



AUSTRALIAN CAPITAL TERRITORY

Liquor Amendment Act 2000

No 54 of 2000

An Act to amend the *Liquor Act 1975*

[Notified in ACT Gazette No. 40: 5 October 2000]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Liquor Amendment Act 2000*.

2 Commencement

This Act commences on the day it is notified in the Gazette.

3 Act amended

This Act amends the *Liquor Act 1975*.

4 Insertion

After section 177, insert the following section:

“177A Breath analysis tests on licensed premises

“(1) Evidence of the results of a test, that indicates the presence or concentration of alcohol in the blood of a person, performed on a breath analysing instrument installed on licensed premises is not admissible —

- (a) subject to subsection (2), in any civil proceedings against the licensee of the licensed premises; or

(b) in any criminal proceedings.

“(2) This section does not prevent the admission into evidence in civil proceedings of the results of such a test if it is established that at the time of the test—

- (a) the breath analysing instrument concerned did not comply with the Australian Standard; or
- (b) the licensee was aware, or should have been aware, that the instrument was not operating correctly; or
- (c) subsection (3) was being contravened in respect of the breath analysing instrument concerned.

“(3) At all times when a breath analysing instrument installed on licensed premises is available for use by customers on the premises there must be displayed on or in close proximity to the instrument a sign that complies with the following requirements:

- (a) the sign must be clearly legible and in good condition and so positioned that its contents can be easily read by a person using the instrument;
- (b) the sign must display the following matter in print of a type size and character that will be clearly legible to a person using the equipment:

IMPORTANT INFORMATION ABOUT BREATH TESTING

Readings given by this instrument MAY NOT BE ACCURATE
and are NOT ACCEPTED by the police or the
courts.

Your blood alcohol level can rise for 1 hour or more after your
last drink.

“(4) If subsection (3) is contravened, the licensee commits an offence punishable, on conviction by a maximum penalty of 20 penalty units.

“(5) In this section—

Australian Standard means Australian Standard 3547-1993 (Breath Alcohol Testing Devices for Personal Use) as in force from time to time;

breath analysing instrument means an instrument that is—

- (a) designed to ascertain by means of analysis of a person’s breath the concentration of alcohol present in the person’s blood; and

(b) of a type specified in the Australian Standard.”.

Endnotes

Act amended

1 Republished as in force on 31 October 1999 (Republication No 6).

Penalty units

2 Section 33AA of the *Interpretation Act 1967* deals with the meaning of offence penalties that are expressed in penalty units.

[Presentation speech made in Assembly on 8 December 1999]