

1994

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

LIQUOR (AMENDMENT) BILL (NO. 2) 1994

EXPLANATORY MEMORANDUM

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Outline

This is an amending Bill. It amends the Liquor Act 1975, referred to in the Bill as the Principal Act. The Liquor Act 1975 provides for the constitution of the Liquor Licensing Board, the regulation of the sale of liquor, the issue and cancellation of liquor licences, the regulation of licensed premises, underage drinking and the public consumption of liquor.

The Bill amends the Principal Act by introducing provisions to enable the better enforcement of controls on underage drinking, including the introduction of a Proof of Age Card scheme, and to put in place more efficient and cost effective measures for dealing with anti-social alcohol related behaviour.

Financial considerations

The establishment costs of the Proof of Age Card scheme will be met from funds allocated for the implementation of the Community Safety Committee recommendations and the National Drug Strategy cost share program. Ongoing costs of the scheme will be absorbed by the Motor Vehicle Registry. The other initiatives do not have financial implications.

Formal clauses

Clause 1: Short title

This clause provides that the proposed Act may be cited as the Liquor (Amendment) Act (No. 2) 1994.

Clause 2: Commencement

Clause 2 states that sections 1, 2 and 3 of the proposed Act will commence upon notification of the Act in the Gazette and that the remaining provisions commence on a date fixed by the Minister by notice in the Gazette. This clause also provides that if a provision referred to in subsection 2 is not commenced within 6 months after notification of the Act in the Gazette then the provision will commence on the first day after the 6 month period.

Clause 3: Principal Act

This clause defines the term "Principal Act" to mean the Liquor Act 1975.

Clause 4: Interpretation

This clause amends section 4 of the Principal Act by inserting a definition for a "Proof of Age Card".

Clause 5: Substitution

This clause repeals section 17A of the Principal Act and substitutes new sections 17A, 17AB and 17AC. Section 17A provides for the seizure of liquor by an inspector or police officer. Section 17AB provides for the giving of a receipt and a sample of the liquor to the person from whom liquor is seized and the return or forfeiture of any liquor seized. Section 17AC provides for the disposal of liquor, by an inspector or a police officer, seized from a person who has committed an offence against section 84.

Clause 6: Persons under 18 - powers of inspectors and police officers

This clause amends section 17B of the Principal Act by inserting subsection (2AA) after subsection (2) and inserting subsection (2B) after subsection (2A). Subsection (2AA) requires an inspector to display his or her identity card immediately before asking a young person to give his or her name, address and age. Subsection (2B) provides for the confiscation of a form of identification from a young person, except a passport, by an inspector or police officer which the inspector or police officer reasonably believes does not belong to the young person or is forged.

Clauses 7, 8, 9 and 10: Sale of liquor for consumption off licensed premises

Clauses 7, 8, 9 and 10 allow for the regulation of the times at which liquor can be sold for consumption off licensed premises from General, Off, Club and Special licensed premises respectively.

Clause 11: Sale or supply of liquor to persons under 18

This clause amends section 80 of the Principal Act by omitting subsection (2) and substituting new subsections (2) and (2A). Subsection (2) provides the defence available to a person in proceedings against a person for the sale or supply of liquor to a person under the age of 18. Subsection (2A) provides the forms of identification for the purposes of subsection (2).

Clause 12: Entry to bar-rooms by persons under 18

Clause 12 amends section 83 of the Principal Act to provide a definition of a responsible adult in relation to a person under the age of 18 for the purpose of entering or remaining in a bar-room.

Clause 13: Insertion

This clause inserts after section 83 of the Principal Act new section 83A. Section 83A provides offences for using another person's identification or a form of identification that is forged to enter or remain in a bar-room, to purchase liquor or to obtain a proof of age card. A penalty of \$1,000 is provided.

Clause 14: Consumption of liquor in certain public places

This clause amends section 84 of the Principal Act by inserting after subsection (1) subsection (1A) and (1B), amends subsection (2) and subsection(3). Subsection (1A) provides for an offence to possess an open container of liquor in a prescribed public place with the intention of consuming the liquor. A penalty of \$200 is provided. Subsection (1B) for the purposes of subsection (1A) provides what shall be an open container.

Subsection (2) is amended to include the possession of an open container in the exemptions to the offence as outlined subsection (2). Subsection (3) is amended to include a definition of "liquor".

Clause 15: Exceeding occupancy loading

This clause amends section 93A of the Principal Act by omitting "relevant occupancy loading" and substituting "occupancy loading determined under section 24B". This amendment is required as consequence of the introduction of the Liquor (Amendment) Act 1994.

Clause 16: Insertion

This clause inserts section 95A after section 95 in Part XI of the Principal Act. Section 95A provides that a certificate signed by the Registrar specifying an occupancy loading in relation to a public area of a licensed premises is evidence of the matter specified.

Clause 17: Insertion

This clause inserts section 104AA after section 104A of the Principal Act. Section 104AA provides that the Registrar of Motor Vehicles may, on receiving an application in accordance with this section, issue a proof of age card to the applicant.

Clause 18: Further amendments

This clause makes a number of technical amendments to the Principal Act as set out in the Schedule.