

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 13 September 1989

LAW REFORM (MISCELLANEOUS PROVISIONS) BILL

Proposed Amendments

Hon. W. P. JEFFRIES, in Committee, to move the following amendments:

Proposed heading and clauses 175A to 175F: To insert on page 101, after clause 175, the following heading and sections:

Sale of Liquor

175A. Sections to be read with Sale of Liquor Act 1962—This section and the next 5 succeeding sections shall be read together with and deemed part of the Sale of Liquor Act 1962 (in those sections referred to as the principal Act).

175B. Repeals and saving—(1) Sections 17 to 23 of the principal Act are hereby repealed.

(2) Notwithstanding anything in the Licensing Fund Act 1989, and notwithstanding the repeal of section 21 of the principal Act by subsection (1) of this section, any payment approved under that section by the Minister of Justice but not made before the 31st day of July 1989 for any purpose specified in subsection (1) (c) of that section may be made by the Secretary for Justice in all respects as if neither the Licensing Fund Act 1989 nor this Act had been passed.

(3) The following enactments are hereby consequentially repealed:

- (a) Section 11 of the Sale of Liquor Amendment Act 1964:
- (b) Section 64 of the Sale of Liquor Amendment Act 1976:
- (c) Section 40 of the Alcoholic Liquor Advisory Council Act 1976:
- (d) Section 19 of the Licensing Trusts Amendment Act 1976:
- (e) Section 12 of the Sale of Liquor Amendment Act 1980.

175C. Fees—(1) Section 286 (2) of the principal Act (as substituted by section 2 (2) of the Sale of Liquor Amendment Act 1986) is hereby amended by repealing paragraph (e), and substituting the following paragraph:

“(e) For every tavernkeeper’s licence, and every renewal of such a licence:”.

(2) Section 286 of the principal Act is hereby further amended by repealing subsection (2) (c) (as so substituted), and substituting the following subsection:

“(2c) For every airport licence, and every renewal of such a licence, there shall be paid to the Secretary of the Commission a fee of the prescribed amount.”

175D. Tavernkeeper's licence fee—(1) Notwithstanding anything in section 286A of the principal Act (as inserted by section 3 (1) of the Sale of Liquor Amendment Act 1967), no fee shall be payable under that section in respect of any period commencing on or after the 1st day of October 1989.

(2) In respect of every tavernkeeper's licence or airport licence in force immediately before the commencement of this Act, subsections (8) to (21) of section 286A of the principal Act (as so inserted) shall apply as if the period beginning with the 1st day of July 1989 and ending with the 30th day of September 1989 were the licence period within the meaning of that section.

(3) If, before the commencement of this Act, any amount by way of fee under section 286A of the principal Act (as so inserted) has been paid in respect of any period commencing on or after the 1st day of October 1989, that amount shall be treated, for the purposes of calculating any refund payable to the licensee under subsection (11) (b) of that section and for all other purposes, as if it had been paid in respect of the period commencing on the 1st day of July 1989 and ending with the 30th day of September 1989.

175E. Annual accounts—(1) For the purposes of this section, the term “relevant period” means the period commencing with the 1st day of April 1989 and ending with the 31st day of July 1989.

(2) Within 3 months after the commencement of this Act, the Commission shall prepare a proper statement of the accounts of the Licensing Fund for the relevant period and of its balance sheet at the end of that period.

(3) The accounts shall be audited by the Audit Office, and for that purpose—

- (a) All money belonging to the Fund shall be deemed to be public money within the meaning of the Public Finance Act 1989; and
- (b) The Audit Office shall have the same duties and powers in respect of that money, and of every person dealing with it, as the Audit Office has in respect of public money and accounts and of persons dealing with them.

(4) Within 10 days after the completion of the audit of the accounts by the Audit Office, the Commission shall forward the statement of accounts and balance sheet of the Licensing Fund to the Minister, together with such report as the Commission thinks fit, and the Minister shall lay the accounts and report before the House of Representatives within 12 sitting days after receiving them from the Commission.

175F. Expiry—Sections 175A to 175E of this Act and this section shall expire with the close of the 31st day of March 1990.

EXPLANATORY NOTE

These amendments are consequential upon the passing of the Licensing Fund Act 1989, which came into force on 31 July 1989, and the Sale of Liquor Act 1989, which does not come into force until 1 April 1990. They are, therefore, designed to cover the period 31 July 1989 to 1 April 1990, and will expire at the end of that period.

Clause 175B repeals the present provisions of the Sale of Liquor Act 1962 relating to the Licensing Fund, and effects certain consequential repeals.

Clauses 175C and 175D ensure that the holders of tavernkeepers' licences and airport licences do not have to contribute to the Licensing Fund beyond the present quarter, which expires on 30 September 1989.

Clause 175E is a transitional provision relating to the responsibility of the Commission to prepare an annual report, and accounts for the Licensing Fund. The last financial year expired on 31 March 1989, and the Commission ceased to be responsible for the Licensing Fund on 31 July. The effect of these amendments is to require the Commission to prepare the accounts as at 31 July 1989.

