

1993

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

**Business Franchise (Liquor) (Consequential
Amendments) Bill 1993**

**A BILL
FOR**

**An Act to amend the *Liquor Act 1975* and the
Taxation (Administration) Act 1987 consequent upon
the making of the *Business Franchise (Liquor) Act
1993*, and for other purposes**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 **1. This Act may be cited as the *Business Franchise (Liquor)
(Consequential Amendments) Act 1993*.**

83003 1993/41 (T3/93)

Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on 17 March 1993.

5 **Amendment of *Liquor Act 1975***

3. The *Liquor Act 1975* is amended as set out in Schedule 1.

Amendment of *Taxation (Administration) Act 1987*

4. The *Taxation (Administration) Act 1987* is amended as set out in Schedule 2.

SCHEDULE 1

Section 3

AMENDMENTS OF LIQUOR ACT 1975

Subsection 4 (1) (definitions of “defined offence” and “offence against this Act”)—

Omit “Crimes Act, 1900 of the State of New South Wales in its application in the Territory”, substitute “*Crimes Act 1900*”.

Subsection 4 (1) (definition of “Liquor Tax Act”)—

Add at the end “, as in force immediately before its repeal by the Business Franchise (Liquor) Act”.

Subsection 4 (1)—

Insert the following definitions:

“ ‘Business Franchise (Liquor) Act’ means the *Business Franchise (Liquor) Act 1993*;

‘initial fee’, in relation to an application for a licence, means the fee assessed by the Commissioner under section 11 of the Business Franchise (Liquor) Act in relation to the application;

‘quarter’, in any year, means a period of 3 months ending on the last day of March, June, September or December in that year;

‘quarterly franchise fee’, in relation to a licence in force during a quarter, means the licence fee under Division 1 of Part II of the Business Franchise (Liquor) Act for that quarter.”.

SCHEDULE 1—continued

Subsection 30 (1A)—

Omit the subsection.

Paragraphs 36 (1) (a) and (b)—

Omit the paragraphs, substitute the following paragraphs:

- “(a) on payment of the initial fee; and
- (b) on payment of—
 - (i) the determined fee; or
 - (ii) if the applicant is a licensee who has also applied under section 42B for the conditional surrender of a licence—the amount (if any) by which the determined fee for the issue of a licence of the class to be issued exceeds the determined fee for the issue of a licence of the class of the licence to be surrendered.”.

Section 40B—

After “section 29 of the Liquor Tax Act”, insert “or section 15 of the Business Franchise (Liquor) Act”.

Paragraph 40B (a)—

Omit “that”, substitute “the relevant”.

Subsection 41 (1D)—

Omit the subsection, substitute the following subsection:

- “(1D) A licence shall not be transferred unless—
- (a) the determined fee is paid;
 - (b) the quarterly franchise fee (if any) for the quarter in which the transfer is to take effect is paid; and
 - (c) if the transfer is to take effect within 14 days before the end of a quarter—the quarterly franchise fee (if any) for the following quarter is paid.”.

Paragraph 41 (3) (b)—

- (a) After “records”, insert “, if any”.
- (b) Add at the end “and under section 17 of the Business Franchise (Liquor) Act”.

SCHEDULE 1—continued

Paragraph 42C (1) (a)—

Insert “or the Business Franchise (Liquor) Act” after “Act”.

Subsection 43B (3)—

Omit “the commencement of the *Liquor (Amendment) Act (No. 2) 1987*”, substitute “22 December 1987”.

Subsection 43F (2)—

Omit “date of commencement of section 25 of the *Liquor (Amendment) Act 1990*”, substitute “19 December 1990”.

Paragraph 104AB (a)—

Add at the end “and”.

Paragraph 104AB (b)—

Omit “; and”.

Paragraph 104AB (c)—

Omit the paragraph.

SCHEDULE 2

Section 4

**AMENDMENTS OF TAXATION (ADMINISTRATION) ACT
1987**

Paragraphs 3 (fa) and (g)—

Omit the paragraphs, substitute the following paragraphs:

“(g) the *Liquor Tax Act 1991*, as in force immediately before its repeal by the *Business Franchise (Liquor) Act 1993*;

(h) the *Business Franchise (Liquor) Act 1993*;

(i) regulations under the Acts referred to in this section.”.

Subsection 4 (1) (definition of “licence fee”)—

(a) Omit from paragraph (a) “or”.

(b) Add at the end the following word and paragraph:

“or (c) the *Business Franchise (Liquor) Act 1993*.”.

SCHEDULE 2—continued

Subsection 4 (1) (definition of “Crimes Act, 1900”)—

Omit the definition.

Paragraph 99 (1) (b)—

Insert “or differential rates” after “rate”.

Further amendments

The following provisions are amended by omitting “Crimes Act, 1900” and substituting “*Crimes Act 1900*”:

Paragraph 47 (1) (b) and subsections 48 (6) and 53 (7).

NOTE ABOUT SECTION HEADING

On 17 March 1993, the heading to section 40B of the *Liquor Act 1975* is omitted and the following heading substituted:

Effect of suspension or cancellation under the Liquor Tax Act or the Business Franchise (Liquor) Act