

No. 22 of 1973

## AN ORDINANCE

To amend the *Liquor Ordinance 1929-1971*, as amended  
by the *Liquor Ordinance 1973*.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice  
of the Executive Council, hereby make the following Ordinance under  
the *Seat of Government (Administration) Act 1910-1972*.

Dated this twenty-seventh day of June, 1973.

PAUL HASLUCK  
Governor-General.

By His Excellency's Command,

KEP ENDERBY  
Minister of State for the Capital Territory.

### LIQUOR ORDINANCE (No. 2) 1973

1. (1) This Ordinance may be cited as the *Liquor Ordinance* (No. 2) 1973.\* Short title  
and citation.

(2) The *Liquor Ordinance 1929-1971*,† as amended by the *Liquor Ordinance 1973*,‡ is in this Ordinance referred to as the Principal Ordinance.

(3) Section 1 of the *Liquor Ordinance 1973* is amended by omitting sub-section (3).

(4) The Principal Ordinance, as amended by this Ordinance may be cited as the *Liquor Ordinance 1929-1973*.

2. Section 18 of the Principal Ordinance is amended by omitting from paragraph (b) the words "Restaurant Licences" and substituting the words "Bistro Licences". Licences.

\* Notified in the *Commonwealth Gazette* on 29 June 1973.

† Ordinance No. 15, 1929, as amended by Nos. 5 and 6, 1930; Nos. 4, 11 and 15, 1931; Nos. 9 and 15, 1932; Nos. 10 and 11, 1935; No. 26, 1936; Nos. 6, 25 and 27, 1938; No. 19, 1942; No. 3, 1943; Nos. 4 and 11, 1945; No. 8, 1946; Nos. 1, 5, 6 and 7, 1948; No. 13, 1950; No. 11, 1951; No. 7, 1954; No. 9, 1955; Nos. 3 and 8, 1956; Nos. 14 and 21, 1959; Nos. 8 and 18, 1962; No. 14, 1963; No. 3, 1964; Nos. 8 and 17, 1965; No. 8, 1966; No. 45, 1967; No. 22, 1968; and No. 6, 1971.

‡ Ordinance No. 4, 1973.

**Bistro  
Licence.****3. Section 21 of the Principal Ordinance is amended—**

- (a) by omitting sub-sections (1), (2) and (3) and substituting the following sub-sections:—

“(1) A Bistro Licence may be granted to the lessee or occupier, being a lessee or occupier other than a partnership, or to a person on behalf of the lessee or occupier, being a lessee or occupier which is a partnership, of premises used or to be used for the sale and supply of food and liquor for consumption on those premises.

“(2) Subject to this Ordinance, a Bistro Licence authorizes the licensee, on the licensed premises—

- (a) during trading hours, to sell and supply liquor for consumption on those premises; and

- (b) during—

- (i) the period commencing at ten o'clock in the morning on the day before New Year's Day and ending at one o'clock in the morning on New Year's Day, or, if the day before New Year's Day is a Sunday, commencing at noon on that day and ending at one o'clock in the morning on New Year's Day;
  - (ii) the period commencing at noon and ending at ten o'clock in the evening on Christmas Day;
  - (iii) the period commencing at noon and ending at eleven o'clock in the evening on a Sunday, not being a Sunday that is the day before New Year's Day; and
  - (iv) the period commencing at ten o'clock in the morning and ending at midnight on any day except Christmas Day, Good Friday, a Sunday or the day before New Year's Day,
- to sell and supply liquor as part of a *bona fide* meal for which a price (excluding the price of any liquor) of not less than Fifty cents is paid.

“(3) The Licensee under a Bistro Licence shall cause all bottles and drinking vessels that have been used in the supply or consumption of liquor during a prescribed period during which the sale, supply or disposal of liquor as part of a meal is authorized under paragraph (b) of sub-section (2) to be removed from the part of the licensed premises in which the meal was supplied before the expiration of the period of half an hour immediately following the expiration of that prescribed period, and shall not permit or suffer any bottles containing liquor or drinking vessels to be in that part of the licensed premises after that time and before the next succeeding prescribed period.”;

- (b) by omitting from sub-section (4) the words “Restaurant Licence” and substituting the words “Bistro Licence”;

- (c) by omitting from sub-section (4) the words “ a restaurant ” and substituting the words “ the premises specified in that licence ”; and
- (d) by omitting from sub-section (5) the words “ a restaurant licensed under this Ordinance ” and substituting the words “ premises licensed under this section ”.

**4. Section 22 of the Principal Ordinance is amended—**

Conditions  
of grant of  
Bistro  
Licences.

- (a) by omitting the words “ Restaurant Licence ” and substituting the words “ Bistro Licence ”;
- (b) by omitting from paragraph (a) the words “ in which the restaurant to which the application relates is situated ” and substituting the words “ to which the application relates ”;
- (c) by omitting sub-paragraphs (ii) and (iii) of paragraph (a) and substituting the following sub-paragraph:—
  - “ (ii) where the premises to which the application relates form part of premises other parts of which do not form part of the premises to which the application relates, the situation of the premises to which the application relates in relation to the other parts of the premises of which they form part; ”;
- (d) by omitting from sub-paragraphs (iv), (v) and (vi) of paragraph (a) the words “ the restaurant ” and substituting the words “ the premises to which the application relates ”;
- (e) by omitting from paragraph (b) the words “ the restaurant in respect of which the application is made is a well-appointed eating house and is provided ” and substituting the words “ the premises in respect of which the application is made are well appointed for the supply and consumption of food and liquor and are provided ”;
- (f) by omitting from sub-paragraph (i) of paragraph (b) the words “ for the provision of meals for at least fifty persons at the same time ” and substituting the words “ , having regard to the size and nature of the premises, for the provision of food and liquor ”; and
- (g) by omitting sub-paragraph (ii) of paragraph (b).

**5. Section 23A of the Principal Ordinance is amended—**

Obtaining  
liquor in  
premises  
specified in  
Bistro  
Licence.

- (a) by omitting the words “ any restaurant licensed under this Ordinance ” and substituting the words “ premises licensed under section 21 ”; and
- (b) by omitting the words “ the restaurant ” and substituting the words “ those premises ”.

Applications  
for the grant,  
removal or  
transfer of  
licences.

**6. Section 32 of the Principal Ordinance is amended—**

(a) by inserting before paragraph (a) of sub-section (7) the following paragraph:—

“ (aa) by the Secretary to the Department of the Capital Territory;”; and

(b) by omitting paragraph (e) of sub-section (7A) and substituting the following paragraphs:—

“ (e) if the premises to which the application relates are held, either directly or indirectly, under a lease for a term of years from the Commonwealth, that the use of those premises as licensed premises of the kind to which the licence, if extant, relates or, if not yet extant, would, if granted, relate is not consistent with the terms of that lease;

(ea) those premises do not comply, or, if building works are to be carried out on those premises in accordance with the plans lodged with the application, will not comply, with such requirements that are imposed by or under laws in force in the Territory (other than this Ordinance and the Regulations) as are applicable to the use of those premises as licensed premises of the kind to which the licence, if extant, relates or, if not yet extant, would, if granted, relate;”.

Fees for  
grant or  
transfer of a  
licence.

**7. Section 35A of the Principal Ordinance is amended by omitting from sub-section (2) the words “ Restaurant Licence ” and substituting the words “ Bistro Licence ”.**

Fees for  
renewal of  
licences.

**8. Section 35B of the Principal Ordinance is amended by omitting from sub-section (1) the words “ Restaurant Licence ” and substituting the words “ Bistro Licence ”.**

Offences by  
licensees.

**9. Section 43 of the Principal Ordinance is amended—**

(a) by inserting in sub-section (4), after the words “ the holder of a ”, the words “ Bistro Licence or ”;

(b) by omitting from sub-section (5) the words “ Restaurant Licence ” and substituting the words “ Bistro Licence ”; and

(c) by inserting in sub-section (5), after the words “ section nineteen,”, the words “ paragraph (b) of ”.

Persons  
present on  
licensed  
premises  
during  
prohibited  
hours.

**10. Section 49 of the Principal Ordinance is amended by inserting in paragraph (ca) of sub-section (2), after the words “ section nineteen,”, the words “ paragraph (b) of ”.**

**11. The Schedule to the Principal Ordinance is amended—**

Schedule.

- (a) by omitting from Form 2 the words "RESTAURANT LICENCE." and substituting the words "BISTRO LICENCE";
- (b) by omitting from that form the words "Restaurant Licence" (twice occurring) and substituting the words "Bistro Licence"; and
- (c) by omitting from that form all of the words from and including the words "I do hereby" to and including the words "not less than Fifty cents is paid." and substituting the following words:—

"I do hereby declare that the person aforesaid is, subject to the provisions of the said Ordinance, authorized by himself, his servants or agents, on the licensed premises—

- (a) during trading hours, to sell and supply liquor for consumption on those premises; and

(b) during—

- (i) the period commencing at ten o'clock in the morning on the day before New Year's Day and ending at one o'clock in the morning on New Year's Day, or, if the day before New Year's Day is a Sunday, commencing at noon on that day and ending at one o'clock in the morning on New Year's Day;
- (ii) the period commencing at noon and ending at ten o'clock in the evening on Christmas Day;
- (iii) the period commencing at noon and ending at eleven o'clock in the evening on a Sunday, not being a Sunday that is the day before New Year's Day; and
- (iv) the period commencing at ten o'clock in the morning and ending at midnight on any day except Christmas Day, Good Friday, a Sunday or the day before New Year's Day, to sell and supply liquor, as part of a *bona fide* meal for which a price (excluding the price of any liquor) of not less than Fifty cents is paid."

**12. For the purposes of the Principal Ordinance as amended by this Ordinance, a Restaurant Licence that was in force immediately before the commencement of this Ordinance shall, subject to the Principal Ordinance as so amended, continue in force for the unexpired portion of the term for which it was issued or renewed as if it were a Bistro Licence granted under the Principal Ordinance as so amended.**

Transitional.