain licensees)**

- (1) Section 27(1), ‘subsections (2) and (3),’—

*omit, insert—*

‘subsection (2),’.

- (2) Section 27(1), from ‘holds an on-premises’ to ‘residential licence’—

*omit, insert—*

‘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,’.

- (3) Section 27(3), (4) and (5)—

*omit.*

**19 Amendment of s 29 (Authority of permit)**

- (1) Section 29, heading ‘Authority of’—

*omit, insert—*

**‘Prescribed conditions for’.**

- (2) Section 29, ‘section 103G(2)’—

*omit, insert—*

‘section 103P(2)’.

**20 Amendment of s 30 (Approved area to conform with requirements)**

Section 30(1), ‘section 103H(c)’—

*omit, insert—*

‘section 103Q(c)’.

**21 Amendment of s 31 (Application for permit)**

Section 31(b) and (c)—

*omit, insert—*

‘(b) associates of the person mentioned in paragraph (a).’.

**22 Replacement of pt 8 (Fees)**

Part 8—

*omit, insert—*

**‘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 36C, 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.

[s 22]

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*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) \$2700;
- (b) \$3000 for each detached bottle shop approved for the licence.

‘(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) \$7500;
  - (ii) \$1000 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) \$10000;
  - (ii) \$1000 for each additional liquor outlet beyond 10 liquor outlets.

‘(3) For a commercial other licence, the base fee is \$500.

- ‘(4) For a community club licence, the base fee is—
  - (a) for a club with 2000 members or less—\$500; or
  - (b) for a club with more than 2000 members—\$2200.
- ‘(5) For a community other licence, the base fee is \$250.
- ‘(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 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.
- ‘(2) The fee for the risk criterion of extended 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—\$750; or
    - (ii) otherwise—\$1000; and
  - (b) if the approved extended trading hours for the licensed premises are between 9a.m. and 10a.m.—
    - (i) during weekends only—\$375; or
    - (ii) otherwise—\$500; and
  - (c) if the approved extended trading hours for the licensed premises are between 12a.m. and 3a.m.—
    - (i) during weekends only—\$5625; or
    - (ii) otherwise—\$7500; and

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- (d) if the approved extended trading hours for the licensed premises are between 3a.m. and 5a.m.—
  - (i) during weekends only—\$7500; or
  - (ii) otherwise—\$10000.

### **‘36C Risk criterion—provision of meals**

- ‘(1) This section applies to a licence for a licence period if meals are not available to the public at the licensed premises during the last 2 hours of trading for the premises on any day.

*Example—*

Meals are not available to the public at a licensed premises after 10p.m. despite the licensed premises trading until 5a.m.

- ‘(2) However, this section does not apply to a licence if—
- (a) the licence is a community other licence; or
  - (b) the business conducted under the licence is of a type of business at which a person would not ordinarily expect liquor to be available for sale.

*Examples for paragraph (b)—*

cinemas, hospitals, retirement villages and TAFE institutions

- ‘(3) The fee for the risk criterion of provision of meals is \$1000.

### **‘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 \$80 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.



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## **‘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 chief executive—Act, s 202(2)(a)**

- ‘(1) For section 202(2)(a) of the Act, a licensee must give the chief executive 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**

[s 22]

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**‘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 chief executive.

**‘36I Reassessment of licence fee by chief executive**

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

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

**‘36J Application for reassessment of licence fee**

‘(1) A licensee may, within the relevant period, apply to the chief executive 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 chief executive 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 chief executive 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) that the licensee may appeal to the tribunal against the reassessment within 28 days after the licensee receives notice of the reassessment;
    - (v) how the licensee may appeal to the tribunal.
- '(4) If an overpaid amount is refundable to the licensee—
  - (a) the chief executive must refund the overpaid amount to the licensee at the time of giving the notice to the licensee under subsection (2); and

[s 22]

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(b) the notice under subsection (2) must state the following—

- (i) how the reassessment was calculated;
- (ii) the amount refunded to the licensee.

‘(5) In this section—

***overpaid amount*** means the difference between the licence fee assessed by the chief executive and the licence fee assessed by the licensee, when the licence fee assessed by the chief executive is the lower fee.

***underpaid amount*** means the difference between the licence fee assessed by the chief executive and the licence fee assessed by the licensee, when the licence fee assessed by the chief executive is the higher fee.

## ‘Division 5                      **Consequences of failing to pay licence fee**

### ‘36L    **Consequences of failing to pay licence fee—Act, s 208**

‘(1) This section prescribes, for section 208(3)(a) of the Act, the consequences of a licensee failing to pay—

- (a) the licence fee for the licence for a licence period; or
- (b) an underpaid amount.

‘(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                      Appeal 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 an appeal by a licensee to the tribunal about the failure to pay the licence fee for the licence for a licence period.

### **‘36N    Appeal about failure to pay licence fee or underpaid amount**

- ‘(1) A licensee aggrieved by the suspension and impending cancellation of the 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) may appeal to the tribunal 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.

[s 22]

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- ‘(2) Financial hardship is not a personal hardship for subsection (1)(d).
- ‘(3) An appeal is started by—
  - (a) filing a notice of appeal with the director during the suspension period; and
  - (b) giving a copy of the notice to the chief executive within 7 days after the notice is filed with the director.
- ‘(4) If a notice of appeal is filed with the director under subsection (3)(a), 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.
- ‘(5) In this section—  
*suspension period* see section 36L(2)(a).

### **‘36O Powers of tribunal on appeal**

- ‘(1) The tribunal must decide the appeal within 30 days after notice of the appeal is filed with the director.
- ‘(2) If it appears to the tribunal that the appellant is not prosecuting the appeal diligently, it may strike out the appeal.
- ‘(3) In deciding the appeal, the tribunal may—
  - (a) allow the appeal 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) dismiss the appeal.
- ‘(4) The time allowed must be at least 7 days, and not more than 28 days, after the day on which the appeal is allowed.
- ‘(5) The continued suspension of the licence under section 36N(4) ends if—
  - (a) the appeal is allowed and the licence fee or underpaid amount is paid to the department within the time allowed; or

- (b) the appeal is dismissed or struck out, and the licence fee or underpaid amount is paid within 1 day of the appeal being dismissed or struck out.
- ‘(6) The licence is cancelled if—
  - (a) the appeal is allowed but the licence fee or underpaid amount is not paid within the time allowed; or
  - (b) the appeal is dismissed or struck out, and the licence fee or underpaid amount is not paid within 1 day of the appeal being dismissed or struck out.
- ‘(7) If the licence is cancelled under subsection (6)—
  - (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

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- (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.’.

**23 Replacement of s 37F (Information for training register—Act, s 142AI)**

Section 37F—

*omit, insert—*

**‘37F Information for training register—Act, s 142AI(2)(a)**

‘For section 142AI(2)(a) of the Act, the expiry date of each current training course certificate kept by the licensee under section 142AG(c) of the Act is the information.’.

**24 Omission of s 37G (Matters for house policy—Act, s 142AJ)**

Section 37G—

*omit.*

**25 Amendment of s 37H (Prescribed activities—Act, s 142AL)**

- (1) Section 37H, heading, ‘s 142AL’—

*omit, insert—*

**‘s 142AJ(b)’.**

- (2) Section 37H(1) and (2), ‘section 142AL(b)’—

*omit, insert—*

**‘section 142AJ(b)’.**

- (3) Section 37H(1) and (2), ‘or premises to which a permit relates’—

*omit.*



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**26 Insertion of new s 38A**

Part 9—

*insert—*

**‘38A Matters for risk-assessed management plan—Act,  
s 50, definition *risk-assessed management plan***

‘(1) For section 50 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.

‘(2) In this section—

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

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

**27 Amendment of s 39 (Proposed amendment to club rules)**

Section 39, ‘88(1)(b)(i) and 103D(1)(b)(i)’—

*omit, insert—*

‘79(2) and 83(2)’.

**28 Insertion of new s 39A**

Part 9—

*insert—*

**‘39A Information for training register—Act, s 141C(3)(a)**

‘For section 141C(3)(a) of the Act, the expiry date of each current training course certificate kept by the licensee under section 141C(4) of the Act is the information.’.

**29 Insertion of new ss 42 and 43**

Part 9—

*insert—*

**‘42 Prescribed sports for sporting clubs—Act, ss 86(5)(b) and 103I(5)(b)**

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

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

**‘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.

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

**South Bank Parklands** means the corporation area, other than the following land—

- (a) land within the corporation area leased from the corporation under the *South Bank Corporation Act 1989*, section 26;
- (b) land within the corporation area held in fee simple by a person, other than a public authority.’.

### 30 Insertion of new pt 12

After section 58—

*insert—*

## ‘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.

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‘(5) 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.’.

**31 Replacement of sch 1 (Fees)**

Schedule 1—

*omit, insert—*

**‘Schedule 1 Fees**

section 36D

\$

**Application fee**

1	Application under section 105 of the Act for—	
(a)	a commercial hotel licence . . . . .	5 000.00
(b)	a commercial special facility licence . . . . .	5 000.00
(c)	a commercial other licence . . . . .	1 000.00

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	\$
(d) a community club licence .....	2 200.00
(e) a community other licence.....	500.00
 2 Application—	
(a) for a temporary variation, under section 111 of the Act, for 1 occasion.....	50.00
(b) to vary a licence, under section 111 of the Act, in another way .....	150.00
(c) to transfer a licence as mentioned in section 113 of the Act .....	251.00
(d) for a duplicate licence as mentioned in section 127 of the Act .....	96.00
(e) for a temporary authority as mentioned in section 125 of the Act.....	66.00
(f) for the extension of a temporary authority as mentioned in section 125 of the Act .....	66.00
(g) for the chief executive’s approval as mentioned in section 154 of the Act to alter, rebuild, change or increase the area of licensed premises, unless paragraph (h) applies .....	66.00
(h) for the chief executive’s approval as mentioned in section 154 of the Act to temporarily change, for 1 occasion, licensed premises.....	50.00
(i) to renew, as mentioned in section 123B(2) of the Act, a provisional licence .....	66.00
(j) to renew, as mentioned in section 123B(4) of the Act, a staged development approval .....	66.00
(k) for an extended trading hours approval .....	150.00

### **Permits**

3 Application as mentioned in section 105 of the Act for—	
(a) an extended hours permit.....	50.00
(b) each day of the event or occasion for a community liquor permit .....	50.00

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	\$
(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 . . . .	90.00
(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 . . . . .	175.00
(d) an adult entertainment permit—	
(i) to provide adult entertainment for 1 occasion . . .	600.00
(ii) to provide adult entertainment for a year. . . . .	1 549.00
(iii) to vary, on a regular basis, the hours during which adult entertainment may be provided . . . .	150.00
(iv) to change the controller for the permit . . . . .	200.00
(v) to make another change to an existing permit . . .	195.00
(vi) to vary the hours during which adult entertainment may be provided for 1 occasion . .	50.00
(e) a commercial public event permit—	
(i) for the first day of a public event. . . . .	500.00
(ii) for each additional day of the public event . . .	50.00
(f) a variation of a commercial public event permit . . . .	50.00
5 Application for a duplicate permit as mentioned in section 127 of the Act . . . . .	96.00

#### **Miscellaneous applications**

6 Application for—	
(a) approval of premises, as mentioned in section 60(1)(d) of the Act, for the sale of liquor under authority of a commercial hotel licence. . . . .	750.00
(b) approval as an approved manager under section 142Q of the Act . . . . .	365.00
(c) renewal of approval as an approved manager under section 142U of the Act. . . . .	365.00

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	\$
(d) authority under section 129 of the Act to conduct business on licensed premises . . . . .	251.00
(e) approval, as mentioned in section 144 of the Act, to change the name of licensed premises. . . . .	66.00
(f) approval, as 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 . . .	50.00
(g) approval, as mentioned in section 152 of the Act, to conduct a business or supply a service on licensed premises . . . . .	66.00
(h) approval, as mentioned in section 153 of the Act, to let, sublet or enter into a franchise or management agreement for all or part of licensed premises. . . . .	251.00
(i) approval under section 154A of the Act for the relocation of a detached bottle shop . . . . .	129.00
(j) approval under section 154B of the Act to transfer a detached bottle shop . . . . .	129.00
(k) inclusion in a licence, under section 154C of the Act, of a statement that the licensed premises includes other premises . . . . .	66.00
(l) a change, under section 154C of the Act, of statement in a licence that the licensed premises includes other premises . . . . .	66.00
(m) inclusion in a commercial hotel licence or commercial other 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. . . . .	66.00
(n) approval of a changed risk-assessed management plan under section 52(1) of the Act . . . . .	66.00

**Particulars of interest in licence**

7	Giving particulars of an interest in a licence to the chief executive under section 44A(2) of the Act . . . . .	66.00
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\$

8	Inspection of the register under section 44(b) of the Act . . .	28.00
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9	Application under section 142B of the Act for approval as a trainer for the licensee's course for 1 year . . . . .	1 875.00
10	Application under section 142F of the Act for renewal of approval as a trainer for the licensee's course for 1 year. . .	1 535.00

11	Application under section 142B of the Act for approval as a trainer for the approved training course for 1 year . . . . .	1 545.00
12	Application under section 142F of the Act for renewal of approval as a trainer for the approved training course for 1 year . . . . .	1 415.00

Schedule 2, definition *house policy*—*omit.*

**33 Regulation amended in pt 3**

This part amends the *Gaming Machine Regulation* 2002.

**34 Amendment of s 57 (Prescribed liquor licences—Act, schedule)**

Section 57(b)—



*omit, insert—*

‘(b) a commercial special facility licence for a facility that makes, or is likely to make, a significant contribution to the tourism development of the State, other than a facility that is an airport, casino, convention centre or sporting facility.’.

**35 Amendment of sch 1 (Prescribed entities)**

Schedule 1, ‘Liquor Licensing Division, Queensland’—

*omit, insert—*

‘Office of Liquor, Gaming and Racing, Queensland’.

**36 Amendment of sch 6 (Prescribed liquor licences)**

(1) Schedule 6, item 5—

*omit.*

(2) Schedule 6, before ‘special facility licence’—

*insert—*

‘commercial’.

## **Part 4 Amendment of Keno Regulation 2007**

**37 Regulation amended in pt 4**

This part amends the *Keno Regulation 2007*.

**38 Amendment of s 4 (Persons with whom keno licensee may enter into agency agreements—Act, s 85)**

(1) Section 4(a), before ‘club licence’—

[s 39]

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*insert—*

‘community’.

- (2) Section 4(b), ‘general licence’—

*omit, insert—*

‘commercial hotel licence’.

**39 Amendment of s 8 (Approved places of operation for appointed agents—Act, s 142)**

Section 8(2), ‘club licence, general licence’—

*omit, insert—*

‘commercial hotel licence, community club licence’.

**40 Amendment of s 10 (Prohibited periods for keno games for appointed agents—Act, s 143)**

Section 10(2), ‘club licence, general licence’—

*omit, insert—*

‘commercial hotel licence, community club licence’.

**41 Amendment of sch 1 (Entities)**

Schedule 1, ‘Liquor Licensing Division, Queensland’—

*omit, insert—*

‘Office of Liquor, Gaming and Racing, Queensland’.

**42 Amendment of sch 4 (Dictionary)**

- (1) Schedule 4, definitions *club licence* and *general licence*—

*omit.*

- (2) Schedule 4—

*insert—*

*‘commercial hotel licence* means a commercial hotel licence under the *Liquor Act 1992*.

*community club licence* means a community club licence under the *Liquor Act 1992*.’.

## **Part 5                      Amendment of Land Regulation 1995**

### **43        Regulation amended in pt 5**

This part amends the *Land Regulation 1995*.

### **44        Amendment of s 14 (Category 6 leases)**

Section 14(1), example, before ‘club’—

*insert—*

‘community’.

## **Part 6                      Amendment of Prostitution Regulation 2000**

### **45        Regulation amended in pt 6**

This part amends the *Prostitution Regulation 2000*.

### **46        Amendment of sch 1 (Agencies with which Authority must liaise)**

Schedule 1, ‘Liquor Licensing Division in the department in which the *Liquor Act 1992* is administered’—

‘Office of Liquor, Gaming and Racing’.

**49 Amendment of s 11 (Places of operation for wagering agents—Act, s 205)**

Section 11(g) and (h), before ‘special’—

*insert—*

‘commercial’.

**50 Amendment of sch 1 (Entities)**

Schedule 1, ‘Liquor Licensing Division, Queensland’—

*omit, insert—*

‘Office of Liquor, Gaming and Racing, Queensland’.

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ENDNOTES

- 1 Made by the Governor in Council on 11 December 2008.
- 2 Notified in the gazette on 12 December 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Treasury Department.

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