



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 101 of 1981

An Act to amend the Licensing Act, 1967-1980.

[Assented to 23 December 1981]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Licensing Act Amendment Act, 1981". Short titles.
- (2) The Licensing Act, 1967-1980, is in this Act referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Licensing Act, 1967-1981".

2. This Act shall come into operation on the first day of January, 1982. Commencement.

3. Section 37 of the principal Act is amended— Amendment of s. 37—
Licence fees.
 - (a) by striking out subsection (1) and substituting the following subsection:
 - (1) Subject to this Act, the licence fees payable under this Act are as follows:
 - (a) in relation to a licence, other than one for which provision is subsequently made in this subsection, an amount equal to—
 - (i) 9 per centum of the gross amount paid or payable for liquor (other than low alcohol liquor) purchased for the purpose of retail sale, during the relevant period, in pursuance of the licence;
 - and
 - (ii) 2 per centum of the gross amount paid or payable for low alcohol liquor purchased for the purpose of retail sale, during the relevant period, in pursuance of the licence;

(b) in relation to a wholesale storekeeper's licence, a brewer's Australian ale licence, a distiller's storekeeper's licence or a vigneron's licence—an amount equal to—

(i) 7.2 per centum of the gross amount paid or payable in respect of the retail sale of liquor (other than low alcohol liquor) during the relevant period, in pursuance of the licence;

and

(ii) 1.6 per centum of the gross amount paid or payable in respect of the retail sale of low alcohol liquor during the relevant period, in pursuance of the licence;

(c) in relation to a limited restaurant licence—a fee of not less than one hundred dollars and not more than three hundred dollars fixed by the court;

and

(d) in relation to a twenty litre licence—a fee of twenty five dollars.;

(b) by striking out from subsection (1a) the passage “fifty dollars and not more than two hundred and fifty dollars” and substituting the passage “one hundred dollars and not more than five hundred dollars”;

and

(c) by inserting after subsection (4) the following subsections:

(5) In this section—

“licence year” means a period commencing on the first day of April in one year and ending on the thirty-first day of March in the next:

“low alcohol liquor” means liquor in which the concentration of alcohol does not exceed a level fixed by regulation:

“the relevant period” in relation to a licence means the period of twelve months ending on the thirtieth day of June last preceding the commencement of the licence year for which, or for part of which, the licence is to be granted or renewed:

“retail sale” means—

(a) a sale to a person who is not authorized under this Act or any other law to sell liquor;

or

(b) a sale to a person who is authorized under this Act to sell or supply liquor but required by or under this Act or the conditions of the relevant licence or other authorization to purchase liquor by retail.

(6) In computing the gross amount payable by or to a licensee for liquor—

(a) liquor sold or disposed of in pursuance of a permit or of a certificate under section 65 or 71 shall be taken into account as if sold or disposed of in pursuance of the relevant licence;

(b) excise duty and sales tax payable under the law of the Commonwealth shall be taken into account;

(c) where separate charges are made in relation to packing, freight and delivery, those charges shall not be taken into account;

and

(d) where the licensee is required under a condition of his licence to purchase liquor by retail from another licensee or licensees, the amounts paid or payable for those purchases shall not, in relation to the licence subject to that condition, be taken into account.

4. Section 39 of the principal Act is amended—

(a) by striking out from subsection (1f) the definition of “the relevant period” and substituting the following definition:

“the relevant period” has the same meaning as in section 37;:

(b) by striking out from subsection (2) the passage “subsection (1) of”;

and

(c) by striking out from subsection (4) the passage “other than persons licensed under this Act or otherwise permitted by law to sell liquor” and substituting the passage “who are not authorized under this Act or any other law to sell liquor”.

Amendment of s. 39—

Assessment of licence fees in certain cases.

5. Section 66a of the principal Act is amended by striking out from subsection (1) the passage “fifty dollars and not more than two hundred dollars” and substituting the passage “one hundred dollars and not more than three hundred dollars”.

Amendment of s. 66a—
Reception house permits.

6. Section 67 of the principal Act is amended by striking out from subsection (1) the passage “five dollars and not more than one hundred dollars” and substituting the passage “ten dollars and not more than three hundred dollars”.

Amendment of s. 67—
Permit for supply of liquor at club.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor