

EXPLANATORY STATEMENT
AUSTRALIAN CAPITAL TERRITORY
LIQUOR (AMENDMENT) ORDINANCE 1986
NO. 41 OF 1986

The Liquor (Amendment) Ordinance 1986 amends the Liquor Ordinance 1975 ("the Principal Ordinance") to enable fees and charges under the Principal Ordinance to be determined by the Minister by notice in the Gazette.

Sections 1, 2 and 3 deal with citation, commencement and interpretation.

Section 4 inserts into section 4 of the Liquor Ordinance 1975 a definition of "determined fee". The definition provides that a determined fee is a fee determined by the Minister under the new section 105A for the purposes of the Principal Ordinance. The section also inserts a new definition of "exempt person" for the purposes of new section 105A (see explanation of section 13, below).

Section 5 amends section 5 of the Principal Ordinance by replacing sub-sections (4), (4A) and (7), which respectively provide that the University, the Canberra College of Education and the Canberra Theatre Trust shall pay a fixed percentage of their liquor purchases to the Registrar, with new provisions which require each of those bodies, on or before 30 June in each year, to:

- . inform the Registrar of their total liquor purchases during the preceding calendar year; and
- . pay to the Commonwealth the determined fee.

Section 6 amends section 62 of the Principal Ordinance to provide that an application for a permit to sell liquor shall be accompanied by the determined fee.

Section 7 is consequential upon the amendments made by section 6 and repeals section 65B of the Principal Ordinance which provided for the imposition of a fee for the issue of a permit.

Section 8 replaces section 94 of the Principal Ordinance which provided for the payment of fees to the Commonwealth for the granting and renewal of liquor licences. The new section 94 provides that:

- . the Registrar shall not grant a licence unless the determined fee has been paid
- . the Registrar shall not renew a liquor licence unless:
 - where the licence is to be renewed for less than six months - the determined fee has been paid

- in other cases - the determined fee, or an amount equal to half of the determined fee has been paid

In addition to the above fees for the renewal of a liquor licence, a licensee who seeks the renewal of a licence for a second or any subsequent time in any calendar year - will be required to pay an additional determined fee.

Section 9 amends section 94A of the Principal Ordinance consequential upon the requirement to pay a "determined fee" for the purposes of section 94 of the Principal Ordinance.

Section 10 repeals sections 95 and 96 of the Principal Ordinance which provided for the payment of fees for the issue and renewal of licences. These provisions are no longer required as a result of the amendment to section 94 of the Principal Ordinance. The section also replaces section 97 of the Principal Ordinance which provided for the payment of fees for the transfer of liquor licences. New section 97 provides for the payment of the determined fee in relation to the transfer of liquor licences.

Section 11 provides a consequential amendment to section 100 of the Principal Ordinance consequential upon the repeal of section 96 of the Principal Ordinance.

Section 12 amends section 101A of the Principal Ordinance in order to provide for the determination of the amount payable to the Commonwealth where a liquor licence ceases to be in force. The power to determine such a fee based upon a fixed percentage of the amount paid by the licensee for liquor purchased and which has not been used for the calculation of a licence renewal fee. An amendment is also made to sub-section 101A (1) consequential upon the repeal of section 96.

Section 13 inserts into the Principal Ordinance a new section 105A which provides that the Minister may determine fees for the purposes of the Principal Ordinance. The section also provides that where the Minister determines a fee by reference to the amount of liquor sold by a licensee, liquor sold to other liquor licence holders or permit holders, the University, the Canberra College of Advanced Education, the Canberra Theatre Trust or to exempt persons shall be disregarded. A definition of "exempt persons" has been inserted into the Principal Ordinance by section 4 of the Amending Ordinance.