



Queensland

Holidays and Other Legislation Amendment Act 2011

Act No. 44 of 2011



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Act No. 44 of 2011

An Act to amend the Holidays Act 1983, the Land Sales Act 1984 and the Liquor Act 1992 for particular purposes and to make minor and consequential amendments to the Industrial Relations Act 1999 and the Trading (Allowable Hours) Act 1990

[Assented to 6 December 2011]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Holidays and Other Legislation Amendment Act 2011*.

Part 2 Amendment of Holidays Act 1983

2 Act amended

This part amends the *Holidays Act 1983*.

3 Replacement of s 2 (Public holidays)

Section 2—

omit, insert—

‘2 Public holidays

‘(1) A public holiday is to be observed on the days set out in the schedule.

‘(2) Subsection (1) applies subject to section 3.’.

4 Insertion of new s 3A

After section 3—

insert—

‘3A References to public holidays in industrial instruments under *Industrial Relations Act 1999*

‘To remove any doubt, it is declared that—

- (a) a reference in an industrial instrument under the *Industrial Relations Act 1999* to a public holiday is taken to include 2 January, 3 January, 27 December and 28 December when those days are to be observed as public holidays under section 2 or 3; and
- (b) a reference in an industrial instrument under the *Industrial Relations Act 1999* to a public holiday for the Birthday of the Sovereign is taken to mean the day on which the public holiday is to be observed under section 2 or 3.’.

5 Insertion of new s 11

After section 10—

insert—

‘11 Particular public holiday in 2012

- ‘(1) A public holiday is to be observed on 11 June 2012 for the Queen’s Diamond Jubilee.
- ‘(2) To remove any doubt, it is declared that a reference in an industrial instrument under the *Industrial Relations Act 1999* to a public holiday is taken, for 2012, to include the day mentioned in subsection (1).’.

6 Replacement of schedule

Schedule—

omit, insert—

[s 6]

‘Schedule Public holidays

section 2

1 January (New Year’s Day)

A public holiday is to be observed on 1 January.

2 January

A public holiday is to be observed on 2 January only if 1 January is a Sunday.

3 January

A public holiday is to be observed on 3 January only if 1 January is a Saturday.

26 January (Australia Day)

A public holiday is to be observed on—

- (a) 26 January; or
- (b) if 26 January is a Saturday or Sunday—the following Monday.

Good Friday

A public holiday is to be observed on the Friday publicly observed as Good Friday.

The day after Good Friday

A public holiday is to be observed on the day after Good Friday.

Easter Monday

A public holiday is to be observed on the Monday following Good Friday.

25 April (Anzac Day)

A public holiday is to be observed on—

- (a) 25 April; or

(b) if 25 April is a Sunday—the following Monday.

1 May (Labour Day)

A public holiday is to be observed on—

(a) 1 May; or

(b) if 1 May is a day other than a Monday—the following Monday.

Birthday of the Sovereign

A public holiday is to be observed on the first Monday in October.

25 December (Christmas Day)

A public holiday is to be observed on 25 December.

26 December (Boxing Day)

A public holiday is to be observed on 26 December.

27 December

A public holiday is to be observed on 27 December only if 25 December is a Saturday or Sunday.

28 December

A public holiday is to be observed on 28 December only if 26 December is a Saturday or Sunday.’.

Part 3

**Amendment of Industrial
Relations Act 1999**

7 Act amended

This part amends the *Industrial Relations Act 1999*.

[s 8]

8 Amendment of sch 5 (Dictionary)

- (1) Schedule 5, definition *public holiday*, ‘Sovereign’s birthday (the second Monday in June)’—

omit, insert—

‘Birthday of the Sovereign (the first Monday in October)’.

- (2) Schedule 5, definition *public holiday*, before paragraph (b)—

insert—

- another day appointed as a public holiday under the *Holidays Act 1983*, section 2 or 11; or’.

Part 4 Amendment of Land Sales Act 1984

9 Act amended

This part amends the *Land Sales Act 1984*.

10 Amendment of s 2 (Objects of Act)

Section 2(d), from ‘governments’—

omit, insert—

‘governments or the authority in addition to their or its obligations under the Planning Act or the ULDA Act.’.

11 Amendment of s 6 (Definitions)

Section 6—

insert—

‘*authority* see the ULDA Act, schedule.

ULDA Act means the *Urban Land Development Authority Act 2007*.

UDA development approval see the ULDA Act, schedule.

UDA development condition see the ULDA Act, section 55(4)(b).’.

12 Amendment of s 8 (Restriction on selling)

Section 8(1), ‘or compliance permit’—

omit, insert—

‘, compliance permit or UDA development approval’.

13 Amendment of s 9 (Identification of land)

(1) Section 9(1)(b), after ‘Act’—

insert—

‘or by the authority under the ULDA Act’.

(2) Section 9(2)(a), ‘or compliance permit’—

omit, insert—

‘, compliance permit or UDA development approval’.

(3) Section 9(3)—

insert—

‘(da) if a UDA development approval mentioned in section 8(1)(a) is subject to a UDA development condition—the UDA development condition;’.

14 Amendment of s 10 (Vendor must tell purchaser about significant variations between disclosure plan and later plans)

Section 10(1)(b)(i), after ‘Planning Act’—

insert—

‘or by the authority under the ULDA Act’.

[s 15]

15 Amendment of s 10A (Purchaser must be given registrable instrument of transfer and other documents)

Section 10A(2), after ‘Planning Act’—

insert—

‘or by the authority under the ULDA Act’.

Part 5 Amendment of Liquor Act 1992

16 Act amended

This part amends the *Liquor Act 1992*.

17 Amendment of s 4 (Definitions)

(1) Section 4, definition *member of a reciprocal club*—

omit.

(2) Section 4—

insert—

‘**defence member** means any of the following persons in possession of a current service identity card—

- (a) a member of the Permanent Naval Forces, the Australian Regular Army, the Regular Army Supplement or the Permanent Air Force;
- (b) a member of the Emergency Forces or the Reserve Forces who is rendering continuous full-time service.

reciprocal club, in relation to a club with a community club licence, community other licence or restricted liquor permit (the **relevant club**), means another club whose members have privileges at the relevant club because of arrangements between the clubs.

RSL honorary member means a person who is—

- (a) a member of the Returned & Services League of Australia through any branch of that league in Australia; and
- (b) a member of an RSL or Services Club.’.

18 Amendment of s 77 (Authority of community club licence)

- (1) Section 77(1)(a)(vii)—

omit, insert—

‘(vii) for a club that is an RSL or Services Club—

- (A) an RSL honorary member for consumption on the premises, or a guest of an RSL honorary member in the member’s company for consumption on the premises; or
- (B) a defence member for consumption on the premises, or a guest of a defence member in the member’s company for consumption on the premises; and’

- (2) Section 77(8), definition *defence member*—

omit.

19 Amendment of s 79 (Requirements of club and secretary)

- (1) Section 79(1)(a), ‘the club’—

omit, insert—

‘the relevant club’.

- (2) Section 79(1)(b), ‘rules of the club’—

omit, insert—

‘rules of the relevant club’.

- (3) Section 79(1)(b) to (e), ‘the club’s secretary’—

omit, insert—

‘the relevant club’s secretary’.

[s 19]

- (4) Section 79(3), ‘the club’—
omit, insert—
‘the relevant club’.
- (5) Section 79—
insert—
- ‘(4A) Subsection (1)(d) does not apply in relation to a guest or visitor who is—
- (a) a member of a reciprocal club if the guest or visitor provides evidence of membership of the reciprocal club when the guest or visitor enters the relevant club; or
 - (b) for a relevant club that is an RSL or Services Club—
 - (i) an RSL honorary member; or
 - (ii) a defence member if the guest or visitor displays his or her current service identity card when the guest or visitor enters the relevant club.
- ‘(4B) However, if the rules of the relevant club require a register to be kept for members of a reciprocal club, subsection (1)(d) continues to apply in relation to a guest or visitor who—
- (a) is a member of that reciprocal club; and
 - (b) if the relevant club is an RSL or Services Club, is not also—
 - (i) an RSL honorary member; or
 - (ii) a defence member who displays his or her current service identity card when the guest or visitor enters the relevant club.
- ‘(4C) To remove any doubt, subsection (1)(d) continues to apply in relation to a guest or visitor who is—
- (a) a guest of a member of a reciprocal club; or
 - (b) for a relevant club that is an RSL or Services Club—
 - (i) a guest of an RSL honorary member; or
 - (ii) a guest of a defence member.’.

(6) Section 79—

insert—

‘(5A) The relevant club’s secretary may keep the register mentioned in subsection (1)(c) or (d) in hard copy or electronic form.’

(7) Section 79—

insert—

‘(7) In this section—

‘**relevant club** means the club to which the licence relates.’

20 **Amendment of s 81 (Authority of community other licence)**

Section 81(1)—

insert—

‘(e) for a relevant club that is an RSL or Services Club—

(i) an RSL honorary member, or a guest of an RSL honorary member in the member’s company; or

(ii) a defence member, or a guest of a defence member in the member’s company.’

21 **Amendment of s 83 (Requirements of club and secretary)**

(1) Section 83(1)(d)—

omit, insert—

‘(d) the relevant club’s secretary must keep on the club premises a register of—

(i) the name of each guest of a member or visitor to the club premises; and

(ii) the current place of residence of each guest or visitor or, if the guest or visitor is a member of a reciprocal club, the name of the reciprocal club;’

(2) Section 83—

[s 21]

insert—

- ‘(3A) Subsection (1)(d) does not apply in relation to a guest or visitor who is—
- (a) a minor; or
 - (b) a member of a reciprocal club if the guest or visitor provides evidence of membership of the reciprocal club when the guest or visitor enters the relevant club; or
 - (c) for a relevant club that is an RSL or Services Club—
 - (i) an RSL honorary member; or
 - (ii) a defence member if the guest or visitor displays his or her current service identity card when the guest or visitor enters the relevant club.
- ‘(3B) However, if the rules of the relevant club require a register to be kept for members of a reciprocal club, subsection (1)(d) continues to apply in relation to a guest or visitor who—
- (a) is a member of that reciprocal club; and
 - (b) if the relevant club is an RSL or Services Club, is not also—
 - (i) an RSL honorary member; or
 - (ii) a defence member who displays his or her current service identity card when the guest or visitor enters the relevant club.
- ‘(3C) To remove any doubt, subsection (1)(d) continues to apply in relation to a guest or visitor who is—
- (a) a guest of a member of a reciprocal club; or
 - (b) for a relevant club that is an RSL or Services Club—
 - (i) a guest of an RSL honorary member; or
 - (ii) a guest of a defence member.’.

- (3) Section 83—

insert—

‘(4A) The relevant club’s secretary may keep the registers mentioned in subsection (1)(c) and (d) in hard copy or electronic form.’

22 Amendment of s 103JA (Authority of restricted liquor permit)

Section 103JA(1)—

insert—

‘(e) for a relevant club that is an RSL or Services Club—

- (i) an RSL honorary member, or a guest of an RSL honorary member in the member’s company; or
- (ii) a defence member, or a guest of a defence member in the member’s company.’

23 Amendment of s 103M (Requirements of club and secretary)

(1) Section 103M(1)(d)—

omit, insert—

‘(d) the relevant club’s secretary must keep on the club premises a register of—

- (i) the name of each guest of a member or visitor to the club premises; and
- (ii) the current place of residence of each guest or visitor or, if the guest or visitor is a member of a reciprocal club, the name of the reciprocal club;’.

(2) Section 103M—

insert—

‘(3A) Subsection (1)(d) does not apply in relation to a guest or visitor who is—

- (a) a minor; or

[s 23]

- (b) a member of a reciprocal club if the guest or visitor provides evidence of membership of the reciprocal club when the guest or visitor enters the relevant club; or
 - (c) for a relevant club that is an RSL or Services Club—
 - (i) an RSL honorary member; or
 - (ii) a defence member if the guest or visitor displays his or her current service identity card when the guest or visitor enters the relevant club.
- ‘(3B) However, if the rules of the relevant club require a register to be kept for members of a reciprocal club, subsection (1)(d) continues to apply in relation to a guest or visitor who—
- (a) is a member of that reciprocal club; and
 - (b) if the relevant club is an RSL or Services Club, is not also—
 - (i) an RSL honorary member; or
 - (ii) a defence member who displays his or her current service identity card when the guest or visitor enters the relevant club.
- ‘(3C) To remove any doubt, subsection (1)(d) continues to apply in relation to a guest or visitor who is—
- (a) a guest of a member of a reciprocal club; or
 - (b) for a relevant club that is an RSL or Services Club—
 - (i) a guest of an RSL honorary member; or
 - (ii) a guest of a defence member.’.
- (3) Section 103M—
insert—
- ‘(4A) The relevant club’s secretary may keep the registers mentioned in subsection (1)(c) and (d) in hard copy or electronic form.’.

24 Amendment of schedule (Rules of clubs)

Schedule—

insert—

- ‘(f) must provide that the club’s secretary must keep on the club premises a list of reciprocal clubs; and
- (g) if the club is an RSL or Services Club—must provide that RSL honorary members and defence members are not entitled to any rights or privileges of members other than those rights or privileges expressly granted to RSL honorary members or defence members under sections 77, 79, 81, 83, 103JA and 103M.’.

**Part 6 Amendment of the Trading
(Allowable Hours) Act 1990**

25 Act amended

This part amends the *Trading (Allowable Hours) Act 1990*.

26 Amendment of s 21 (Trading hours orders on non-exempt shops)

Section 21(3), definition *public holiday*, paragraph (b), ‘section 2(2) or (3)’—

omit, insert—

‘section 2’.

27 Amendment of s 31B (Industrial commission order amended)

Section 31B(6A)—

omit, insert—

[s 27]

‘(6A) Subsection (6) does not apply to 26 December or 1 January if that date falls on a Sunday.’.

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