

# AUSTRALIAN CAPITAL TERRITORY

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## Liquor (Amendment) Ordinance 1986

### No. 41 of 1986

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 14 August 1986.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

G. SCHOLES  
Minister of State for Territories

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An Ordinance to amend the *Liquor Ordinance 1975*

#### Short title

1. This Ordinance may be cited as the *Liquor (Amendment) Ordinance 1986*.<sup>1</sup>

#### Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for Territories by notice in the *Gazette*.

#### Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Liquor Ordinance 1975*.<sup>2</sup>

**Interpretation**

4. Section 4 of the Principal Ordinance is amended by inserting after the definition of “Deputy Registrar” in sub-section (1) the following definitions:

“ ‘determined fee’ means a fee determined by the Minister under section 105A for the purposes of the provision in which the expression occurs;

‘exempt person’ means any of the following persons:

- (a) the Governor-General;
- (b) a member of the family of the Governor-General who ordinarily resides with the Governor-General;
- (c) a member of the staff of the Governor-General, not being a person who is an Australian citizen;
- (d) the diplomatic representative in Australia of a foreign country;
- (e) the High Commissioner in Australia of a part of the Queen’s dominions;
- (f) the official representative (not being a High Commissioner) in Australia of a part of the Queen’s dominions, being a citizen of that part;
- (g) a consular representative or Trade Commissioner in Australia of another country if he or she is a citizen of that country and is not otherwise engaged in a business, occupation or profession;
- (h) a member of the staff of a person referred to in paragraph (d), (e) or (f), being a member who is a citizen of the country represented;
- (j) a member of the family of a person referred to in any of the preceding paragraphs who ordinarily resides with that person;
- (k) the Speaker of the House of Assembly.”.

**Application**

5. Section 5 of the Principal Ordinance is amended—

- (a) by omitting sub-sections (4) and (4A) and substituting the following sub-sections:

“(4) On or before 30 June in each year, the University shall—

- (a) inform the Registrar in writing of the aggregate of the amounts (including duties) paid or payable in respect of the

purchase, during the last preceding calendar year, of liquor for sale in an exempt University building; and

- (b) pay to the Commonwealth the determined fee.

“(4A) On or before 30 June in each year, the Canberra College of Advanced Education shall—

- (a) inform the Registrar in writing of the aggregate of the amounts (including duties) paid or payable in respect of the purchase, during the last preceding calendar year, of liquor for sale in an exempt College building; and
- (b) pay to the Commonwealth the determined fee.”; and

- (b) by omitting sub-section (7) and substituting the following sub-section:

“(7) On or before 30 June in each year, the Canberra Theatre Trust shall—

- (a) inform the Registrar in writing of the aggregate of the amounts (including duties) paid or payable in respect of the purchase, during the last preceding calendar year, of liquor for sale at the Canberra Theatre Centre; and
- (b) pay to the Commonwealth the determined fee.”.

### **Application for permit**

**6.** Section 62 of the Principal Ordinance is amended by omitting paragraph (b) and substituting the following paragraph:

“(b) by paying to the Commonwealth the determined fee.”.

### **Fee for permit**

**7.** Section 65B of the Principal Ordinance is repealed.

**8.** Section 94 of the Principal Ordinance is repealed and the following section substituted:

### **Payment of licence fees**

“94. (1) The Registrar shall not issue a licence unless the determined fee has been paid to the Commonwealth.

“(2) The Registrar shall not renew a licence unless—

- (a) in the case of a licence that is renewed for a period of less than 6 months—the determined fee has been paid to the Commonwealth; and
- (b) in any other case—the determined fee, or an amount equal to half the determined fee, has been paid to the Commonwealth.

“(3) Where a licence is renewed more than once in a calendar year, there is payable to the Commonwealth, in addition to the fee payable by virtue of sub-section (1) or (2), in respect of each renewal after the first, the determined fee.”.

#### **Payment of balance of renewal fee**

**9.** Section 94A of the Principal Ordinance is amended by omitting from paragraph (2) (a) “fee payable under this Part for the renewal of a licence” and substituting “determined fee”.

**10.** Sections 95, 96 and 97 of the Principal Ordinance are repealed and the following section substituted:

#### **Transfer fee**

“97. The determined fee is payable in respect of the transfer of a licence.”.

#### **Licensee to keep records of liquor purchases, &c.**

**11.** Section 100 of the Principal Ordinance is amended by omitting from sub-section (3) “for the purposes of sub-section 96 (3)”.

#### **Payment where licence ceases to be in force**

**12.** Section 101A of the Principal Ordinance is amended—

- (a) by omitting the definition of “exempt person” from sub-section (1);
- (b) by omitting from sub-section (2) “calculated in accordance with this section” and substituting “equal to the determined fee”; and
- (c) by omitting sub-sections (3) and (4).

**13.** After section 105 of the Principal Ordinance the following section is inserted:

#### **Determined fees**

“105A. (1) The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Ordinance.

“(2) In determining a fee under this section by reference to the amount of liquor sold by a person, the Minister shall disregard liquor sold to—

- (a) holders of licences or permits;
  - (b) the University;
  - (c) the Canberra College of Advanced Education;
  - (d) the Canberra Theatre Trust;
  - (e) exempt persons; or
  - (f) persons who, under the law of a State or another Territory, hold licences authorizing them to sell liquor.”.
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#### **NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 20 August 1986.
2. No. 19, 1975, as amended by Nos. 6, 61 and 63, 1976; Nos. 53 and 66, 1977; Nos. 35 and 46, 1978; Nos. 10, 24 and 34, 1979; No. 116, 1981; Nos. 59 and 87, 1982; No. 22, 1984.