

1994

THE LEGISLATIVE ASSEMBLY OF THE  
AUSTRALIAN CAPITAL TERRITORY

LIQUOR (AMENDMENT) BILL 1994

EXPLANATORY MEMORANDUM

Circulated by the authority of the Attorney General

## Liquor (Amendment) Bill 1994

### 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 and underage drinking as well as providing for the determination of occupancy loadings.

Section 24B of the Liquor Act 1975 provides for the setting of occupancy loadings for all licensed premises where alcohol is sold for consumption on the premises. The loadings are determined in accordance with the provisions of Tables D1.13 and D1.6 of the Building Code of Australia (ie, those provisions relating to floor area and available exit widths). The loadings are currently determined by the Registrar in accordance with the assessment of the Fire Commissioner and are generally based on one person per square metre and two for dance floors.

This Bill amends the Principal Act by rectifying a technical problem with the wording of Section 24B of the Act. As the wording of the Section currently stands, the determination of the Registrar is protected from review if it is in conformity with the assessment of the Fire Commissioner. The amendment will enable a review of the Fire Commissioner's assessment by establishing it as a "recommendation" upon which the Registrar's decision is based rather than as an assessment with which the Registrar must conform.

### Financial Considerations

This Bill is intended to be Budget neutral.

## Formal Clauses

### **Clause 1: Short Title**

This clause provides that the proposed Act may be cited as the Liquor (Amendment) Act 1994.

### **Clause 2: Commencement**

Clause 2 states that the Act will commence on the day on which it is notified in the Gazette.

### **Clause 3: Principal Act**

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

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### **Clause 4: Long Title**

This clause repeals the title of the Principal Act and substitutes the following title, "An Act relating to the sale of Liquor and for related purposes".

### **Clause 5: Occupancy Loadings**

This clause amends section 24B sub-section (a), (b) and (c) of the Principal Act by removing the references to the Fire Commissioner's "assessment" and replacing them with the reference to the Fire Commissioner's "recommendation". It also removes the words "in conformity with" and substitutes "having regard to that recommendation".

By basing the Registrar's decision on a recommendation of the Fire Commissioner, the effect of this amendment will be to make the Registrar's determination amenable to review.