

- (b) a licensee's course certificate.

**tribunal** means QCAT.

**tribunal Act** means the QCAT Act.

**unlicensed person** means a person who is not the holder of—

- (a) a licence under this Act; or
- (b) a licence under the *Wine Industry Act 1994*; or
- (c) an approval, however described, under a law of the Commonwealth or a State that allows the approval holder to sell liquor.

**unlicensed premises** means premises to which a licence or permit does not relate.

**unreasonable noise**, in relation to licensed premises, means noise that—

- (a) exceeds the limits (if any) prescribed by regulation; or
- (b) contravenes a compliance order that applies to the premises; or
- (c) contravenes a condition that applies to the licence or permit for the premises.

**wine** has the meaning given by the *Wine Industry Act 1994*.

#### 4A Meaning of *function*

- (1) **Function** is an event or occasion to which persons are invited by, or for, the organiser of the event or occasion.
- (2) However, **function** does not include an event or occasion organised—
  - (a) by the owner or licensee of the licensed premises where the event or occasion is held if the event or occasion is for the owner's or licensee's own benefit; or
  - (b) by someone else if the owner or licensee of the premises where the event or occasion is held is entitled to receive



(2) In this section—

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

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

### 39 Proposed amendment to club rules

Sections 79(2) and 83(2) of the Act do not apply to amendments of the rules of a club other than amendments about the following—

- (a) eligibility for membership of the club;
- (b) categories of membership of the club;
- (c) eligibility for election to the club's management committee;
- (d) voting rights of the club's members;
- (e) functions of the club's management committee;
- (f) payment to an officer or employee of the club;
- (g) the club's non-proprietary status.

### 40 Prescription of limits for noise that if exceeded constitute unreasonable noise

For the definition *unreasonable noise* in section 4 of the Act, the limits for noise are as follows—

- (a) between 6a.m. and 10p.m.—the adjusted maximum sound pressure level  $L_{A10}$ , plus adjustments for tonal and impulse components, exceeding the background level  $L_{A90}$  by more than 10dB(A);
- (b) between 10p.m. and 6a.m.—the sound pressure level  $L_{OCT10}$ , in a full octave band with centre frequencies from 63HZ to 2000HZ, exceeding the background level  $L_{OCT90}$  by more than 8dB in any octave band.



*Examples—*

- having non-alcoholic and low alcohol beverages available
- supplying liquor in standardised quantities that can be recognised by patrons
- serving patrons half-measures of spirits on request

(b) prescribed by regulation for this section.

Maximum penalty—100 penalty units.

- (2) For subsection (1)(b), a regulation may prescribe a practice or promotion for all licensees or permittees, or for a particular class of licensees or permittees.
- (3) The commissioner may make a guideline under section 42A that includes examples of practices and promotions that encourage the responsible consumption of liquor.

**142ZZB Providing a safe environment and preserving amenity**

- (1) A licensee or permittee must, in the conduct of business on the relevant premises, provide and maintain a safe environment in and around the relevant premises.

Maximum penalty—100 penalty units.

- (2) A licensee or permittee must, in the conduct of business on the relevant premises, take all reasonable steps to ensure the use of the premises does not adversely affect the amenity of the area in which the premises are located.

Maximum penalty—100 penalty units.

- (3) A licensee or permittee must, in the conduct of business on the relevant premises, take all reasonable steps to ensure the behaviour of persons entering or leaving the premises does not adversely affect the amenity of the area in which the premises are located.

Maximum penalty—100 penalty units.

- (4) If a licensee or permittee knows or has reason to believe that a relevant offence is being, or is about to be, committed in or around the relevant premises, the licensee or permittee must



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take reasonable steps to stop or prevent the commission of the offence.

Maximum penalty—100 penalty units.

- (5) For subsection (4), an offence is a *relevant offence* if the commission of the offence may reasonably be expected to have an adverse impact on—

- (a) the health and safety of a person in or around the relevant premises; or
- (b) the amenity of the area in which the premises are located.

- (6) A licensee or permittee must, in the conduct of business on the relevant premises, engage in the positive practices prescribed by regulation for this section.

Maximum penalty—100 penalty units.

- (7) A licensee or permittee must not, in the conduct of business on the relevant premises, engage in, or allow another person to engage in, an unacceptable practice prescribed by regulation for this section.

Maximum penalty—100 penalty units.

- (8) A regulation may prescribe a practice to be a positive practice for subsection (6) or an unacceptable practice for subsection (7) for the purposes of—

- (a) providing and maintaining a safe environment in and around licensed premises and premises to which permits relate; and
- (b) ensuring the use of the premises does not adversely affect the amenity of the areas in which they are located.

### **142ZZC Advertising**

- (1) A licensee or permittee must not advertise or allow anyone to advertise—

- (a) the availability of the following for consumption on the relevant premises—