

AUSTRALIAN CAPITAL TERRITORY

LIQUOR ORDINANCE 1959.

EXPLANATORY MEMORANDUM

No. 14 of 1959

These amendments provide for the sale of liquor by the Australian Services Canteens Organisation, alter methods of assessment of liquor merchants' fees and clarify provisions of the Ordinance relating to consumption of liquor with meals in hotels.

Section 6(d) of the Ordinance exempts the canteen organisations of the three armed services from the provisions of the Ordinance, to enable the sale of liquor in such establishments. The recently established Australian Services Canteens Organisation has taken over the separate canteen services formerly administered separately by the three Service authorities. This amendment extends to the new organisation the exemption previously enjoyed by the three organisations now amalgamated. The old provision is retained in its present form as it covers the sale of liquor in messes of defence establishments.

The value of liquor sold by a liquor merchant to other licensees should not be taken into account in the calculation of the liquor merchant's fees, as fees assessed on the sale of such liquor are paid by the retailer. Under the Ordinance at present liquor merchants in the Territory are required to pay fees on amounts received from the sale of liquor to licensees in N.S.W. Clause 5 of the draft amends section 26D of the Ordinance to exempt these sales. This will place liquor merchants in the Territory in the same position as liquor merchants in N.S.W. who, under the legislation of that State, do not pay fees on receipts from the sale of liquor to licensees in the Territory.

Certain classes of persons, notably diplomats, are granted exemption from taxes. As licence fees are in the nature of a tax, section 26D is being further amended so that sales to these persons will be disregarded in calculating the fee for a liquor merchant's licence.

It is also being made clear that the price to be taken into account in calculating the fee for a liquor merchant's licence is the wholesale price, because that is the price upon which all fees are calculated.

The amendments made by clauses 7 and 8 of the draft are designed to ensure that when, in a hotel, liquor is supplied with a meal up to midnight on weekdays and 10 p.m. on Christmas Day or a Sunday, all liquor must be consumed and glasses and bottles removed half an hour after those times. A recent Court decision indicated that the present Ordinance does not achieve this.

The amendments set out in clauses 3, 4, 6 and 10 are of a formal nature.