

1997

THE LEGISLATIVE ASSEMBLY
OF THE
AUSTRALIAN CAPITAL TERRITORY

LIQUOR (AMENDMENT) BILL 1997

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, and the Liquor (Amendment) Act 1996. The object of the Liquor Act is to promote and encourage responsibility in the sale and consumption of alcohol through the establishment of a scheme of licences and permits.

The Bill amends the Principal Act by introducing an offence provision to restrict sexually explicit entertainment on licensed premises to premises located in prescribed locations and amends the Liquor (Amendment) Act 1996 to enable the extension of the restricted trading hours trial.

Formal Clauses

Clauses 1, 2 and 3 are formal clauses. They refer to the short title of the Bill, commencement and definition of the Principal Act. Clause 2 states that the Act will commence on the day on which it is notified in the Gazette.

Clause 4: Insertion

This clause inserts after section 73 of the Principal Act new section 74. Subsection 74 (1) provides an offence for a licensee or permit holder to permit sexually explicit entertainment on premises to which a licence or permit relates, except at premises in a prescribed location. A maximum penalty of 50 penalty units is provided.

Subsection 74 (2) provides that the offence contained in subsection (1) does not apply to a room on licensed premises used for accommodation.

Subsection 74 (3) provides a definition of sexually explicit entertainment to mean any performance or entertainment: in the course of which a person displays genitalia; that includes sexual intercourse as defined in section 92 of the Crimes Act 1900; and includes such other performance or entertainment as are prescribed.

The definition establishes the activities considered to be sexually explicit entertainment and covers circumstances where such activities occurred in the course of tabletop dancing, a stage performance, bar service, table service or similar activities in licensed premises.

The definition also enables other activities, that do not necessarily involve the display of genitalia or sexual intercourse, to be prescribed by regulation.

Clause 5: Amendment of Liquor (Amendment) Act 1996

This clause amends section 8 of the Liquor (Amendment) Act 1996 by omitting all the words after "effect" and substituting "until the expiration of 30 September 1997."

This provides for sections 4, 5, 6, and 7 of the Liquor (Amendment) Act 1996 to have effect until 30 September 1997. This enable the restriction of trading hours to be extended until 30 September 1997.

This amendment has been introduced to allow the extension of the restricted trading hours trial pending consideration of the consultants' evaluation report and a final decision whether to continue or cease trading hour restrictions.