



LIQUOR LICENSING (LICENCE FEES) AMENDMENT ACT 1998

No. 49 of 1998

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ELIZABETHAE II REGINAE

A.D. 1998

No. 49 of 1998

An Act to amend the Liquor Licensing Act 1997.

[Assented to 3 September 1998]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Liquor Licensing (Licence Fees) Amendment Act 1998*.

(2) The *Liquor Licensing Act 1997* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 4—Interpretation

3. Section 4 of the principal Act is amended by striking out the definitions of "assessment period", "licence fee", "licence period", "low alcohol liquor" and "relevant assessment period".

Amendment of s. 22—Application for review of Commissioner's decision

4. Section 22 of the principal Act is amended by striking out from subsection (4) all the words appearing after "rehearing".

Amendment of s. 38—Wholesale liquor merchant's licence

5. Section 38 of the principal Act is amended by striking out from subsection (2)(b) "assessment period" and substituting "financial year".

Amendment of s. 43—Power of licensing authority to impose conditions

6. Section 43 of the principal Act is amended by striking out from the examples at the foot of subsection (1) "Conditions to prevent improper arrangements or practices calculated to reduce licence fees."

Amendment of s. 48—Plurality of licences

7. Section 48 of the principal Act is amended—

(a) by striking out subsections (1) and (2) and substituting the following subsection:

(1) A person may hold two or more licences.;

(b) by striking out from subsection (3) "Two" and substituting "However, two".

Amendment of s. 65—Transferee to succeed to transferor's liabilities and rights

8. Section 65 of the principal Act is amended by striking out subsection (2).

Amendment of s. 73—Devolution of licensee's rights

9. Section 73 of the principal Act is amended by striking out subsection (8).

Repeal of Part 5

10. Part 5 of the principal Act is repealed.

Insertion of ss. 109A and 109B

11. The following sections are inserted in Division 9 of Part 6 after section 109 of the principal Act:

Records of liquor transactions

109A. (1) A licensee must keep records of all transactions involving the sale or purchase of liquor.

(2) The records—

(a) must be kept in the form required by the licensing authority; and

(b) must contain the information required by the licensing authority; and

(c) must be made up as soon as practicable after the transactions to which they relate.

(3) A person who is required by this section to keep records must retain the records in this State for 6 years after the date on which they were compiled.

(4) A person who fails to keep or retain records as required by this section is guilty of an offence.

Maximum penalty: \$5 000

Expiation fee: \$315.

Returns

109B. (1) A licensee must, if so required by the Commissioner, lodge returns with the Commissioner containing information the Commissioner requires relating to transactions involving the sale or purchase of liquor or other matters specified by the Commissioner for the purposes of this Act.

(2) If returns are required under subsection (1), they must be lodged at the times, or periodic intervals, specified by the Commissioner.

(3) If a licensee—

(a) fails to lodge a return as required under this section; or

(b) includes in such a return information that is false or misleading in a material particular,

the licensee is guilty of an offence.

Maximum penalty: \$5 000

Expiation fee: \$315.

Amendment of s. 122—Powers of authorised officers

12. Section 122 of the principal Act is amended by striking out subsection (5).

Amendment of Schedule

13. The Schedule of the principal Act is amended by striking out from the examples at the foot of clause 4 the third dot point example.

Exclusion of liability to liquor licence fees on and from 5 August 1997

14. Despite the provisions of the *Liquor Licensing Act 1985*, no liability to licence fees is to be taken to have accrued under that Act in respect of sales or purchases of liquor made on or after 5 August 1997.

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

E. J. NEAL Governor