

2012

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

LIQUOR AMENDMENT BILL 2012

EXPLANATORY STATEMENT

**Circulated by
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INTRODUCTION

This explanatory statement relates to the Liquor Amendment Bill 2012 as presented to the Legislative Assembly on the 22nd February 2012. It has been prepared in order to assist the reader of the bill and to help inform debate on it. It does not form part of the bill and has not been endorsed by the Assembly.

The Statement must be read in conjunction with the bill. It is not, and is not meant to be, a comprehensive description of the bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

OVERVIEW

The intent of the Liquor Amendment Bill 2012 is to ensure that individuals and businesses who hold a liquor licence are provided with a minimum of three months notice of any changes to their annual licence fee paid to the ACT Government. This obligation would have a positive impact on individuals and businesses involved in the liquor and hospitality industry compared to the status quo.

In 2010, revised fees were released on the 19th of October which was 6 weeks before they were due. In 2011, revised fees were released on the 9th of November which was 3 weeks before they were due.

The industry has been frustrated by these short time frames because they need more time to react to any changes and plan for the year ahead. The amendment in the bill will provide the industry with a guaranteed minimum of three months notice of any changes to fees.

HUMAN RIGHTS

The bill would have no impact on an individual's human rights as it goes no further than imposing an obligation on the Minister responsible for the Liquor Act 2010 (currently the Attorney General) to release revised annual fees at a certain time.

SUMMARY OF CLAUSES

Clause 1 Name of the Act

This clause is a formal provision setting out the name of the proposed Act.

Clause 2 Commencement

The clause provides that the Act takes effect on the day after its notification.

Clause 3 Legislation amended

This clause identifies that the bill amends the *Liquor Act 2010*.

Clause 4 New section 227(1A)

This is the key operational clause in the bill. The clause creates the requirement for the Minister to release revised annual fees a minimum of three months before they first become due.

For example, the current administrative practice of the ACT Government is to require annual renewal fees be paid before 1st December. This clause would require the Government to release any revised fees by at least the 1st September.

The clause have been drafted in such a way that should the administrative practice of the Government change, the three month minimum notice requirement will move with it. For example, should administrative practice change to requiring annual fees be paid by 1 July, this clause would require fee changes be advised by at least 1 April.