

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

LIQUOR (AMENDMENT) BILL 1998

EXPLANATORY MEMORANDUM

**Circulated by authority of
Paul Osborne MLA
Independent**

OUTLINE

The purpose of this Bill is to remove one of the defenses from prosecution under the Liquor Act in order to ensure a consistent application of the Act in regard to liquor offences.

CLAUSE NOTES

Clauses 1, 2 and 3 are formal requirements. They refer to the short title of the Bill; specify that the Bill will commence upon being notified in the *Gazette*; and identify the title of the Act being amended.

Clause 4 removes the defence outlined in subsection (3) of section 104B of the Principal Act. While this defence has application to a number of liquor offences, it has particular reference to liquor sales to underage persons. This subsection has previously made it possible for liquor outlets who had made sales to underage persons to escape prosecution under this Act through allowing the outlet to have a policy in regard to such sales without ensuring that the policy was being followed at the point of sale.