

1999  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Ted Quinlan)

**Liquor Amendment Bill (No 2) 1999**

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**A BILL**

FOR

**An Act to amend the *Liquor Act 1975***

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

**1 Name of Act**

This Act is the *Liquor Amendment Act (No 2) 1999*.

**5 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**

**10** After section 177, insert the following section:

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Job No: 1999/247

**“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 —

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

10 “(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  
15 (c) subsection (3) was being contravened in respect of the breath analysing instrument concerned.

20 “(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;  
25 (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**

30 Readings given by this instrument 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.

35 “(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—

*Liquor Amendment (No 2) No , 1999*

- (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.”.

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**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.

