

1991

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

LIQUOR REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by authority of the Deputy Chief Minister

Mr Bernard Collaery MLA

## LIQUOR REGULATIONS (AMENDMENT)

The Liquor Act 1975 was amended in 1990 by the Liquor (Amendment) Act 1990 which commenced on 19 December 1990 and the Liquor (Amendment) Act (No.2) 1990 which commenced on 1 January 1991.

The Liquor (Amendment) Act 1990 introduced a package of amendments which included the strengthening of provisions concerning underage drinking, the introduction of a new 'special' licence category, the revision of penalty levels, and the introduction of a number of new offences.

The Liquor (Amendment) Act (No.2) 1990 provided for the Government's decision to abolish the ACT Gaming and Liquor Authority and establish a Liquor Licensing Board to make licensing decisions under the Liquor Act together with the Registrar of Liquor Licences. This amendment also provided for the Government's decision to transfer the responsibility for the revenue aspects of liquor administration from the Authority to the ACT Commissioner for Revenue.

The Liquor Regulations (Amendment) proposes changes to the Liquor Regulations in accordance with the amended Liquor Act 1975. The principal alterations to the Regulations are the inclusion of the new 'special' licence category where necessary, the replacement of references to the Authority as appropriate, and the improvement of forms prescribed for use in the administration of the Act.

Details of the amending clauses are contained in the attachment.

Liquor Regulations (Amendment)

## Applications for licence removal

Clause 1 removes from Regulation 6 the requirement for applicants renewing a licence to lodge certificates giving details of their liquor purchases. This requirement is now contained in section 76B of the Liquor Act 1975. Regulation 9A now specifies the forms to be used for these certificates.

## Form of memorandum of transfer of licence

Clause 2 amends Regulation 9 by substituting section 41 for section 42 of the Liquor Act 1975. This arises as a consequence of the renumbering of the Act following its amendments.

## Insertion

Clause 3 inserts a new Regulation 9A which specifies the forms to be used for the certificates of liquor purchases required to be lodged under section 43(1)(a) and 76<sup>a</sup>(a) of the Liquor Act 1975.

## Permits

Clause 4 amends Regulation 10 of the Principal Regulations by removing gender specific references in subregulation (2).

## Schedule

## Clause 5

Subclauses 5(a), (b), (c), (d), (f), (i), and (l) amend Forms 1, 3, 4 and 5 of the Principle Regulations by inserting a special licence category in line with the inclusion of this category in section 29A of the Liquor Act 1975.

Subclause 5(e) amends Form 3 of the Principle Regulations by recognising the power of the Registrar to make uncontentious licencing decisions.

Subclause 5(g) removes from Form 4 of the Principle Regulations the facility for applicants to specify a period of licence renewal of other than 12 months. The provision for licencing renewal periods of less than 12 months has been repealed by section 39 of the Liquor (Amendment) Act 1990.

Subclause 5(h) substitutes an actual date for the payments of fees. This was previously defined in section 94A of the Liquor Act 1975 and was repealed by the Liquor (Amendment) Act 1990.

Subclause 5(j) amends Form 5 of the Principle Regulations by substituting section 39 for section 40(2) of the Liquor Act 1975 which refers to the renewal of licences being issued for a period of 12 months.

Subclause 5(k) amends Form 5 of the Principle Regulations as for subclause 5(g).

Subclause 5(m) amends Form 7 of the Principle Regulations in line with section 41 of the Liquor Act 1975 which provides for decisions concerning the transfer of licences to be made by either the Board or the Registrar and replaces the Authority as decision-maker.

Subclause 5(n) incorporates in Forms 8 and 9 of the Principle Regulations a note which clarifies the period for which liquor purchasing information is required under section 43 and 76B of the Liquor Act.