

2011

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

LIQUOR AMENDMENT REGULATION 2011 (No 2)

SL2011 - 29

EXPLANATORY STATEMENT

**Presented by
Attorney General
Simon Corbell MLA**

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Overview

The *Liquor Act 2010* regulates the sale, supply, promotion and consumption of liquor in a way that minimises harm associated with the consumption of liquor, and takes into account the safety of the community. The *Liquor Act 2010* replaced the *Liquor Act 1975*.

This regulation amends the *Liquor Regulation 2010* and makes consequential amendments as a result of the *Liquor (Fees) Determination 2011*.

On 18 November 2010, a disallowance motion on the *Liquor (Fees) Determination 2010* was debated in the Legislative Assembly. The Assembly resolved that the Government undertake a review of the liquor licensing fees and report back to the Assembly by 1 October 2011. The Assembly also resolved that the Attorney General in making any new fee determination take into account the results of the review.

The Attorney General tabled the *Final Report on the Review of Liquor Fees* on 22 September 2011. The Report recommended that the Government consider an adjustment to the liquor fees to reflect the lower risk of harm from small to medium sized businesses.

This regulation makes amendments to the *Liquor Regulation 2010* to reflect the new licensed trading hours for on licensees and permit holders, as set out in the *Liquor (Fees) Determination 2011*.

With the removal of the outdated \$100,000 threshold used to determine liquor licensing fees, a consequential amendment has been made to section 1.19 of the *Liquor Regulation 2010* to remove the requirement for on licensees to report details of liquor purchases to the Commissioner for Fair Trading not later than one month after the end of each financial year.

The regulation makes another consequential amendment to section 1.20 of the *Liquor Regulation 2010* to permit the Commissioner for Fair Trading to access liquor data provided to the Chief Health Officer. Access to this information will facilitate the regulatory, enforcement and monitoring functions of the Commissioner for Fair Trading under the liquor legislation when assessing liquor licence applications and renewals.

The regulation is made under the general regulation-making power in section 229 of the *Liquor Act 2010*.

Section 1 **Name of regulation**

This section names the regulation as the *Liquor Amendment Regulation 2011 (No 2)*

Section 2 Commencement

This section explains that the regulation will commence on the day after it is notified on the ACT Legislation Register.

Section 3 Legislation amended

This section cites the regulation which is being amended.

Section 4 Section 32

This section replaces definitions used in section 32 of the *Liquor Regulation 2010* with new definitions consistent with the new licensed trading times.

Section 5 Section 33 (2) and (3)

This section substitutes the former licensed and permitted times in section 33(2) of the *Liquor Regulation 2010* with the new kinds of licensed or permitted times for the sale and supply of liquor in the ACT.

Section 6 Schedule 1, section 1.19

This is a consequential amendment which removes the requirement for an on licensee to provide an annual purchase report to the Commissioner for Fair Trading one month after the end of each financial year. The *Liquor Fees Determination 2011* no longer requires this information because the outdated \$100,000 threshold used to determine liquor fees in the past has been removed. The new liquor licensing fees are now determined based on a number of risk factors as set out in section 229(2) of the *Liquor Act 2010*.

The amendment also makes provision for dealing with renewal fees for off licensees who are granted an off licence for the first time, to allow the Commissioner for Fair Trading to assess their renewal fee for the following year.

Section 7 Schedule 1, section 1.20 (1)

This section permits the Commissioner for Fair Trading to access the liquor data reported to the Chief Health Officer under section 1.20 of the *Liquor Regulation 2010*. This is a consequential amendment arising from the removal of the reporting requirement by on licensees under section 1.19 of the *Liquor Regulation 2010*. Access to this information by the Commissioner for Fair Trading will facilitate proper regulatory, enforcement and monitoring functions of the Commissioner when assessing licensing and renewal applications.

Section 8 Schedule 2

This section substitutes new licensed trading times for liquor licences and permits.