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

Explanatory Notes

Short title

The short title of the Bill is the Liquor (Red Tape Reduction) and Other Legislation Amendment Bill 2013 (the Bill).

Policy objectives and the reasons for them

The objectives of the Bill are to:

- make further reductions to the regulatory burden on the liquor and gaming industries by amending the *Liquor Act 1992* (Liquor Act) and the *Gaming Machine Act 1991* (Gaming Machine Act);
- make additional miscellaneous amendments to the liquor and gaming Acts to ensure clarity, effectiveness and that they continue to achieve their original policy intent;
- amend the *Wagering Act 1998* (Wagering Act) to allow for the Minister to approve the extension of wagering licences; and
- amend fair trading legislation, which is the *Roman Catholic Church (Incorporation of Church Entities) Act 1994* (the Church Incorporation Act), the *Roman Catholic Church Lands Act 1985* (the Church Lands Act) and the *Security Providers Act 1993* (the Security Providers Act), to reduce red tape, correct omissions and improve legislative clarity and integrity.

Regulatory inefficiency is a critical priority for Queensland businesses, disadvantaged by a large volume of red tape and its associated regulatory burden. The liquor and gaming industries, particularly, have been subject to an underlying micro-regulatory philosophy. These industries play a crucial role in both providing services to the community and attracting tourism to the State. However, while there have been significant technological advances in the last two decades, the legislation and regulatory controls have not changed accordingly.

To address red tape in the liquor and gaming industries, the Government appointed a Liquor and Gaming Red Tape Reduction Expert Panel (expert panel), comprising of business, Government and community representatives, to review liquor licensing and gaming laws. The expert panel contributed to the creation of a Government discussion paper titled *Red tape reduction and other reform proposals for regulation of liquor and gaming* (discussion paper) which was released for public consultation on 15 February 2013.

A number of significant reforms were passed by Parliament in May 2013, and assented to on 3 June 2013, as part of the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013*. The Bill continues this reform process.

In accordance with the Government's commitment to reducing red tape, further amendments to gaming and liquor legislation, designed to reduce the regulatory burden, are given effect by the Bill (detail is provided in the Achievements of the Objectives section of these Explanatory Notes). These amendments were endorsed by the majority of expert panel members, after consideration of public responses to the discussion paper.

The reduction in red tape from these initiatives will have significant benefits for Queensland. It will benefit the tourism industry and other business operators such as hoteliers, encouraging operators to set up in Queensland and provide greater employment opportunities for Queenslanders. Additionally, it will reduce the red tape on clubs allowing them to provide better services to the Queensland community.

The Church Incorporation Act amendments are foremost a response to changes in the Church resulting from population growth, the expansion of the Catholic school system and the reshaping of parishes stemming from declining clergy numbers. The amendments are mainly technical in nature with the ultimate aim of enabling the Church to operate more simply by reducing red tape, thus helping it to put more of its funds towards charitable goals.

The amendments to the Church Lands Act correct an omission to recognise an interest in land vested to the Trustees of the Roman Catholic Archdiocese of Brisbane upon which St Michael's Church at Pine Ridge is located.

The Security Providers Act amendments will clarify the existing policy objectives of the Act by making it clear that unrecorded convictions do not result in automatic disqualification from holding a licence. Rather, the chief executive must consider unrecorded convictions (along with the other circumstances of the case) in determining whether a person is an appropriate person to hold a licence.

Achievement of policy objectives

Objective: Make further reductions to the regulatory burden on the liquor and gaming industries

Reducing regulatory burden by extending term of adult entertainment permits from one to three years

An adult entertainment permit (AEP) means a permit granted under the Liquor Act authorising a licensee or permittee to provide adult entertainment. Adult entertainment has the meaning given to it by Section 103N(2) of the Act (live entertainment that may be performed for an audience, by a person performing an act of an explicit sexual nature).

Currently section 103R of the Liquor Act provides that an AEP is issued for a period of one year unless it is sooner surrendered, suspended or cancelled. AEPs are also not renewable or transferable. The application process takes approximately four months due to the strict probity and compliance checks on this industry undertaken by the Prostitution Enforcement Taskforce within the Queensland Police Service. This means applicants must apply six months prior to the expiry of their permit to ensure their application is processed on time.

This places a considerable regulatory burden on industry and the government (Office of Liquor and Gaming Regulation), who process these frequent applications.
Despite the stringency of the assessment process, no applications for an adult entertainment permit lodged for consideration in the last 12 months have been refused.

In order to reduce red tape, the Bill amends the Liquor Act to change the maximum term of the AEP from one year to three years.

Reducing regulatory burden by providing for individual licences for AEP controllers to allow them to transfer between venues

Currently section 109B of the Liquor Act provides that a licensee or permittee who holds an AEP may nominate an adult to be a controller to supervise the provision of the adult entertainment under the permit to ensure that it is provided in accordance with the Act and the conditions of the permit.

Section 149B requires that at all times when adult entertainment is being provided under an adult entertainment permit, the entertainment must be supervised by the licensee or permittee, or a controller, to ensure that it is provided in accordance with this Act and the conditions of the permit. If this is contravened, a licensee, permittee or controller whose duty it was to supervise the entertainment at the relevant time, commits an offence with a maximum penalty of 100 penalty units.

Section 155AA(2) makes it an offence for a licensee, permittee, approved manager or controller not to ensure that a minor is not in an approved area when adult entertainment is being provided, with a maximum penalty of 200 penalty units.

Controllers are also required to satisfy a similar, though slightly lower level of compliance and probity than an applicant for an adult entertainment permit. The process includes the Prostitution Enforcement Taskforce undertaking probity and criminal history checks on each applicant.

The Bill amends the Liquor Act to change the way controllers are approved in order to make it more flexible for both controllers and AEP holders. As noted above, currently a licensee or permittee applies for the approval of a controller and the controller is attached to the AEP. However, the Bill removes links between a controller's approval and the AEP so that individuals apply for a controller approval rather than the approval being incorporated into the licensees or permittees' AEP approvals. Once granted, the approval can be used under multiple AEPs and premises for a period of five years and then, if required, reapplied for. This will reduce red tape on permittees and give greater flexibility to controllers.

The matters that will be considered in approving controllers are intended to remain as close as possible to current matters considered in approved controllers in section 109B. To ensure community safety, the new provisions allow for disciplinary action to be taken against controllers if they contravene the Liquor Act or commit other offences relevant to their role as a controller. The ability for controllers to appeal disciplinary action against them is also provided for.

Reducing regulatory burden for liquor licences by allowing them to make payments of fees by instalment

There are approximately 6,730 licensees in Queensland who are subject to payment of licence fees. Under the Liquor Act, a licensee can seek to pay the annual liquor licence fee under a schedule of instalments if the Commissioner is satisfied the licensee is unable to pay due to the licensee being adversely affected by a natural disaster or personal hardship. The Liquor Act does not provide for a schedule of instalments on the basis of other types of hardship and specifically states that financial hardship is not a personal hardship.

A licence is automatically suspended if licence fees are not paid and after a 28 day period, is cancelled. Businesses suffering a temporary financial hardship who are unable to pay their licence fees will have their licences cancelled. Ultimately, this will further affect the ongoing viability of the licensee's business. A licensee whose licence is cancelled due to non-payment is then required to re-apply for the licence.

To aid licensees that suffer hardship, the Bill amends the Liquor Act to allow the payment of fees by instalment in those instances where the licensee is able to demonstrate financial hardship. A guideline detailing what constitutes significant hardship will be published by the Commissioner. To be eligible to enter into an instalment plan, the licensee will be required to demonstrate that the hardship was the result of forces of a temporary nature that are beyond their control. It is not anticipated that hardship would include the impacts from normal market forces which have resulted in a decrease in patronage at a licensed premises. A suitable example would be the 1989 Australian pilots' dispute, which had a substantial detrimental financial effect on the tourism industry and was beyond the control of licensed premises.

Reducing regulatory burden by removing the requirement for licensees to keep a Responsible Service of Alcohol training register

The Liquor Act requires licensees, as a condition of a licence, to keep a training register about Responsible Service of Alcohol (RSA) training course certificates held by staff involved in the service or supply of liquor at the premises. Specifically, the register must record the prescribed information, which is currently the expiry date of the certificate. In addition to maintaining the training register, the Liquor Act requires licensees to keep a copy of an employee's RSA certificate.

The requirement for licensees to maintain a training register is considered an unnecessary regulatory burden as it duplicates information either already kept by licensees (ie employment records) or details recorded on the RSA certificate. From 1 July 2013, RSA accreditation moved to the national framework. Under the national framework, employees will only be required to obtain a national RSA accreditation once, as the accreditation will not expire. As the only information prescribed by the Regulation to be recorded in the training register is the expiry date of the RSA certificate, the need for a training register will become redundant once Queensland accredited RSA certificates phase out.

Further, the removal of the register will also ensure consistency across the Act with other red-tape reduction amendments. Specifically, the recent removal of the requirement for licensee's to maintain an approved manager's register. It was considered that the requirement to keep an

approved manager's register imposed an unreasonable regulatory burden on licensees. Consequently the Bill amends the Liquor Act to remove the requirement for a RSA training register.

Reducing regulatory burden by exempting tourist operators supplying limited amount of liquor to clients as part of a tour from liquor licensing requirements

Section 169, within Division 3 of Part 6 of the Liquor Act, provides that a person must not sell liquor unless the sale is made under the authority of an appropriate licence or permit. Section 171, within Division 3 of Part 6 of the Liquor Act, provides that a person must not carry or expose liquor for sale in any premises without the authority of a licence or permit relating to the premises.

However, Part 1, Division 4 allows for particular entities to be exempt from the provisions of the Liquor Act if liquor is sold under particular low risk circumstances and/or quantities. Under this Division, limousine drivers and hairdressers are exempt if they provide a limited (up to two standard drinks per client per day) amount of liquor as a subsidiary element of their business.

Although tour operators provide a similar style of service to limousine drivers, albeit over a longer period of distance and time, they are not exempt from the Liquor Act and cannot otherwise apply for a licence or permit allowing the sale and supply of liquor to their clients during a charter/tour.

As a red tape reduction initiative, the Bill amends the Liquor Act to include additional exemption provisions for tour operators, subject to liquor only being sold to adult clients where: the sale takes place during a pre-booked tour; the quantity of the liquor sold to the client is not more than two standard drinks in a day; the liquor is not sold or consumed on Christmas Day, Good Friday, before 1p.m. on Anzac Day, or on any other day between 5am and 10am; and the liquor is not sold or consumed within a relevant restricted area.

The amendments are of a low risk nature and will have a positive impact on business, as they will remove an unnecessary regulatory burden that prohibits tour operators from providing a more inclusive hospitality package to their clients. The proposal is also consistent with the Government's priority that tourism be one of Queensland's primary economic drivers.

Reducing regulatory burden by removing requirement for approved managers for restaurants, cafes, and small clubs for trade prior to midnight, as well as maritime vessels

Section 155AD, within Division 1A of Part 6 of the Liquor Act, provides the circumstances under which an approved manager must be present or reasonably available at licensed premises while they are open for business. Under these requirements, at least one approved manager is required to be reasonably available or present during ordinary trading hours (if an individual licensee is not reasonably available or present) and extended trading hours prior to 10am, and present during extended trading hours after midnight (if an individual licensee is not present).

The requirement for an approved manager to be reasonably available or present during trading prior to midnight is onerous for small, low risk premises, such as cafes, restaurants, small clubs and maritime vessels. When key staff are on holiday or ill, this requirement can

be difficult to comply with. The approved manager's role is to ensure that the sale of liquor in the licensed premises complies with the requirements of the Liquor Act and the authority of the licence. In low risk premises, a licensee can still ensure these things without necessarily having an approved manager present or reasonably available.

Consequently, to reduce red tape, the Bill amends the Liquor Act to exclude the following premises from the approved manager requirements, where, regardless of approved trading hours on a given day, the premises do not operate beyond midnight:

- restaurants and cafes operating under a subsidiary on-premises licence (meals);
- small community club licences (2,000 members or less);
- community other club licence; and
- restricted liquor permittees.

For those premises listed above that do operate beyond midnight on a given day, the existing approved manager requirements will apply from 10pm until the end of the trading period (e.g. 1am) on that day, however, they will not apply for trade prior to 10pm. As such, premises that trade beyond midnight will be required to have an approved manager present or reasonably available (if the licensee is not present or reasonably available) between 10pm and midnight, and also present during approved extended trading hours between midnight and 5am.

The Bill further amends the Liquor Act so that maritime vessels (that is, boats and ships) operating under a subsidiary on-premises licence are excluded from the approved manager requirements, regardless of trading hours. Licensed marine vessels, such as tourist boat cruises, are contained low risk environments, with the captain of the ship having significant powers to enforce rules on board. Consequently, it is not considered necessary to have an additional requirement of an approved manager on board. The licensee will still be responsible for complying with their licence and the Liquor Act, but can do so without necessarily having an approved manager on board or reasonably available.

As a precautionary measure, further amendment is made to allow for the Liquor and Gaming Commissioner to impose conditions on a licence under certain circumstances, requiring an approved manager to be present or reasonably available during an otherwise exempt trading period.

The amendments will reduce the legislative burden on the operators of these low risk premises, whilst not contributing to any harm or adverse effects on public safety and maintaining appropriate safeguards in relation to potential 'problem premises'.

Reducing regulatory burden by removing requirement for persons trained in Responsible Management of Licensed Venues to complete RSA training

In order to apply for approval as an approved manager, a person must hold a current Responsible Management of Licensed Venues (RMLV) course certificate and a current RSA course certificate. Individual licensees must also complete RMLV and RSA training. RMLV training is a Queensland specific course, approved by the Commissioner for Liquor and Gaming, about a licensee's obligations under the Act.

The requirement for approved managers to be trained in both RMLV and RSA is unnecessary and imposes significant burden and cost to licensees, as the RMLV course currently contains significant aspects of RSA training and other additional materials, and is therefore considered a higher level course. Further, the RMLV course is being updated to ensure all relevant RSA concepts form part of the approved course.

Consequently, the Bill amends the Liquor Act to remove the requirement for approved managers and individual licensees to hold a current RSA certificate. Rather, approved managers and individual licensees will only be required to hold a current RMLV certificate. To enable approved managers and individual licensee to continue to perform multiple duties at the premises in regards to the service of alcohol, a further amendment is made so that persons involved in the service and supply of liquor at the premises must hold either a current RSA or RMLV certificate.

Reducing regulatory burden by removing regulatory requirements for gaming machine licence applications

The Gaming Machine Act currently prescribes the documentary information that is required to be included in a gaming machine licence application. Prescribing requirements in the primary legislation is unnecessary and reduces the flexibility with which changes to these requirements can be made. Layers of prescriptive regulation, such as this, can be reduced in favour of less prescriptive forms of regulation such as delegated legislation or approved forms. This allows any future changes to be made more easily.

Therefore, the Bill amends the Gaming Machine Act to allow for information related to an application for a grant of a gaming machine licence to be specified in an approved form rather than legislation. All requirements listed under section 56(5) are removed, except that the application for the grant of a gaming machine licence must:

- be made in the approved form;
- contain or be accompanied by such other information, records, reports, documents and writings relating to the application and applicant as are determined by the Commissioner;
- be forwarded to or lodged with the Commissioner; and
- must be accompanied by the fee prescribed.

The application is already required to be made in the approved form, so the amendment imposes no additional burden on applicants. Information that was previously prescribed in the Act, if still required, will be included in the approved form which is publicly available online. Section 57 of the Gaming Machine Act will still prescribe the matters that the Commissioner must consider before making a decision on a licence.

Reduce regulatory burden by removing the requirement that licensed monitoring operators and other entities require written approval before destroying a gaming machine

Section 277 of the Gaming Machine Act provides that a licensed monitoring operator, approved financier, licensee or gaming trainer (licensees) must not destroy a gaming machine without the Commissioner's written approval. Such application must be in the approved form and be accompanied by the prescribed fee, however, currently no such fee is prescribed by

regulation. Failure to comply with this requirement carries a maximum penalty of $11,000 (100 penalty units).

To reduce red tape, the Bill omits section 277 which requires licensees to seek the Commissioner's written approval for the destruction of gaming machines. Requiring a licensee to seek prior approval creates unnecessary administrative burden for licensees and the department.

The requirement for destruction approval was originally inserted into the Act during the transition from Government ownership of gaming machines to private ownership in 1997. When the Government stepped out of ownership, it did so cautiously and retained a number of legislative obligations on licensees that would allow the Government to track individual gaming machines. Due to technological advancements that prevent a gaming machine from being operated unless it is connected to an approved monitoring system, and the general maturation of the gaming industry (which is a licensed industry), there is no longer a need for Government to track gaming machines and these obligations now impose unnecessary red tape on the industry.

The amendment will also bring section 277 in line with an amendment made by the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013* which removed the requirement for a person to seek the Commissioner's written approval to acquire or dispose of gaming machines. This will provide licensees and industry with a level of consistency across the legislation.

Objective: Make miscellaneous amendments to the Liquor and Gaming Acts to improve clarity and effectiveness of the legislation.

In addition to red tape reduction initiatives, the Bill makes miscellaneous minor amendments to the Liquor and Gaming Acts to ensure the effectiveness and clarity of the legislation, and achieve the original policy intent.

Amending references to Assistant Police Commissioner in the Liquor Act

Sections 107D, 112, 117, 117A, 121 and 173J of the Liquor Act provide for comment and advice to be provided by the Assistant Police Commissioner for the locality regarding issues such as applications and approvals for extended trading hours approvals, adult entertainment permits and restricted areas. Section 4 defines 'Assistant Police Commissioner'. The rationale underlying these provisions is to obtain local input about the impact on the amenity of the local community and/or suitability of information regarding applicants.

However, the Queensland Police Service has advised that under its new organisational structure, the 'police district officer' is best positioned to provide this information. Therefore amendment is required to reflect this.

Amendment of the Liquor Act to clarify that exemptions do not extend to the sale of liquor to minors and in restricted areas

The sale of liquor in certain situations is exempted from the provisions of the Liquor Act, where the sale poses minimal risk (for example, the sale of a small quantity of liquor to residents at a retirement village or by a hairdresser to clients). It has never been intended that

these exemptions would allow the sale of liquor to minors or restricted areas. Some exemption provisions explicitly state that minors and restricted areas are not included in the exemption provision, however others do not. In order to ensure the clarity and consistency of the legislation, the Bill amends the Liquor Act to make it clear that none of the exemptions apply to the sale of liquor to a minor or the sale of liquor in a restricted area.

Amendment to 67B of the Liquor Act

The Bill amends section 67B of the Liquor Act to clarify that the authority of a subsidiary on-premises (accommodation) licence allows a licensee to sell liquor to persons attending a function on the premises. Provisions of this nature were inadvertently removed from the Act as part of amendments in the *Liquor and Other Acts Amendments Act 2008*.

Amendment to section 153 of the Liquor Act

The Bill amends section 153(2) of the Liquor Act in order to clarify that the provisions relating to the letting/subletting or entering into a franchise or management agreement for part of a licensed premises, applies to the right to sell liquor rather than the physical premises.

These amendments clarify beyond doubt the intent of the existing provisions, which may technically be interpreted as prohibiting licensees of hotel accommodation facilities from entering into any form of lease or agreement for part of the licensed premises, which would include renting out an apartment placed in a letting pool by the owner. Licensees are not intended to be unduly restricted from entering into such agreements with interested parties, as the purpose of the section is to prevent a third party purporting to sell or supply liquor under the authority of the licensee's licence.

Amendment to section 162 of the Liquor Act

The Bill amends section 162(1) of the Liquor Act, to correct a previous drafting oversight relating to not being able to bring liquor onto certain licensed premises. The prohibition provisions originally applied to a category of 'on-premises' licence that no longer exists, but did not apply to premises licensed under what was previously called a 'residential licence'. However, when amendments were made to the Liquor Act via the *Liquor and Other Acts Amendment Act 2008* which incorporated a number of previously separate licence categories under a single 'subsidiary on-premises' licence category, the prohibition provisions were inadvertently applied to this new category of licence, where previously this prohibition did not exist. Consequently, section 162(1) needs to be amended so that premises mentioned in section 67B are excluded from the section's provisions.

The Bill further amends section 162 to state that subsection (2) does not apply to premises mentioned in section 67B so as to clarify that liquor can be taken away from these premises. Section 67B(2)(a)(ii) provides a clear head of power allowing subsidiary on-premises (accommodation) licensees to sell liquor intended to be consumed off the premises to residents. The current provisions of section 162 inadvertently imply that liquor cannot be removed from these premises.

Amendment of section 50(2) of the Gaming Machine Act

Section 50(2) of the Gaming Machine Act provides that the Minister may delegate his powers under section 322(6) to cause amounts to be paid out of the gambling community benefit fund for the benefit of the community.

However, the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013* omitted the existing section 322 and inserted a new section dealing with payments to the consolidated fund. The provisions relating to paying amounts from the gambling community benefit fund were inserted into section 315(3), but section 50(2) was not consequentially amended.

To allow the Minister to delegate his powers to cause amounts to be paid out of the gambling community benefit fund for the benefit of the community, a consequential amendment to section 50(2) is required to replace the reference to section 322(6) with a reference to section 315(3).

Amendment to section 82(3) of the Gaming Machine Act

Some requirements under section 82(3) of the Gaming Machine Act in relation to applications for an increase in gaming machines are now redundant. These are:

- s82(3)(b)(i) - the liquor consumption on the premises to which the application relates; and
- s82(3)(b)(iii) - the hours and days when the premises are open for the sale of liquor.

This information was initially used by the department to gauge the size of the club and potential demand in order to set the approved number of gaming machines and hours of gaming. With the maturation of the industry there is no longer a nexus between liquor consumption and premises opening hours to the demand for gaming. In addition, with the amalgamation of liquor and gaming into one department, information regarding liquor is readily available should it be required.

The Bill therefore omits the redundant provisions.

Omission of section 289 of the Gaming Machine Act

On the introduction of machine gaming in Queensland, all gaming machines were Government owned and leased to the licensees. As the machines were government assets, a Government issued identification number was required for accounting purposes (acquisition, depreciation, disposal etc).

In 1997/8, the legislation was amended to allow licensees to own gaming machines. This was to support the Government's policy decision to move away from operational aspects of the industry whilst maintaining its regulatory role. The Government issued identification number was retained as the number was used for other purposes, such as tracking.

The issuing of identification plates, and the compliance requirements for licensees to ensure that the machines have identification plates (including reissue of plates where plates fall off or go missing) creates unnecessary regulatory and administrative burden and expense,

particularly when the recording and tracking of machines can be achieved in other ways such as by the manufacturer serial number.

As the Government no longer owns any gaming machines and other existing mechanisms can be used to identify the machine, it is not considered necessary to continue to identify the machines by an identification number, so the relevant section (289) of the Gaming Machine Act is omitted.

Amendment to section 62 of the Casino Control Act 1982

The Bill makes a minor amendment to section 62 of the *Casino Control Act 1982* to rectify an inaccurate cross reference.

Objective: Amend the *Wagering Act 1998* to allow for the Minister to approve the extension of wagering licences.

TattsBet Limited (a subsidiary of Tatts Group Limited) holds the race wagering and sports wagering licences in Queensland. TattsBet's race wagering licence is valid for 99 years from 1 July 1999, while the term of its sports wagering licence, which was originally due to expire on 30 June 2014, was recently extended and now will expire on 30 June 2037.

The Wagering Act 1998 (Wagering Act) provides for an exclusive race and sports wagering licence in Queensland for a period of 15 years from the commencement of the Act. These exclusivity arrangements are both due to expire on 30 June 2014.

In particular, the sports wagering licence authorises TattsBet to conduct wagering on a sporting event (whether in Australia or elsewhere) or on another event or contingency that is an approved event or contingency for the licensee (e.g. Academy Awards).

In relation to the recent extension of the term of the sport wagering licence as mentioned above, the Attorney-General and Minister for Justice approved the extension of the term of TattsBet's sports wagering licence on 16 July 2012, noting that from 1 July 2012 the licence was extended for a period of 25 years under the same terms and conditions specified in the original schedule.

However, it has now been identified that there may be some ambiguity to the legislation in regard to the approval process for the extension of a race wagering and sports wagering licence. To avoid any ambiguity and put the matter beyond doubt, the Bill makes amendments to the Wagering Act to clarify that the Minister has direct legislative authority under the Act to extend the term of a wagering licence. This legislation commences retrospectively to align with the extension of TattsBet's sports wagering licence.

Objective: Amend Fair Trading Legislation to reduce red tape, correct omissions and improve legislative clarity and integrity

Amendments to the Roman Catholic Church (Incorporation of Church Entities) Act 1994

The Government was requested by the Archbishop of Brisbane to amend the Church Incorporation Act to provide for legislative recognition of existing legal entities established under Church "canon" law. Specifically, the amendments pertain to three separate facets of

Church property: civil law recognition of the creation of canon law trusts; extending consent provisions to include certain 'juridical persons' (the canon law equivalent of 'legal persons'); and pooling of investments.

Amendments to the Roman Catholic Church Lands Act 1985

Schedule 1 of the Church Lands Act identifies interests in land vested to the Trustees of the Roman Catholic Archdiocese of Brisbane. However, the schedule incorrectly omits land upon which St Michael's Church at Pine Ridge is located. A minor amendment has been requested by legal representatives of the Church to correct the omission.

Amendments to the Security Providers Act 1993

The private security industry undertakes a critical role in the protection of people's property and personal safety. The Security Providers Act establishes a licensing and compliance regime, which includes strict probity and other requirements, to provide the community with assurance that only appropriate people are authorised to carry out security functions.

There has been some potential uncertainty identified in the drafting of the Security Providers Act on the issue of whether an unrecorded conviction for a disqualifying offence requires mandatory disqualification from holding a licence, or whether unrecorded convictions must be considered by the Chief Executive on a discretionary basis in deciding whether a person is an appropriate person to hold a licence under the Security Providers Act.

In the interests of certainty and clarity, amendments are proposed to clarify and confirm the original intention of the Security Providers Act. Specifically, minor amendments are proposed to make it clear that unrecorded convictions do not result in automatic disqualification from holding a licence, but the chief executive must consider unrecorded convictions (along with the other circumstances of the case) in determining whether a person is an appropriate person to hold a licence. People with convictions for a disqualifying offence, where the conviction is recorded, will continue to be subject to mandatory and automatic exclusion from holding a licence under the Security Providers Act.

Alternative ways of achieving policy objectives

The policy objectives can only be achieved via legislative amendments as they apply to an existing regulatory framework, prescribed in primary legislation. The Bill does not increase the regulatory framework, but rather makes changes to the existing framework to either reduce its scope or improve its effectiveness.

An alternative to the Bill is for the status quo to remain, with the red tape reduction initiatives and miscellaneous amendments proposed in the Bill not made and therefore the objectives not achieved. As this retains the status quo, no legislative amendments would be required. However, the regulatory reform and red tape reduction initiatives could not be implemented and their intended benefits to the community and industry unrealised.

These initiatives are intended to reduce barriers to the development of the liquor and gaming industries, in line with economic, social and technological changes. They will benefit

Queensland by enhancing the ability of the tourism, community club and other related sectors to employ Queenslanders and provide services and choices for the wider community.

The miscellaneous amendments are intended to improve the effectiveness of liquor and gaming legislation. If the status quo was retained and no legislative amendments were made, these benefits would remain unrealised.

The policy objectives underpinning the proposed changes to Fair Trading legislation can only be achieved by legislative amendment.

Estimated cost for government implementation

Implementation of the policy initiatives given effect by amendments in the Bill will be dealt with by existing Departmental resources.

The proposal to extend the duration of AEPs from one year to three years will have a negative impact on Government revenue of approximately $34,000 per annum. However, the overall financial impact on the Office of Liquor and Gaming Regulation (OLGR) is considered to be immaterial to the ongoing operation of the licensing area responsible for processing AEP applications. Any savings realised in terms of resources as a result of the extension of the AEP application process, will be applied to other areas of liquor licensing.

The new AEP controller's approval will have some implementation costs for government, including the development of a new approved form, and system and database changes. However, OLGR does not expect these costs will be significant and will be easily recovered over time due to the more streamlined individual application process. Under the new individual approval system, OLGR will no longer be required to expend resources on continually approving new and/or additional AEP controllers for licensed premises, as they will only receive one application every five years for approval from a controller, rather than multiple approval applications from licensees for the same controller. Costs of the initial implementation will be absorbed by OLGR.

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles. Potential breaches of fundamental legislative principles are addressed below.

Amendments to the Liquor Act- AEP controllers

Legislation should not adversely affect rights and liberties of individuals- *Legislative Standards Act 1992, section 4(2)(a)*

The amendments proposed for new Part 5D of the Liquor Act relating to applications for approval by individuals to be an adult entertainment controller stipulate that the Commissioner for Liquor and Gaming may ask the Police Commissioner for a report in relation to the criminal history of an applicant, and that the Police Commissioner must give an information report to the Commissioner. These amendments may potentially breach fundamental legislative principles insofar as they may have insufficient regard to the rights

and liberties of individuals, particularly in relation to privacy and confidentiality. The proposed amendments may conflict with the *Criminal Law (Rehabilitation of Offenders) Act 1986*, which restricts or prohibits access to certain information related to criminal proceedings.

However, as the amendments are designed to reflect current practice in relation to adult entertainment applications, the amendments simply mirror current provisions already in the Liquor Act. Currently, a permit holder makes an application for all potential applicants to be controllers under the licence. The new provisions will allow the individuals themselves, rather than the permit holder (their employer), to apply. Therefore, the new provisions do not expand the current amount of information that the Commissioner for Liquor and Gaming may seek, nor expand the information that the Police Commissioner can provide under the existing legislation, but rather reflect the change as to who the applicant is.

The requirement that the Police Commissioner provide information on the criminal history of applicants for an adult entertainment controller approval is as a consequence of the controversial nature of adult entertainment and its potential to cause harm in the community if not managed properly. Controllers are important gatekeepers in ensuring that minors are not present during adult entertainment and that the entertainment presented does not cross over into prostitution. There is also a risk of the involvement of organised crime in adult entertainment.

It is therefore very important that applicants to be an adult entertainment controller are subject to effective probity checks. The legislative provisions, as amended by the Bill, are therefore appropriate.

Amendments to the Wagering Act 1998

Whether the legislation adversely affects rights and liberties, or impose obligations, retrospectively—Legislative Standards Act 1992, section 4(3)(g)

It is generally considered undesirable that legislation be drafted to apply retrospectively. However, retrospective legislation may be justified if it is beneficial, curative or validating in nature.

The proposed amendments will retrospectively validate the Attorney-General's amendment of TattsBet sports wagering licence (the ***licence***) to extend the term of the licence. The original term of the licence is for 15 years, expiring on 30 June 2014. The amendment of the licence extended the term for 25 years commencing on 1 July 2012.

The original term of the licence coincides with a statutory exclusivity period preventing entities, other than TattsBet, from applying for, or being granted, sports wagering licences. The proposed amendments will not extend the exclusivity period. Therefore, the right of an entity other, than TattsBet, to apply for a sports wagering licence after 30 June 2014 will not be interfered with by the extension.

The retrospective validation of the licence is justified on the basis that-

(a) it is necessary to put the legal effectiveness of the extension beyond doubt; and
(b) given the statutory exclusivity period is not also being extended, the extension of the term of the licence will not adversely affect rights and liberties.

Whether the legislation makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review—Legislative Standards Act 1992, section 4(3)(a)

It is generally inappropriate to provide for administrative decision-making in legislation without providing for a review process.

The proposed amendments will create a new power allowing the Minister to approve an extension to the term of a wagering licence.

Part 6 of the Wagering Act, excludes decisions of the Minister, relating to wagering licences, from all forms of review. Part 6 will also apply to the Minister's proposed new power to grant extensions of wagering licences, and therefore review will be excluded.

This is consistent with the Wagering Act as it has been historically applied, and in which it was originally approved by Parliament. Schedule 2 provides a list of Minister's decisions (including the decision to grant or refuse to grant an application for a wagering authority) is not subject to appeal. It could be argued that the extension of the term of a licence is a decision that is not as significant as that of granting or refusing an application.

Amendments to the Roman Catholic Church (Incorporation of Church Entities) Act 1994

Whether the legislation confers immunity from proceeding or prosecution without adequate justification—Legislative Standards Act 1992, section 4(3)(h)

Prima facie, it appears section 25A(4) confers an immunity to proceedings; however, the amendments do not preclude an individual's right to proceed in an action against the Church, while acting as a trustee; but, rather, limit a potential liability to the value of the trust.

Consultation

Consultation has been undertaken during 2012 and 2013, via the Liquor and Gaming Red Tape Reduction Expert Panel and a public discussion paper process on the regulatory reform red tape reduction proposals. The amendments are consistent with recommendations of the majority of expert panel members. The panel comprises both industry and community representatives, including Queensland Hotels Association, Clubs Queensland, RSL and Services Club Association, Cabarets Queensland, Australasian Casino Association, Restaurants and Catering Industry Association, Queensland Tourism Industry Council, Gambling Help Network, and the Gold Coast Youth Service.

The discussion paper, developed in consultation with the expert panel was publicly released for comment on 15 February 2013, with over 300 submissions received. Expert panel recommendations were informed by responses to this discussion paper.

Amendments to the Liquor Act to change references to Assistant Police Commissioner were made in consultation with QPS.

Consistency with legislation of other jurisdictions

As the Bill contains amendments relating to a wide range of policy initiatives (though linked by a common red tape reduction theme) and technical matters, and these amendments often relate to peculiarities of the Queensland legislative framework, it is difficult to provide a clear

comparison with other jurisdictions for all matters. Consideration of other jurisdictions' legislation has been undertaken in developing the policy underlying the amendments. For the majority of amendments, there is similar comparable legislation in other jurisdictions, although details of how they apply are often different.

Overall, the amendments in the Bill will not create any major inconsistency between Queensland liquor and gaming legislation and the legislation in other Australian jurisdictions.

Notes on provisions

Part 1

Clause 1 cites the short title.

Clause 2 provides for commencement of provisions. Amendments relating to adult entertainment controller approvals will commence on 1 July 2014 to allow time for implementation of the new approval regime.

Part 2- Amendment of the *Casino Control Act 1982*

Clause 3 states that Part 2 amends the *Casino Control Act 1982*.

Clause 4 amends section 62(6), to rectify an inaccurate reference to a subsection as a consequence of amendments made by the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013* (LGRTR Amendment Act).

Part 3- Amendment of the *Gaming Machine Act 1991*

Clause 5 states that Part 3 amends the *Gaming Machine Act 1991* (Gaming Machine Act).

Clause 6 amends section 50(2) to rectify an inaccurate reference to a subsection as a consequence of amendments made by the LGRTR Amendment Act.

Clause 7 amends section 55D(2) to rectify an incorrect reference to 'the commission'. It should read 'the commissioner'.

Clause 8 amends section 56(5) of the Gaming Machine Act to remove requirements for a gaming machine licence application. As a red tape reduction measure, the information requirements will be referenced in the approved form rather than in legislation. The application is already required to be made in the approved form, so the amendment imposes no additional burden on applicants. Applicants will also still have access to the necessary information as to what is required for their application. Information that was previously prescribed in the Act, if still required, will be included in the approved form which is publicly available online. Section 57 of the Gaming Machine Act will still prescribe the matters that the Commissioner must consider before making a decision on a licence.

Clause 9 amends section 82 to remove particular provisions that state the Commissioner may have regard to certain matter when considering an application by a licensee to increase gaming machines at their premises. The removed provisions are no longer necessary and have become irrelevant. Their omission improves the clarity of the legislation.

Clause 10 omits section 88 which deals with the disposal of gaming machines for decrease proposals. This section is no longer necessary as a consequence of amendments to section 265 by the LGRTR Amendment Act and the omission of section 277 by this Bill, which remove the requirements for licensees to seek the Commissioner's approval to dispose of, or destroy gaming machines.

Clause 11 omits section 88A(3) which requires the Commissioner to include a notice issued under section 88(1). This is a consequential amendment required as a result of the omission of section 88 by this Bill.

Clause 12 amends section 90 to remove the note from subsection (2). As a consequence of the repeal of section 277 by this Bill, the note no longer provides clarity to the intent of the section and is therefore redundant.

Clause 13 amends section 91C to remove the requirement for the Commissioner to approve the way in which gaming machines may be disposed of when conduct of gaming at a premises ceases. This is a consequential amendment required as a result of amendments to section 265 by the LGRTR Amendment Act and the omission of section 277 by this Bill.

Clause 14 amends section 95 to remove the requirement for the Commissioner to approve the way in which gaming machines may be disposed of when a licensee's gaming machine licence is surrendered. This is a consequential amendment required as a result of amendments to section 265 by the LGRTR Amendment Act and the omission of section 277 by this Bill. The note at subsection (8) is also omitted as a consequence of the repeal of section 277 by this Bill. The clause also makes consequential amendments to subsections (10) and (11) to remove the definition of 'clearance day'. As the Commissioner will no longer approve the method of disposal, the 'clearance day' definition is no longer required. All surrenders will take effect on the nominated day.

Clause 15 amends section 95A to remove references to subsections omitted as a result of amendments made to section 95 by this Bill

Clause 16 amends section 95B to remove references to subsections omitted as a result of amendments made to section 95 by this Bill

Clause 17 amends section 104 to remove the requirement for the Commissioner to approve the way in which gaming machines may be disposed of when a licensee's gaming machine licence is cancelled. This is a consequential amendment required as a result of amendments to section 265 by the LGRTR Amendment Act and the omission of section 277 by this Bill. The note at subsection (8) is also omitted as a consequence of the repeal of section 277 by this Bill.

Clause 18 omits section 277 to allow licensed monitoring operators, approved financiers, licensees and gaming trainers to destroy gaming machines without first seeking the approval

of the Commissioner. This is a red tape reduction initiative to reduce regulatory burden for business by removing an unnecessary approval process.

Clause 19 omits section 289 to remove the requirement for gaming machines to be labelled with a Commissioner's identification number. The need to track gaming machines via a Commissioner identification number is no longer necessary given gaming machines are no longer Government assets. The identification and tracking of gaming machines can be achieved via alternate means such as the manufacturer serial number.

Clause 20 amends section 292 to omit subsections (1)(k) and (1)(l). These subsections make reference section 289 and the commissioner's identification number which are omitted from the Gaming Machine Act by this Bill.

Clause 21 inserts a transitional amendment, consequential to amendments in the Bill which remove unnecessary matters that the Commissioner may have regard to in considering applications to increase gaming machines under section 82. The transitional amendments clarify that the Commissioner need not have regard to the omitted matters even if the application was made prior to the commencement of this Amendment Bill.

Part 4- Amendment of the *Liquor Act 1992*

Clause 22 states that Part 4 amends the *Liquor Act 1992* (Liquor Act).

Clause 23 amends section 4 of the Liquor Act, inserting new definitions and amending existing definitions to ensure the clarity of the legislation. The amendment to section 4 includes the replacement of the definition for 'assistant police commissioner' with a definition for 'police district officer' to more accurately reflect Queensland Police Service's operational structure.

Clause 24 makes multiple minor amendments to section 14B to ensure consistency in regard to provisions relating to exemptions from licensing requirements under the Liquor Act. It ensures that, where there may be any ambiguity, it is explicitly stated that exemptions do not apply to the sale of liquor to minors or in restricted areas. The clause also adds a new exemption for tour operators. The clause also inserts a new section 14B(1)(n) into the Liquor Act, which allows tour operators to sell clients up to two standard drinks per day without a liquor licence, as part of a tour. The amendment is consistent with the Government's priority that tourism be one of Queensland's primary economic drivers and will allow tour operators to provide a more inclusive hospitality package to their clients.

Clause 25 amends section 21 of the Liquor Act to ensure that the Commissioner's decision to refuse to grant an approval for a controller under section 142ZK, or to suspend or cancel an approval for a controller under section 142ZV are able to be reviewed by the tribunal.

Clause 26 inserts a new subsection (c) into section 67B(2) of the Liquor Act, which clarifies that the authority of a subsidiary on-premises (accommodation) licence allows a licensee to sell liquor to persons attending a function anywhere on the premises, not just an area 'ordinarily set aside for dining'. The amendment clarifies the intent of the Act.

Clause 27 amends section 103R to extend the maximum term that an adult entertainment permit can be issued from one year to three years, reducing red tape for permit holders, who will only need to reapply every three years, rather than one year.

Clause 28 amends section 107A, to remove the requirement for an individual applicant to have successfully completed both a Responsible Management of a Licensed Venue (RMLV) course and a Responsible Service of Alcohol (RSA) course within the last three years. Instead, section 107A will only require an individual to have successfully completed a RMLV course. As RMLV contains components of RSA and is a higher level course, it is considered overly burdensome to require individual licensees to undertake both RMLV and RSA training.

Clause 29 inserts a new 107CA to make it an additional condition on holders of adult entertainment permits that if a controller who is the holder of an approval is supervising the adult entertainment, they must keep on the licensed premises a copy of the controller's approval.

Clause 30 omits section 109B as it provided for a controller to be approved as part of the adult entertainment permit. In its place will be an individual licensing system which is provided for in this Bill.

Clause 31 amends section 141C to remove the requirement for licensee's to keep a RSA training register. The requirement to keep a RSA training register is considered an unnecessary regulatory burden and a duplication of records already kept by licensees. It will continue to be a condition of a licensee's licence that copies of each person's RSA certificate (or RMLV certificate in the case of approved managers) be kept by the licensee and made available for inspection by an investigator.

Clause 32 amends section 142AD to remove the definition of training register. This definition is no longer necessary as a result of amendments in this Bill which remove the requirement to keep a training register.

Clause 33 amends section 142AG to remove the reference to the licensee's RSA training register which has been omitted by this Bill. However, the requirement for licensees to keep a copy of the crowd controller's current training course certificate will be retained.

Clause 34 amends section 142AI to remove the requirement for licensees to keep a RSA training register for crowd controllers. This is a red tape reduction initiative to reduce unnecessary regulatory burden. It will continue to be a condition of a licensee's licence, under the amended section 142AG, that the licensee keeps a copy of each crowd controller's current RSA certificate.

Clause 35 inserts two new provisions in section 142N(1), to allow for persons whose application for an approval as a controller is refused under section 142ZK and persons whose approval as a controller is suspended or cancelled under section 142ZV, to apply to the Commissioner for a review of the decision.

Clause 36 amends section 142Q to remove the requirement for individuals applying for approval as an approved manager to hold (and supply) a current training course certificate (RSA certificate). This is a red tape reduction initiative to reduce unnecessary regulatory

burden and expense for approved managers. As RMLV contains components of RSA and is a higher level course, it is considered sufficient for approved managers, and applicants for approval, to hold current certification in RMLV only.

Clause 37 inserts a new Part 5D which contains the provisions relating to an individual licensing system for approval as an adult entertainment controller. These new provisions will reduce red tape on AEP holders and increase flexibility for controllers who seek to move between venues.

Division 1 relates to who may apply to be a controller.

Section 142ZG specifies that it is an offence to work as a controller without a current approval and imposes a maximum penalty of 100 penalty units for this offence.

Division 2 outlines the process to obtain approval as a controller.

Section 142ZH indicates that only adults may apply to be a controller and applications must be in the approved form, accompanied by the fee prescribed in the regulation and any other information reasonably required by the Commissioner.

Section 142ZI relates to current approved controllers who are seeking a new approval due to the expiry of the validity of their current approval. This provision allows a current controller's approval to remain in force until a decision about their new application is made if they put in an application for a new approval at least three months before their current approval is due to expire.

Section 142ZJ requires the Police Commissioner to give the Commissioner for Liquor and Gaming a police information report in relation to applications for controllers, if the Commissioner requests this report. This amendment may potentially breach fundamental legislative principles insofar as it relates to privacy and confidentiality concerning certain information related to criminal proceedings. However, the new provisions do not expand the current amount of information that the Commissioner may seek, nor expand the information that the Police Commissioner can provide under the existing legislation. This amendment simply reflects the change that the individual potential controller is the applicant to be a controller, rather than the AEP holder applying on behalf of the applicant controllers that are to work at their venue. Further, controllers are important gatekeepers in ensuring that minors are not present during adult entertainment and that the entertainment presented does not cross over into prostitution and it is therefore appropriate that applicants to be an adult entertainment controller are subject to effective probity checks.

Section 142ZK requires the Commissioner for Liquor and Gaming either grant, or refuse to grant, the application as soon as practicable after the Commissioner receives all the necessary information to decide the application, including the information report from the Police Commissioner. This section also sets out the criteria that the Commissioner may consider when deciding whether the applicant is a suitable person to hold the approval. The factors for consideration reflect the criteria under former section 109B, relating to deciding suitability of controllers.

Section 142ZL sets out that the Commissioner will give written notice to the applicant as soon as practicable about the decision to grant controller approval. The approval will remain in force for five years, unless cancelled sooner. The validity period of five years is aimed at reducing the red tape associated with the current yearly approval process for AEPs and controllers and is also in line with approval periods for approved managers.

Section 142ZM states that if an approval is refused, the Commissioner will, as soon as practicable, give written notice to the applicant, compliant with section 157(2) of the *Queensland Civil and Administrative Tribunal Act 2009*.

Division 3 relates to requesting information from the Police Commissioner in relation to a controller application.

Section 142ZN specifies that the Commissioner for Liquor and Gaming may ask for an information report from the Police Commissioner at any time during the course of the approval. The Police Commissioner must provide this information. This is to ensure ongoing probity checks are able to be carried out on approved controllers.

Section 142ZO sets out the obligations of the Police Commissioner if the Commissioner for Liquor and Gaming requests an information report, including the inquiries that must be made and the contents of the report.

Division 4 sets out provisions relating to lapsing of applications.

Section 142ZP provides that the Commissioner may require an applicant to provide more information to decide an application within a stated time, and that an application can lapse if the applicant does not provide the information within the stated time.

Division 5 sets out the provisions relating to suspension and cancellation of controller approvals.

Section 142ZQ sets out the grounds for suspension or cancellation of a controller approval. These grounds largely mirror the factors that are considered when granting approval, and any changes in these circumstances.

Section 142ZR allows for immediate suspension of a controller's approval in certain circumstances. This provision is important to safeguard the integrity of the industry and ensure public safety. This section sets out the procedure for an immediate suspension notice and states that the notice takes effect the day it is given to the holder.

Section 142ZS sets out the procedure for a show cause notice. This notice is used when the Commissioner believes there are grounds for suspension or cancellation of the licence but has not issued an immediate suspension notice. The notice must set out certain factors to ensure natural justice.

Section 142ZT sets out the time period for a response to an immediate suspension notice or a show cause notice and that the Commissioner must consider all written representations made by the holder of the approval in response to the notice.

Section 142ZU states the procedure to end a show cause or immediate suspension notice if the Commissioner no longer believes there are grounds for suspension or cancellation of the approval, after considering the controller's accepted representations. The decision must be given to the holder of the approval as soon as practicable after it is made.

Section 142ZV applies where the Commissioner believes there are grounds for suspension or cancellation of the approval after considering the accepted representations of the approval holder. It states the written notice that is to be given to the approval holder and that the decision is to take effect the day the notice is given to the holder, or a later day if specified in the notice.

Clause 38 amends section 149 to make it expressly clear that the licensee has an obligation not to employ a person in a premises with an AEP, who they know have had an approval as a controller refused or cancelled because of misconduct or bad character (without the Commissioner's prior consent). This offence has a maximum penalty of 100 penalty units, consistent with the maximum penalty for an offence of knowingly employing a person who has had an authority or licence relating to the sale of liquor cancelled (which is also dealt with in this section).

Clause 39 amends section 149B to make the legislation more coherent. This amendment clarifies the existing provision that adult entertainment must be supervised by the licensee or permittee or a controller, by defining the controller as a person who holds an approval and is employed or engaged by the licensee or permittee to supervise the entertainment at the relevant time. The maximum penalty for contravening this offence provision is 100 penalty units.

Clause 40 amends section 153(2) of the Liquor Act to clarify that the intent of these provisions is to prohibit the letting/subletting or entering into a franchise or management agreement for part of a licensed premises, in regards to the right to sell liquor under the authority of the licensee's licence.

Clause 41 amends section 155AA to clarify that a controller is the holder of an approval as a controller who was employed or engaged for the premises. This person must ensure that a minor is not in an approved area when adult entertainment is being provided, or they will be subject to fine of up to 200 penalty units. This does not extend the controller's responsibility under the existing legislation, but merely clarifies the definition of a controller.

Clause 42 inserts new provisions into section 155AD of the Liquor Act relating to approved manager requirements for low risk licensed premises (i.e. vessels, restaurants and cafes, small community clubs, community other clubs and restricted liquor permits), which:

- exempt vessels from the approved manager requirements;
- exempt the remaining low risk premises where they do not trade after midnight; and
- provides a partial exemption to low risk premises up until 10pm, when they trade after midnight.

The amendments also clarify that the exemptions do not prohibit the Commissioner from imposing a condition on a licence or permit under section 107C, requiring an approved manager to be present or reasonably available during an otherwise exempt trading period.

Clause 43 amends section 155AE to remove the requirement for licensees to keep a copy of an approved managers current RSA certificate. This is a consequential amendment as a result of the removal of the requirement for approved managers to hold a current RSA certificate by this Bill.

Clause 44 amends sections 162(1) and 162(3) of the Liquor Act which exclude premises licensed under section 67B from the restrictions outlined within the section (that is, taking liquor onto and away from subsidiary on-premises licensed venues).

Clause 45 amends section 209 of the Liquor Act to extend the circumstances under which a liquor licensee will be able to apply to the Commissioner to pay a licence fee by instalment, in order to reduce red tape.

Clause 46 inserts a new Part 12, Division 14 into the Liquor Act which provides for the transitional provisions. The new section 317 states that controllers that have approval to be a controller at the commencement of the amended Act, are taken to have been granted approval as a controller under section 142ZK. This provision will allow for those approximately 500 approved controllers who have already been subject to strict probity and compliance checks to be approved for a period of five years from the day the controller's nomination was authorised. This will result in a reduction of red tape for controllers and AEP holders, and achieve the policy objective of providing controllers with immediate flexibility to move between venues.

Part 5- Amendment of the *Roman Catholic Church (Incorporation of Church Entities) Act 1994*

Clause 47 provides that Part 5 amends the *Roman Catholic Church (Incorporation for Church Entities) Act 1994*.

Clause 48 includes, in section 3 of the Act, the definition of public juridical person, being in essence a canon law concept for an incorporated entity in church law which comprises authorised aggregates of persons or things that fulfil a specific task entrusted to them for a public good.

Clause 49 amends section 9 of the Act to include a requirement for the consent of the competent authority of a public juridical person where the incorporation involves a public juridical person or its associated entity.

Clause 50 amends section 11A of the Act to include a public juridical person for the vesting of assets on an associated entity.

Clause 51 amends section 16 of the Act to include a requirement for the consent of the competent authority of a public juridical person where the incorporation relates to an existing church entity that is a public juridical person.

Clause 52 introduces three new sections into the Act, namely sections 25A, 25B and 25C. Specifically:

- section 25A allows an incorporated church entity to act as trustee for an unincorporated juridical person, in canon law, for the holding of property and undertaking of transactions and activities, so the unincorporated entity can function without having to separately incorporate under state law, it also sets out the requirements for evidencing the trust arrangements in writing and the provision of copies upon request;

- section 25B allows an incorporated church entity to vary the purpose of a charitable trust to a different charitable purpose, which is either closely related to the original purpose or another purpose that is charitable or connected to the church, when the original purpose has been: as far as may be fulfilled, can not be carried out, or does not provided a community or religious benefit; and

- section 25C allows an incorporated church entity that holds any money on trust, under more than one trust, to pool the money into one fund and invest the money as one fund, provided any income or losses arising from the pooling and investment of the money is rateably distributed among the trusts, for which the money was pooled and invested.

Clause 53 amends section 27 of the Act, which extends the existing provisions relating to restrictions of powers to the newly added sections 25A, 25B and 25C.

Clause 54 amends section 33 of the Act to include a requirement for the consent of the competent authority of a public juridical person for the dissolution of an incorporated church entity that is a public juridical person or its associated entity.

Part 6- Amendment of the *Roman Catholic Church Lands Act 1985*

Clause 55 provides that Part 6 amends the *Roman Catholic Church Lands Act 1985*

Clause 56 amends Schedule 1 to include the following information:

- Freehold Title reference 10052141
- Churchill Brassall
- Lot 1 on RP8351
- 1 acre
- Henry Brun and James Shea as trustees under Nomination of Trustees No. 20733

Part 7- Amendment of the *Security Providers Act 1993*

Clause 57 provides that Part 7 amends the *Security Providers Act 1993*.

Clause 58 amends section 11(5) to include the additional wording: ‘for which conviction has been recorded’, to clarify its interpretation.

Clause 59 amends section 13 to clarify that in terms of licence eligibility, the consequences of a corporation having a recorded or unrecorded conviction for a disqualifying offence are similar to those applying to individual licence applicants and licensees. Specifically, the new

section 13(3A)(a) provides the chief executive with a discretion to consider unrecorded convictions for disqualifying offences in determining whether a corporation is an appropriate person to hold a licence. In contrast, the new section 13(6) makes it clear that a corporation with a recorded conviction for a disqualifying offence, within 10 years of applying for a licence, is not an appropriate person (and therefore not eligible) to hold a licence under the Act.

Clause 60 amends section 24(1) to include the additional wording: 'for which conviction has been recorded', to clarify its interpretation.

Clause 61 relocates the definition of 'unrecorded finding of guilt' from the dictionary to section 11 of the Act (Entitlement to licences – individuals).

Part 8- Amendment of the *Wagering Act 1998*

Clause 62 provides that Part 8 amends the Wagering Act 1998 (Wagering Act).

Clause 63 inserts a new section 29A into the Wagering Act to allow for a wagering licensee to apply for an extension of a licence.

Clause 64 amends section 105(b) by removing the term "Editor's note' and replacing it with 'note'.

Clause 65 amends section 119(1) by removing the term "Editor's note' and replacing it with 'note'.

Clause 66 inserts a new section 341 to validate the extension of the term of TattsBet Limited's sports wagering licence.

Clause 67 amends various definitions in the schedule (Dictionary) to improve the clarity of the Wagering Act. The definitions for 'race club' and 'TAB'are to be omitted. The definition for 'interested person' is amended'.

Clause 68 states that amendments in Part 9 amends the Acts it mentions, which are the Criminal Law (Rehabilitation of Offenders) Act 1986 (Criminal Law (Rehabilitation of Offenders) Act) and the Liquor Act.

Schedule- Minor and Consequential Amendments

Criminal Law (Rehabilitation of Offenders) Act 1986

Clause 1 makes a minor consequential amendment to the Criminal Law (Rehabilitation of Offenders) Act to reflect the changes to the Liquor Act to allow individuals to apply for approval to be an AEP controller.

Liquor Act

Clause 1 makes a minor amendment to section 13 of the Liquor Act to ensure there is language consistency across the Act when references to days of cultural significance are made.

Clause 2 makes a minor amendment to section 67AA to correct a typographical error in subsection (2)(b).

Clause 3 amends sections 107D(2), 117(1)(b) and (2), 117A(1)(b) and 121(1)(d) to reflect a change in the internal structure of the Queensland Police Service. The clause replaces various references to the position of ‘assistant police commissioner’ with ‘police district officer’ to enable the 'police district officer' of a locality to be the police representative responsible for providing and receiving advice about local liquor licensing applications and approvals, instead of the 'assistant police commissioner'

Clause 4 amends sections 112(1A)(a) and 172J(1)(a)(ii) to reflect a change in the Queensland Police Service internal structure. The amendment simply replaces a reference to assistant police commissioners with police district officers.