

No. 63 of 1976

## AN ORDINANCE

To amend the *Liquor Ordinance 1975*.

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

Dated this eleventh day of November, 1976.

JOHN R. KERR  
Governor-General.

By His Excellency's Command,

A. A. STALEY  
Minister of State for the Capital Territory.

### LIQUOR (AMENDMENT) ORDINANCE 1976

1. This Ordinance may be cited as the *Liquor (Amendment) Ordinance 1976*.<sup>\*</sup> Short title.

2. After section 101 of the *Liquor Ordinance 1975*<sup>†</sup> the following section is inserted:—

“101A. (1) In this section—

‘exempt person’ means a person referred to in sub-section 96 (4);

‘relevant period’, in relation to a licence that has ceased to be in force, means—

(a) if the licence had not, prior to ceasing to be in force, been renewed—the period during which the licence was in force; and

(b) if the licence had, prior to ceasing to be in force, been renewed—the period commencing on the expiration of the day referred to in paragraph 96 (1) (a) or paragraph 96 (1) (b), as the case may be, and ending on the expiration of the last day on which the licence was in force.

Payment of  
amount  
where licence  
ceases to be  
in force.

<sup>\*</sup> Notified in the *Australian Government Gazette* on 17 November 1976.

<sup>†</sup> Ordinance No. 19, 1975 as amended by No. 6, 1976.

“(2) Where a licence ceases to be in force, otherwise than by virtue of a suspension of the licence, the person who held the licence shall pay to the Registrar an amount calculated in accordance with this section.

“(3) The amount payable under this section is, in respect of a General Licence, an On Licence or a Club Licence, an amount equal to 5 per cent of the amount (including duties) paid or payable by the person who held the licence for all liquor purchased by him during the relevant period for disposal in pursuance of the licence and any permits held by him.

“(4) The amount payable under this section is, in respect of an Off Licence, an amount equal to 5 per cent of the difference between—

- (a) the amount (including duties) paid or payable by the person who held the licence for all liquor purchased by him during the relevant period for disposal in pursuance of the licence; and
- (b) the aggregate of the amounts (including duties) paid or payable by the person for liquor purchased by him at any time and sold by him during the relevant period to—
  - (i) holders of licences;
  - (ii) the University;
  - (iii) the Canberra College of Advanced Education;
  - (iv) the Canberra Theatre Trust; and
  - (v) exempt persons.

“(5) Where, in respect of a licence that has ceased to be in force, an amount is payable under this section and the relevant period in relation to that licence includes a period during which the person by whom the amount is payable was the holder of a licence under the repealed Ordinance, for the purposes of this section—

- (a) liquor purchased by the person during that last-mentioned period for disposal in pursuance of that last-mentioned licence shall be deemed to have been purchased by the person for disposal in pursuance of the licence held by him under this Ordinance; and
- (b) liquor sold by the person during that last-mentioned period shall be deemed to have been sold by the person in pursuance of the licence held by him under this Ordinance.

“(6) An amount payable by a person under this section is recoverable as a debt due to the Registrar by the person.

“(7) Where—

- (a) an amount is payable by a person under this section following the cancellation of a licence;
- (b) the amount or part of the amount is paid by the person to the Registrar; and
- (c) the cancellation of the licence is, after the payment, set aside by the Supreme Court,

the Registrar shall refund to the person the amount paid by him.”.