

1999

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

LIQUOR (AMENDMENT) BILL (No2) 1999

EXPLANATORY MEMORANDUM

Circulated by the authority of the Shadow Treasurer

Ted Quinlan, MLA

Liquor (Amendment) Bill (No2) 1999

Summary

This Bill ensures that the results of breath analysis equipment installed in licensed premises are not admissible in civil or criminal proceedings.

The exception to this is when it is found that:

- (a) the equipment used is found to have not complied with Australian Standards;
- (b) the licensee was aware, or should have been aware, that the instrument was not operating correctly; or
- (c) the licensee in some way contravened the labelling regulations contained in this Bill.

If any of these conditions are met, the results of a breath analysis machine may be admissible in civil proceedings.

The Bill also makes provision for breath analysis equipment to be clearly labelled with instructions on use of the equipment, the fact that readings are not accepted by the Police or Courts and the fact that blood alcohol levels can rise beyond the indicated level for 1 hour after the consumption of the last drink.

The Bill includes a penalty of 20 penalty units if the licensee fails to comply with subsection relating to labelling.

Financial Implications

This Bill has no financial implications.

Commencement

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

Principal Act

This Act amends the *Liquor Act 1975*.