

New South Wales.



ANNO QUINTO

EDWARDI VII REGIS.

Act No. 40, 1905.

An Act to amend the law relating to the supply of intoxicating liquor ; to regulate the supply of liquor by clubs ; to make better provision for the exercise of local option with regard to the supply of intoxicating liquor ; to amend the Liquor Act, 1898 ; and for other purposes consequent thereon and incidental thereto. [Assented to, 9th December, 1905.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Liquor (Amendment) Act, 1905," and shall be construed with the Liquor Act, 1898, hereinafter referred to as the Principal Act,

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2.

Liquor (Amendment).

Commencement of Act.

2. This Act shall come into force on the first day of January, one thousand nine hundred and six.

Repeal.

3. The enactments of the Principal Act mentioned in Schedule One are to the extent there indicated repealed, subject to the provisions hereinafter contained, as from the commencement of this Act, and sections twenty-eight and twenty-nine of the said Act are repealed as from the day of the vote at the Parliamentary general election next following such commencement.

Division of Act.

4. This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY—ss. 1-5.

PART II.—LICENSING COURTS—s. 6.

PART III.—LICENSES UNDER PART III OF PRINCIPAL ACT—ss. 7-24.

PART IV.—LICENSES GENERALLY—ss. 25-41.

PART V.—CLUBS—ss. 42-62.

PART VI.—LOCAL OPTION—ss. 63-78.

Definition of "spirit merchant" and "near relative or connection."

5. (1) The definition of spirit merchant in section three of the Principal Act is repealed, and the following is substituted in its place—

"Spirit merchant" means any vendor or exhibitor for sale in any shop or premises of liquor in quantities at any one time of not less than two gallons of the same description of liquor; but does not include a licensed auctioneer or broker selling or offering for sale any liquor on account of another person.

(2) "Near relative or connection" means wife, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, half-brother, step-brother, sister, half-sister, step-sister, father, step-father, mother, step-mother, father-in-law, or mother-in-law.

PART II.

LICENSING COURTS.

Disqualification of member of licensing court.

6. In addition to the disqualifications mentioned in paragraph four of section five of the Principal Act, a person shall be disqualified from being appointed or holding office as a member of a licensing court if any of his near relatives or connections is the holder of any license granted in respect of any premises situate in the licensing district for which such licensing court is proposed to be or is appointed, or is beneficially interested in any trade or calling exercised under any license so granted.

Any person so disqualified who knowingly and wilfully acts as a member of such court shall be guilty of a misdemeanour.

PART

Liquor (Amendment).

PART III.

LICENSES UNDER PART III OF PRINCIPAL ACT.

7. The provisions of this Part relate to licenses and licensees Application of Part. and licensed premises under Part III of the Principal Act.

The supplying of liquor.

8. (1) Any licensee who on his licensed premises gives, sells, Unlawful supply of liquor by licensee. or supplies, or allows to be given, sold, or supplied, except in case of sickness or accident, any liquor to—

- (a) any person under the age of eighteen years;
- (b) any aboriginal native of Australia; or
- (c) any person belonging to any of the coloured races of the South Pacific Islands;

shall be liable to a penalty not exceeding ten pounds.

(2) Any person, other than the licensee, who on any licensed Unlawful supply by other persons. premises supplies, except in case of sickness or accident, any liquor to—

- (a) any person under the age of eighteen years;
- (b) any aboriginal native of Australia;
- (c) any person belonging to any of the coloured races of the South Pacific Islands;

(d) any person then in a state of intoxication;

(e) any prohibited person; or

(f) any person who is not lawfully entitled to be supplied with liquor, shall be liable to a penalty not exceeding ten pounds.

(3) In any prosecution for an offence under the two last preceding subsections alleged to have been committed in relation to a person under the age of eighteen years, it shall be a sufficient defence if the accused proves that such person was apparently above such age.

(4) For the purposes of this section, the expression Definition of "aboriginal native of Australia." "aboriginal native of Australia" means any full blooded aboriginal native of Australia, and any person apparently having an admixture of aboriginal blood who—

- (a) is in receipt of rations or other aid from the Aborigines Board; or
- (b) is residing on a reserve granted for the use of aboriginal natives of Australia.

9. Any person who sends a person under the age of fourteen Sending person under age of fourteen for liquor. years to licensed premises for the purpose of obtaining any liquor shall be liable to a penalty not exceeding forty shillings.

10. If any person under the age of seventeen years is for any Person under seventeen not allowed in bar. purpose in the bar of any licensed premises the licensee of such premises shall forthwith remove or cause to be removed such person from the bar.

Any licensee who fails to comply with the provisions of this section shall be liable to a penalty not exceeding two pounds.

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Prohibited person
not allowed on
licensed premises.

11. If any person against whom a prohibition order under section fifty-two of the Principal Act is in force enters or is found in the bar of any licensed premises, except for some lawful purpose, he shall be liable to a penalty not exceeding five pounds.

Any licensee of such premises who knowingly permits such person to be or remain in such bar shall be liable to a penalty not exceeding ten pounds.

Permitting
drunkenness or
riotous conduct on
premises.

12. If any licensee permits drunkenness or any indecent, violent, quarrelsome, or riotous conduct to take place on his licensed premises he shall be liable for the first offence to a penalty not exceeding five pounds and for the second or any subsequent offence to a penalty not exceeding twenty pounds.

Where any licensee is charged with permitting drunkenness on his licensed premises, and it is proved that any person was drunk on his premises, it shall lie on the licensee to prove that he and the persons employed by him took all reasonable steps to prevent drunkenness on the premises.

Barmaids under age
of twenty-one.

13. If any licensee allows any female under the age of twenty-one years, other than his wife or daughter, to sell, supply, or serve liquor in any bar in his licensed premises, he shall be liable for every such offence to a penalty not exceeding five pounds.

Premises used for prostitution.

Penalty for
permitting premises
to be used for
prostitution.

14. If any licensee permits his licensed premises, or any portion thereof, to be used for purposes of prostitution, he shall be liable to a penalty not exceeding ten pounds.

Sanitary provisions.

Duties of licensee as
to sanitary matters.

15. (1) Every licensee shall —

- (a) cause his licensed premises to be furnished with proper sanitary appliances sufficient for any lodgers or inmates of the premises;
- (b) maintain such appliances and any room or place in which they are in a good sanitary condition;
- (c) keep his licensed premises free from offensive or unwholesome matters.

Penalty.

(2) Any licensee who fails to carry out the provisions of this section shall be liable to a penalty not exceeding ten pounds.

Times of selling.

Times when
premises may not be
open for sale of
liquor.

16. (1) No licensee shall keep his licensed premises open for the sale of liquor, or shall sell any liquor, or permit the same to be consumed, on the said premises—

- (a) upon any Sunday;

(b)

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- (b) upon any Good Friday or Christmas Day, except for the sale between the hours of seven and nine in the morning, and of one and three in the afternoon, and of eight and ten at night, of liquor not to be consumed on the premises;
- (c) upon any day upon which any election of Members of the Senate or of the House of Representatives of the Parliament of the Commonwealth or of the Legislative Assembly of New South Wales is being held, during the hours when votes may be recorded at such election:

Provided that in the case of a bye-election this paragraph shall apply only to licensed premises situate within the electorate in respect of which such bye-election is being held.

- (d) upon any other day except between the hours of six in the morning and eleven at night:

(2) Provided that nothing in this section shall relate to— Proviso relating to lodgers, &c., and travellers.

- (a) the sale or consumption of liquor to or by any bona fide lodger, servant, or inmate, if the liquor is not drunk at the public bar of the licensee's premises; or
- (b) the sale or consumption of liquor to or by any bona fide traveller at such bar or elsewhere on such premises.

(3) Every licensee who offends against the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

(4) Every separate sale in contravention of the provisions of this section shall be a separate offence. Separate offences.

(5) So much of sections sixty-four, sixty-five, sixty-six, and sixty-seven of the Principal Act as relates to the provisions of section sixty-three of that Act shall apply to the provisions of this section. Incorporation of sections of Principal Act.

17. (1) Every person, not being a bona fide lodger, servant, inmate, or traveller found drinking liquor in any licensed premises at any time when such premises should not be open for the sale of liquor, shall for every such offence be liable to a penalty not exceeding two pounds. Person found drinking liquor on premises during prohibited time.

(2) Every person found on any such premises at any time when such premises should not be open for the sale of liquor, shall, unless he satisfies the court that he was at the time when he was so found a bona fide lodger, servant, inmate or traveller, or that his presence on such premises at such time was not in contravention of the provisions of this Act, be liable to a penalty not exceeding two pounds. Person on premises during prohibited time.

18. (1) In any prosecution for an offence against either of the two last preceding sections, any liquid shall be deemed to be liquor unless the contrary be proved. Proof in prosecution under two last sections.

(2) In the construction of such sections a bona fide traveller shall have the meaning defined in section sixty-four of the Principal Act.

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Powers of police with respect to persons on licensed premises at prohibited times.

19. (1) Any member of the police force appointed in that behalf, or any member of the police force of or above the rank of senior constable, may demand from any person found on any licensed premises at any time when such premises should not be open for the sale of liquor the name and address of such person, and if he has reasonable ground to suppose that the name or address so given is false, may require such person to produce evidence of the correctness of the name or address given by such person.

(2) If any such person, on demand being made as aforesaid, refuses or neglects to give such name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, such member of the police force may without any warrant apprehend such person forthwith, and shall bring him before some justices as soon as practicable to be dealt with according to law.

(3) Every such person who, on demand being made as aforesaid, refuses or neglects to give his name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, or gives a false name or address, or produces false evidence with respect to such name or address, shall be liable for every such offence to a penalty not exceeding two pounds.

(4) Every licensee, upon whose licensed premises any person is so found, shall, unless he proves to the satisfaction of the court or justices that such person was on such premises for a lawful purpose, be liable to a penalty not exceeding five pounds.

Supply of meals and accommodation.

Meals and accommodation to be paid for.

20. If any person supplied with meals or accommodation at licensed premises, on demand of payment being made by the licensee of such premises, or by his servant or agent, refuses to pay a reasonable sum for such meals or accommodation, he shall be deemed a rogue and a vagabond and shall be liable to be dealt with as such under the Vagrancy Act, 1902.

Bars.

Only one bar, except by permission of court.

21. (1) No licensee shall sell or supply liquor in more than one bar-room in or upon his licensed premises, unless he has obtained the permission of the court so to do. But the provisions of this subsection shall not apply to any person holding a publican's license at the commencement of this Act, until the expiration of six months from such commencement.

For the purposes of this section, a room divided into compartments by wooden partitions, approved by the licensing court, shall be one room if there are doors in the partition giving at all times direct access from one such compartment to another.

Application.

(2) Every applicant for such permission shall, with the notice of his application, deposit with the clerk of the court the fee hereinafter mentioned, and deliver a plan showing the position of the proposed additional bar-room.

(3)

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(3) A fee of twenty pounds shall be paid annually in Fee. respect of every additional bar-room for which such permission is granted, in addition to the fee payable for a new license or renewal.

(4) No such additional bar-room shall be deemed to form Additional bar not any part of the accommodation required by section twenty-four or part of accommoda- section twenty-five of the Principal Act. tion.

(5) No licensee shall let or sublet any bar or the right to Subletting bar. sell liquor on his licensed premises.

22. The following fees shall be paid annually for publicans' Fees for publicans' licenses— licenses.

- (a) ten pounds where the licensed premises are assessed by the licensing court of the district at an annual value of not more than fifty pounds;
- (b) twenty pounds where such premises are so assessed at an annual value of more than fifty pounds and not more than one hundred pounds;
- (c) an additional five pounds for every fifty pounds over one hundred pounds of such assessed annual value;
- (d) maximum license fee in any case of one hundred pounds.

Reduction of licensing fee.

23. If it appears to a quarterly licensing court that any Reduction of fee. premises in respect of which a publican's license is in force are actually required for the accommodation of travellers, and that such premises are not accessible by any practicable roadway to any other licensed premises situate within seven miles of such first-mentioned premises, such court may, if it thinks proper, reduce the fee payable for such license to one half of the prescribed fee, such fee in any case not being less than ten pounds. Such reduction shall take effect on the expiration of the license or the renewal of the same then current.

24. Where the fee payable for a publican's license has, before Subsequent increase of fee. or after the commencement of this Act, been reduced in pursuance of section twenty-two of the Principal Act, or of the last preceding section, and it subsequently appears to a quarterly licensing court that the reasons for such reduction or some of such reasons no longer exist in respect of the premises so licensed, the court may raise such fee to the full amount payable for such license. The fee so raised shall be payable on the expiration of the license or the renewal of the same then current.

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PART IV.

LICENSES GENERALLY.

*Cancellation of licenses.*Cancellation of
licenses.

25. Upon the complaint of any inspector a licensing court may summon any licensee to appear before such court and show cause why his license should not be cancelled. Upon the appearance of such licensee, or in his absence after being duly summoned, such court shall proceed to hear and determine the matter of such complaint, and may adjudge such license to be cancelled absolutely or for such period (not being less in any case than twelve months) as the court may determine.

The following provisions shall take effect for the purposes of this section—

- (a) every such summons shall be served upon the licensee not less than fourteen days before the day appointed for the hearing of the complaint, or if such licensee evades service thereof, or is absent at the time of attempted service, it shall be sufficient if the summons is posted up in a conspicuous place on his licensed premises, or be left with any inmate thereof apparently above the age of sixteen years, not less than seven days before such appointed day;
- (b) every such complaint shall be heard and determined at a special sitting of the licensing court, provided that a quarterly licensing court shall, if the provisions of the preceding paragraph have been complied with, be competent to hear and determine the same;
- (c) the court, at the instance of the complainant or licensee may, in its discretion, adjourn the hearing for any time not exceeding fourteen days;
- (d) the names of all licensees whose licenses are cancelled under this section, together with the particulars of their licenses and licensed premises, shall be published in the Gazette within fourteen days after such cancellation.

Grounds of
cancellation.

26. Upon any such complaint the court shall cancel a license if the licensee is proved to have been before or after the commencement of this Act convicted while being the holder of a license—

- (a) of felony or of any offence for which he has been sentenced to imprisonment with hard labour;
- (b) of permitting his premises or any portion thereof to be used for purposes of prostitution;
- (c) three times within three years of any offence (whether of the same or different kinds) against the Principal Act or this Act;
- (d) of any offence which by any such Act is punishable by the cancellation or forfeiture of the offender's license:

Provided

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Provided that if a license is liable to be cancelled only on the ground mentioned in paragraph (a) of this section, the court may (unless the premises are liable to be disqualified under this Act), on the application of the wife of the licensee or any of his family above the age of twenty-one years, or of the person for the time being entitled to receive the rents or profits of the licensed premises, transfer the license to such wife or to some member of the family, or to some other person approved by the court.

Proviso where licensee convicted of felony or misdemeanour.

27. If three previous convictions for offences (whether of the same or different kinds) under the Principal Act or this Act are proved to have been made before or after the commencement of this Act against a licensee within the three years next preceding, the licensing court shall declare and order such licensee to be, and he shall thereupon be, disqualified for a term of three years from holding any license whatever under the Principal Act or this Act.

Disqualification of licensee.

28. The following provisions shall apply to any proceedings under the two last preceding sections:—

Provisions applicable to two last preceding sections.

- (a) A conviction under section forty-four, ninety, ninety-five, or one hundred of the Principal Act, or section fifteen of this Act, shall not be reckoned as a conviction for an offence against the said Acts respectively;
- (b) A conviction may be proved by the certificate of the officer having the custody of the records of the court in which such conviction was had;
- (c) Nothing in the said sections shall prevent the infliction of any pecuniary penalty or forfeiture or cancellation of license or any term of imprisonment to which the licensee would otherwise be liable, or shall preclude the exercise of any power given by the Principal Act or this Act.

29. Any person whose license is cancelled, or who is declared disqualified under the above provisions, shall, during the continuance of such cancellation or disqualification, be deemed for all purposes as aforesaid to be disqualified. Every such cancellation and disqualification shall, during the full term thereof, enure and be operative for the respective purposes thereof throughout New South Wales.

Effect of cancellation or disqualification.

Disqualification of premises.

30. (1) If any licensee is convicted—

- (a) of any offence against section eight, or of permitting drunkenness or indecent conduct on his premises in contravention of section twelve of this Act; or
- (b) of any offence against section forty-six or section fifty-two of the Principal Act; or
- (c) of permitting his premises or any portion thereof to be used for purposes of prostitution; or

Disqualification of premises on conviction of licensee.

(d)

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- (d) of any offence under the provisions of Part IX of the Public Health Act, 1902, relating to unwholesome or adulterated liquor, or under section one hundred and two or section one hundred and three of the Principal Act; or

- (e) of any offence against section fifteen of this Act.

And if two previous convictions for any of such offences (whether of the same or different kinds) are proved to have been made after the commencement of this Act against him within the three years next preceding while licensee of the same premises, the court shall cancel the license of the premises, and may disqualify such premises from being licensed for a period of two years.

Notice to owner of conviction.

(2) Where a licensee is convicted of any such offence the clerk of the court before which the conviction was held shall give notice in writing thereof to the owner of the premises.

Disqualification for four offences in two years.

31. If within any period of two years there have been made four convictions for any of the offences mentioned in the last preceding section (whether of the same or different kinds) against a licensee or against two or more successive licensees of the same premises, such premises may be disqualified from being licensed for two years from the date of the last of such convictions.

Right of owner to appeal on certain grounds.

32. Where by order of a court any licensed premises are for any period disqualified to be licensed, the court shall cause the order to be served on the owner of such premises, where the owner is not occupier, together with a statement that a licensing court will be held at a time and place therein specified, at which the owner may appear and appeal against such order on all or any of the following grounds only, and may in its discretion suspend the operation of the order disqualifying the premises until the hearing of the appeal:—

- (a) That notice, as required by this Act, has not been served on the owner of a prior offence which, on the committing of a subsequent offence or subsequent offences, renders the premises liable to be disqualified as aforesaid;
- (b) That either because of the provisions of a lease made prior to the first day of December, one thousand nine hundred and five, or because of the provisions of any Act of Parliament, the owner could not legally have evicted the tenant in the interval between the receipt by him of notice of the next prior offence as aforesaid and the committing of the offence in respect of which the disqualifying order was made; or
- (c) That the offence in respect of which the disqualifying order was made occurred so soon after the receipt of such notice that the owner, notwithstanding he had legal power to evict the tenant, could not with reasonable diligence have exercised that power in the interval which occurred between the said notice and the subsequent offence.

If

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If the owner appears at the time and place specified, and satisfies the court that he is entitled to have the order cancelled on any of the grounds aforesaid, the licensing court shall thereupon direct such order to be cancelled, and the same shall be void.

33. (1) Where a licensee has neglected to give the notice prescribed in section thirty-eight of the Principal Act ten days prior to the holding of the licensing court appointed to be held next before the expiry of the license, or having given such notice neglects to apply to such court in pursuance thereof, the owner of the licensed premises may give such notice not less than five days prior to the holding of such court, and the court may grant such renewal on the application of the said owner: Provided that the said court may grant such renewal although such last-mentioned notice has not been given, or has been given after the time prescribed as aforesaid. Right of owner to give notice of application for renewal.

(2) Where such application is made by the owner, it shall not be necessary to produce the license of the premises.

(3) For the purposes of this section "owner," in cases where the occupier is not the owner, means the person entitled to the rent payable by the occupier.

34. Section five of the Principal Act is amended, as follows:— Amendment of section 5 of Principal Act.

- (a) Subsection eight is amended by inserting the words "or Minister" after the word "Governor" in that subsection.
- (b) Subsection eleven is repealed, and in place thereof, the following provisions shall have effect—

(11) The Governor may appoint any person to be for such period as he specifies a deputy licensing magistrate of the court of a licensing district; and such deputy may, in the case of the death, removal, resignation, or absence of any licensing magistrate, exercise all the powers vested in, and shall perform all the duties cast upon a licensing magistrate by this Act. Deputy licensing magistrate.

The Governor may also appoint any person to act for such period as he specifies as a member of a licensing court during the absence of a member of such court or while such member is acting as deputy licensing magistrate.

35. Section eleven of the Principal Act is amended as follows:— Amendment of section 11 of Principal Act.

- (a) The proviso to the section is amended by omitting the words "as aforesaid," and the notice to which those words refer shall be given by affixing the same on the outer door of the court-house or building in which the court is to be held.
- (b) The following provision is hereby added to the said section:—
 "A quorum of a licensing court may, without notice of their sitting, hear and determine and deal with any matters which may be heard, determined, or dealt with by a licensing magistrate sitting alone."

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Amendment of
section 23 of
Principal Act.

36. Subsection four of section twenty-three of the Principal Act is amended by inserting the words "seventy-nine" in place of the words "eighty-one" in that subsection.

Amendment of
section 26 of
Principal Act.

37. Section twenty-six of the Principal Act is amended by inserting the words "or such further period not exceeding six months as the court may allow" after the words "twelve months" in that section.

Amendment of
section 33 of the
Principal Act.

38. Section thirty-three of the Principal Act is amended by inserting the words "three months" in place of the words "twenty-eight days" in that section.

Amendment of
section 42 of
Principal Act.

39. Section forty-two of the Principal Act is amended as follows :—

- (a) By inserting the words "or by dilapidations, or by reason that such premises are being repaired or rebuilt" after the words "or other calamity" in that section.
- (b) By inserting "twelve months" in place of "six calendar months" in that section.
- (c) By adding the following provision :—

"Any owner or licensed publican desirous of making any material alterations or additions to his licensed premises shall apply to the court for permission to do so, and shall furnish the court with a properly drawn plan showing such alterations and additions proposed to be made; and if any such owner or licensee makes any material alterations or additions to his licensed premises without the permission of the court, the license shall be liable to cancellation."

Amendment of
section 71 of
Principal Act.

40. Subsection four of section seventy-one of the Principal Act is amended by inserting the words "seventy-five" in place of "seventy-seven" in that subsection.

Amendment of
section 75 of
Principal Act.

41. Section seventy-five of the Principal Act is amended by adding the following provision :—

"If a licensed spirit merchant sells liquor in quantities not authorised by his license, he shall be liable to a penalty not exceeding ten pounds."

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PART V.

CLUBS.

Preliminary.

42. In this Part, unless the context requires another meaning—Definitions.
 “Inspector” means inspector for the licensing district within which the club premises are situate.
 “Registered club” means club registered under this part.
 “Register of members” means register of members of a registered club prescribed by this Part to be kept by the secretary.
 “Secretary” includes any officer or other person performing the duties of secretary of a club.

Application of Principal Act and this Act.

43. Sections forty-six, forty-seven, fifty-one, and fifty-two, and Part VI of the Principal Act, and sections eight to nineteen of this Act, shall apply to registered clubs governed by this Act. Application of certain sections of the Principal and this Act to registered clubs.
 In applying such enactments “club premises” shall be read for “licensed premises” and “secretary of the club” for “licensee” or “holder of a license under Part III of the Principal Act.”

Conditions of registration.

44. No club shall be or continue to be registered under this Part unless all the following conditions exist with respect to it, namely:—Conditions of registration of clubs.
- (a) The club must be a bona fide association or company of not less than forty persons in the case of a club established at any place within a radius of fifteen miles from the General Post Office in Sydney, and not less than thirty persons in the case of a club established elsewhere.
 - (b) The club must be a body, association, or company, associated together for social, literary, political, sporting, athletic, or other lawful purpose.
 - (c) The club must be established for the purpose of providing accommodation for the members thereof and their guests, upon premises of which such association or company are the bona fide occupiers.
 - (d) The accommodation must be provided and maintained from the joint funds of the club, and no persons must be entitled under its rules to derive any profit, benefit, or advantage from the club which is not shared equally by every member thereof.
 - (e) The premises upon which the club is established must be suitable for the purposes of a club.
 - (f)

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- (f) No payment or part payment of any secretary, manager, or other officer or servant of the club shall be made by way of commission or allowance from or upon the receipts of the club for drink supplied.
- (g) A register of members of the club for the time being shall be kept on the club's premises as hereinafter required.

Provision to be made
in rules of clubs.

45. In order that any club may be eligible to be registered, the rules of the club shall provide that—

- (a) the business and affairs of the club shall be under the management of a committee elected for not less than twelve months by the general body of members;
- (b) the committee shall hold periodical meetings, and minutes of all resolutions and proceedings of such committee shall be entered in a book to be provided for that purpose;
- (c) the names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least a week before their election, and an interval of not less than two weeks shall elapse between nomination and election of ordinary members;
- (d) all members shall be elected by the general body of members, or by a general or an election committee, at a meeting or meetings duly convened, and a record shall be kept by the secretary of the club of the names of the members present and voting at such meetings;
- (e) there shall be a defined subscription of not less than one pound per annum, payable by members quarterly, half-yearly, or annually in advance;
- (f) correct accounts and books shall be kept, showing the financial affairs of the club and the particulars usually shown in books of account of a like nature;
- (g) a visitor shall not be supplied with liquor in the club premises unless on invitation and in the company of a member;
- (h) no persons shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular subscription, except those possessing certain qualifications defined in the rules, and subject to conditions and regulations prescribed therein;
- (i) no person under twenty-one years of age shall be admitted a member of the club: Provided that where the club is primarily devoted to some athletic purpose, there shall be no limitation of the age of a member of the club. No liquor shall be sold or supplied to any person under twenty-one years of age:

Provided

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Provided that in the case of a club primarily devoted to some athletic purpose, the management of which is vested in trustees appointed by the Governor, such club shall, if the Governor so declares by proclamation in the Gazette, be exempted from compliance with the provisions of paragraphs (a), (c), and (d) of this section, and of paragraph (c) of the last preceding section, and such trustees shall for the purposes of this Act be deemed the elected committee of the club.

Grant and renewal of certificates of registration.

46. (1) The secretary of any club desirous of obtaining a certificate of the registration of the club under this Act shall— a Notice of application for registration.

- (a) at least fourteen days before applying for the same deliver to the clerk of the licensing court for the licensing district in which the premises of the club are situate a notice in writing, and in duplicate, signed by the secretary, in the form prescribed;
- (b) publish a copy of such notice on one day in each week for at least two weeks preceding his application (and so that the last of such publications is not less than eight days before the time at which the application is to be made), in a newspaper published in the electorate, or if none is so published, then in a newspaper generally circulating in the electorate;

(2) Such application shall be accompanied by the following documents, namely:—

- (a) Two printed copies of all rules of the club, certified as correct under the hand of the secretary.
- (b) A statement, verified by statutory declaration, of the names and addresses of bona fide members of the club at the date of the application.

47. (1) The secretary of any club desirous of obtaining a renewal of its certificate of registration shall, at least ten days before applying for such renewal, deliver to the clerk of the licensing court for the licensing district in which the premises of the club are situate a notice in writing, and in duplicate, signed by the secretary, in the form prescribed. a Notice of application for renewal.

(2) Such notice shall be accompanied by the following documents, namely:—

- (a) Two printed copies of all rules of the club, certified as correct under the hand of the secretary.
- (b) A statement verified by statutory declaration of the number of bona fide members of the club at the date of the application.

48. (1) Where application is made for the grant or renewal of any such certificate, the clerk of the licensing court shall forthwith forward a copy of such application to the inspector for inquiry and report; Copy of application to be furnished to inspector.

Liquor (Amendment).

report; and on receipt of notice of any objection which may lawfully be taken as hereinafter in this Act provided shall forward a copy of the same to such inspector for inquiry and report, and to the secretary of the club.

Inspection of club premises.

(2) Such inspector, on receipt of any such notice if authorised in writing by a stipendiary or police magistrate, shall inspect the premises of the club and the register of its members, and satisfy himself by proper inquiries that the particulars contained in the application are correct.

Application how dealt with.

49. If on any application being made for the grant or renewal of any such certificate a notice of objection has not been duly given, the clerk of the licensing court shall grant or renew the certificate; but if notice of objection is so lodged, the matter of the application shall be inquired into and dealt with by the court.

Objections which may be taken to grant or renewal of certificate.

50. (1) At the hearing of any such application, objections may be taken by any corporation or person hereinafter in this Act mentioned, upon one or more of the following grounds:—

- (a) That the application made by the club, or the rules of the club, or any of them, are in any respect specified in such objection not in conformity with this Act.
- (b) That the club has ceased to exist, or that the number of members is less than forty or thirty, as the case may be, according to the locality in which the premises are situated.
- (c) That it is not conducted in good faith as a club, or that it is kept, or habitually used, for any unlawful purpose or mainly for the supply of liquor.
- (d) That there is frequent drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner.
- (e) That illegal sales of liquor have taken place in the club premises.
- (f) That persons who are not members are habitually admitted to the club premises merely for the purpose of obtaining liquor.
- (g) That the club occupies premises which have been disqualified, or of which the license has been cancelled, or the renewal thereof has been refused within twelve months next preceding the formation of the club.
- (h) That the supply of liquor to the club is not under the control of members of the committee appointed by the members.
- (i) That any of the rules of the club are habitually broken.
- (j) That the rules have been so changed as not to be in conformity with the provisions required by this Act to be embodied in the rules.

(k)

Liquor (Amendment).

- (k) That persons are habitually admitted as members without an interval of at least two weeks' between nomination and election, contrary to the provisions of this Act.
- (l) That the supply of liquor on the club premises is not under the control of the members or the committee, contrary to the provisions of this Act.
- (m) That any other specified provision of this Act has not been complied with.

(2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.

51. Any objection to the grant or renewal of any such certificate may be taken by— Who may take objection.

- (a) an inspector;
- (b) the council of the municipality or other local government area within which the premises of the club are situate;
- (c) any freeholder, leaseholder, or person residing on property situate within one mile from such premises if they are situate within a municipality, or within five miles from such premises if they are situate elsewhere.

The signatures to any such objection when made by any person described in paragraph (c) shall be witnessed by a justice or a member of the police force.

52. When an application for the registration of a club is granted, a certificate of registration under the hand of the clerk of such court, in the form prescribed, shall be issued to the club. A fee of five pounds shall be paid in respect of the grant or renewal of such certificate for the first forty members of the club, and a further sum of one pound for every additional forty members or fraction thereof. Issue of certificate of registration.

53. When any application for a certificate or renewal is refused, the chairman of the licensing court shall pronounce the decision in open court, and shall state the grounds of the refusal, and shall cause the same to be entered on the records of the court. Refusal of renewal.

Duration of certificates and renewals.

54. (1) Subject to this Act, every certificate of registration of a club shall commence and take effect from the date on which it is therein stated to commence, and shall, unless previously cancelled or suspended, be in force until and including the thirty-first day of December then next following. Duration of certificate.

(2) A renewal shall be for twelve months from the day when the certificate or the next preceding renewal thereof expires.

B

Removals.

Liquor (Amendment).

Removals.

Certificate of
removal.

55. (1) The premises of a registered club may be changed under the authority of a certificate of removal.

When such club desires to remove from the premises occupied by it to any other premises, the secretary shall, at least fourteen days before applying for a certificate, deliver to the clerk of the licensing court a notice as nearly as may be in the form prescribed.

Application, how
dealt with.

(2) If on any such application a notice of objection has not been duly given, the clerk of the licensing court shall issue the certificate of removal; but if notice of objection is so given, the matter of the application shall be inquired into and dealt with by the court.

What objections
may be taken.

(3) The only objection that can be taken to any such application shall be that the proposed premises are not suitable for a club.

Proviso where club
premises accidentally
destroyed.

(4) Provided that if the premises of a club are, by fire, tempest, or other calamity, or by dilapidations, or by reason that such premises are being repaired or rebuilt, rendered unfit for the purposes thereof, the club may, without application to the licensing authority, remove to other premises, under its existing certificate, for any period not extending beyond the currency of the certificate. Notice of such removal and of the reason therefor shall, however, be forthwith given by the secretary to the clerk of the licensing court.

Notices to be given of objection.

Notice of objection.

56. No objector shall be heard against any application unless notice of the objection has been given to the clerk of the licensing court and to the applicant at least five clear days before the time appointed for the hearing of the application to which such notice applies:

Provided that the court shall not be precluded from entertaining any objection which may arise during the hearing of an application, but the applicant shall then be entitled to an adjournment for such time, not less than three days, as the court thinks fit.

Hearing of applications.

Hearing of
applications and
objections.

57. The licensing court shall hear the application and objections, and may order such inquiry as it thinks fit, and thereafter shall grant or refuse the application. Upon the grant of the application the court shall cause the entries required by this Act to be made in the register to be kept by the clerk of such court.

If, in the opinion of the court, any objection is frivolous or vexatious, the person making the objection shall, on the order of the court, be liable to pay the costs of the applicant in the proceedings.

Cancellation

Liquor (Amendment).

Cancellation of registration.

58 (1) Upon the complaint of an inspector, made upon oath, a stipendiary or police magistrate may issue a summons to the secretary of any registered club calling upon him to show cause at a licensing court why the certificate of registration of the club should not be cancelled on all or any of the grounds of objection which might have been taken as hereinbefore provided to the grant or renewal of a certificate. Summons to show cause against cancellation.

(2) Such summons shall be served at least ten days before the day appointed for the meeting at which the matter is to be heard. Service of summons.

If the secretary of any registered club cannot be found, or if there is no secretary, such summons may be served by affixing the same upon a conspicuous part of the premises of the club.

(3) The licensing court shall hear and determine the matter of such complaint, and may— Determination of court.

- (a) cancel the certificate; or
- (b) suspend the certificate until any conditions prescribed by this Act are complied with; or
- (c) dismiss the complaint.

(4) The costs of the hearing and determination of every such matter shall be in the discretion of the licensing court. Costs.

(5) During the period of any such suspension as aforesaid the club shall be deemed to be an unregistered club. Suspension.

Unlawful sale of liquor.

59. (1) If on the premises of an unregistered club any liquor is sold or supplied to any person, whether a member of such club or not, the person selling or supplying such liquor, and every person authorising such sale or supply, shall be liable to a penalty not exceeding fifty pounds; and for a second or subsequent offence, to imprisonment for any period not exceeding two months, or to a penalty not exceeding one hundred pounds, or to both. Sale on premises of unregistered club.

(2) If any liquor is kept for sale or supply on the premises, every officer and member of the club shall be liable to a penalty not exceeding ten pounds, unless he proves, to the satisfaction of the court, that such liquor was so kept without his knowledge or against his orders. Liquor kept for supply or sale.

(3) Provided that with respect to any club which was formed before the first day of November, one thousand nine hundred and five, and was bonâ fide used on that day as a club, the operation of this section, and the repeal by this Act of subsection five of section thirteen of the Principal Act, shall not take effect until the first day of March, one thousand nine hundred and six.

Inspection.

Liquor (Amendment).

Inspection.

Search warrant.

60. (1) If a stipendiary or police magistrate or chairman of a licensing court is satisfied, by complaint on oath, that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for the cancellation or suspension of the certificate of registration thereof, or that any liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any member of the police force named therein.

Authority of search warrant.

(2) A search warrant granted under this section shall authorise the member of the police force named therein to enter the club on any week-day or Sunday, at any time of the day or night, and to inspect the premises of the club to take the names and addresses of any persons found therein, and to seize any liquor kept for sale or supply as aforesaid, and the vessels containing the same, and any books and papers relating to the business of the club.

(3) If admittance to such premises is refused or unreasonably delayed to a member of the police force authorised as aforesaid, such member may break into the premises with such assistance as may be deemed requisite. Any person who refuses or wilfully so delays admittance as aforesaid shall be liable to a penalty not exceeding ten pounds.

(4) If any person in any registered club, entered by a member of the police force under this section, on being asked by such member his name or address, refuses or neglects to give such name or address, or wilfully gives a false name or address, he shall be liable to a penalty not exceeding five pounds.

Register of members of a club.

Register of members.

61. The secretary of a registered club shall keep on the club premises a register of members, setting forth the names in full, occupations, and addresses of all members of the club, and the date of the latest payment by each member of his subscription. Such register shall be open at any time to the inspection of the inspector or any member of the police force authorised in writing by any member of the licensing court.

Any secretary who fails to keep such register containing the prescribed particulars, or who wilfully makes any false entry therein, or any secretary or other person who prevents or obstructs any such inspection as aforesaid, shall be liable to a penalty not exceeding fifty pounds.

Penalties.

False certificate by secretary.

62. If the secretary of any club makes, in a statutory declaration, any statement which he knows to be false in any material particular, he shall be liable to imprisonment for a term not exceeding six months.

Liquor (Amendment).

PART VI.

LOCAL OPTION.

Preliminary.

63. In this Part, unless the context requires another meaning, — Definitions.
- “Elector” means person qualified to vote at a general election in the electorate.
- “Electorate” means electoral district for the election of a Member to serve in the Legislative Assembly.
- “General election” means Parliamentary general election for the return of Members pursuant to writs issued upon the dissolution or expiry of the Legislative Assembly.
- “License” means publican’s or colonial wine license and includes the registration of a club.
- “Licensee” means holder of a publican’s or colonial wine license, and includes the secretary of a registered club.
- “Licensed” as applied to premises means premises in respect of which a publican’s or colonial wine license is in force, and includes the premises of a registered club.

Maximum number of licenses.

64. The number of publicans’ or colonial wine licenses in an electorate shall not, except in pursuance of special authority granted as hereinafter in this Act provided, at any time exceed the number of licenses of the same description, in the electorate at the commencement of this Act, including therein conditional licenses and applications pending for licenses of premises in respect of which publicans’ or colonial wine licenses were held within four months before the commencement of this Act. Number of licenses not to exceed present number.

The number of clubs in an electorate shall not at any time exceed the number of clubs formed before the first day of November, one thousand nine hundred and five, and bonâ fide used on that day as clubs, and registered under this Act on or before the first day of March, one thousand nine hundred and six.

65. Where a petition is presented to the Governor asking that a license may be granted for certain specified premises, and such petition is signed by a majority in number of the adult residents living in an area within a radius of one mile from the said premises, and it is shown by such petition that— Increase in number of licenses on ground of increase of population.

- (a) there has been a large increase of population in the said area since the number of licenses in the electorate was fixed by or under this Act, and that such increase of population is likely to be permanent;
- (b) there are insufficient licensed premises to meet public requirements within such area;
- (c)

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(c) no transfer of an existing license to the premises specified in the petition has been applied for, the Governor shall refer such petition for inquiry in open court by a licensing court.

If, on such inquiry and after hearing evidence, the said court is of opinion that the petition should be granted, it shall make a recommendation to that effect to the Governor.

On the receipt of such recommendation, the Governor may grant the petition, and shall so declare in the Gazette; and thereupon a license or a transfer of a license may be granted for the said premises, notwithstanding that by such grant the number of licenses in the electorate will exceed the number therein as specified in the last preceding section or at the time of the taking of a vote under this Part, or the number fixed in pursuance of a vote for the reduction of the number of licenses in the electorate:

Provided that this section shall not apply where a resolution under this Part is in force that no licenses be granted in the electorate.

The vote.

Place and date of voting.

66. (1) A vote of electors under this Part shall be taken in every electorate at the places and on the day fixed for the poll therein at each general election:

Provided that where such election is held within eighteen months after the polling-day for the then outgoing Parliament, the vote shall not be taken at such election, but on the day fixed for the poll at the next succeeding general election.

(2) The first vote shall be taken at the general election next following the commencement of this Act.

(3) The vote taken in any electorate shall be given effect to within such electorate.

Resolutions to be submitted.

Form of resolutions.

67. (1) Except where resolution C of this section has previously been carried, and is in force in an electorate, the following resolutions shall be submitted to the vote of electors:—

(a) That the number of licenses existing in the electorate continue. (Resolution A.)

(b) That the number of licenses existing in the electorate be reduced. (Resolution B.)

(c) That no licenses be granted in the electorate. (Resolution C.) And the voting paper shall be in the form of Schedule Two.

Where resolution C is carried.

(2) Where resolution C has been previously carried, and is in force in the electorate, the resolution submitted shall be:—

(d) That licenses be restored in the electorate. (Resolution D.)

And the voting-paper shall be in the form of Schedule Three.

When

*Liquor (Amendment).**When resolutions carried.*

68. (1) Resolution A or B of the last preceding section is carried if a majority in number of the votes given is in favour of any such resolution. What majority is required for carrying resolutions.

(2) Resolution C is carried if three-fifths at least in number of the votes given is in favour of that resolution: Provided that where less than such number is so given, the votes given in favour of resolution C shall be added to the votes given for resolution B.

(3) Resolution D is carried if three-fifths at least in number of the votes given is in favour of that resolution.

(4) Provided that resolution C or D shall not be carried unless thirty per centum or more of the number of electors on the electoral rolls for the electorate vote for such resolution.

Effect of carrying resolutions.

69. If any resolution is carried it shall be notified in the Gazette, and shall, subject to the provisions of this Act or the Principal Act, be given effect to within the electorate as follows, until altered by a subsequent vote:— Effect of carrying resolutions.

- (a) If resolution A is carried, the number of licenses of the respective descriptions shall not exceed the number at the time of the taking of the vote.
- (b) If resolution B is carried, the number of licenses of the respective descriptions at the time of the taking of the vote shall be reduced, and in each case may be reduced to three-fourths of such number.
- (c) If resolution C is carried, no licenses shall be granted, renewed, or transferred, and the provisions hereinafter in this Act provided shall have effect.
- (d) If resolution D is carried, licenses may be granted, renewed, and transferred, but so that the number of licenses shall not be greater than the number held when the resolution C was carried in the electorate, nor less than half such number.
- (e) If resolution D is not carried, the resolution C previously carried shall continue to have effect until altered in pursuance of this Act.

The enforcing of resolutions B and C.

70. (1) For the purpose of effecting a reduction under this Act of the number of licenses in an electorate, a special court shall be constituted. Special courts.

(2) A district court judge appointed by the Governor shall be a member of and shall preside at each such court, and such court shall be duly constituted if the said judge and one other member is present. District court judge and two members to constitute court.

(3)

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When chairmen of
licensing court to be
members.

When stipendiary
magistrates to be
members.

Court to be of
record.

Power to administer
oaths.

Application of s. 7 of
Principal Act.

Admittance to
licensed premises by
court or authorised
person.

Determination of
court final.

Resolution B, how
given effect to.

(3) Where two or more licensing courts have jurisdiction at some place or places within the electorate, the chairmen of such licensing courts shall be members of the special court for the electorate.

(4) Where but one licensing court has jurisdiction within the electorate, the Governor shall appoint the chairman of such court and one or more stipendiary or police magistrates to be members of the special court for the electorate.

71. (1) Each such special court shall be a court of record, with power to make all general and other rules necessary for the conduct of its business, and for the enforcing of its orders and adjudications.

(2) The judge presiding at any such court may take, administer, and cause to be taken and administered, oaths, declarations, and affirmations in any matter within its jurisdiction.

(3) The provisions of section seven of the Principal Act relating to a licensing court, and its chairman, and its proceedings, and to persons summoned to attend as witnesses, shall apply respectively to the special court aforesaid, and the judge presiding thereat and its proceedings, and to persons summoned to attend as witnesses at such court.

(4) Any member of such special court, or any person authorised by it in writing, may enter any licensed premises at any time by day or night.

If admittance to such premises be refused or unreasonably delayed, after demand made by such member or person as aforesaid, the licensee of such premises, and every person who wilfully refuses or delays such admittance, shall be liable to a penalty not exceeding fifty pounds.

(5) The determination of any such special court shall be final and conclusive.

72. (1) Where resolution B is carried, the special court having jurisdiction within the electorate shall—

(a) determine the reduction to be made in the number of the existing licenses of the respective descriptions, exclusive of those which, under a previous vote, will cease to be in force at the expiration of the prescribed period:

Provided that—

(i) Where such number exceeds twelve, and is less than twenty-four such number shall be reduced by at least two.

(ii) Where such number is twenty-four or more, but is less than thirty-six, such number shall be reduced by at least three.

(iii) Where such number is thirty-six or more, such number shall be reduced by at least four.

(b) for the purpose of the said reduction, cause a classification of the licensed premises to be made as hereinafter provided;

(c) make the reduction by declaring that certain specified licenses of each description shall cease to be in force;

(d) notify in the Gazette its determination, and give notice to the licensees affected thereby.

(2)

Liquor (Amendment).

(2) The classification shall include licensed premises as to which the following conditions or any of them apply :—

Classification of premises.

- (a) There have within the three years next preceding the taking of the vote been either two convictions for one of the following offences or one conviction for two of such offences made against the same or different licensees of the same premises, that is to say,—
 - (i) selling or allowing to be sold any liquor to persons under the age of eighteen years or to prohibited persons ;
 - (ii) selling or allowing to be sold liquor to persons in a state of intoxication ;
 - (iii) allowing gaming to be carried on on the premises ;
 - (iv) permitting the premises, or any portion thereof, to be used for purposes of prostitution ;
 - (v) permitting drunkenness on the premises ;
 - (vi) letting or subletting any bar or the right to sell liquor on the premises ;
 - (vii) selling liquor in prohibited hours ;
- (b) there has within the said three years been a conviction of any licensee of the premises for any one of the said offences ;
- (c) it is proved that the business in the premises is so badly conducted as to be a serious inconvenience to persons requiring accommodation or a nuisance to neighbours, or that the premises are insufficiently provided with proper sanitary conveniences.

(3) In carrying out the said reduction the special court, in determining what licenses shall cease to be in force, shall—

Order of reduction of licenses to which paragraphs (a), (b), and (c) apply.

- (a) consider the convenience of the public and the requirements of the several localities in the electorate ;
- (b) subject to the above consideration, deal in the first place with the licenses of premises to which paragraph (a) of the last preceding subsection applies, and in the second and third places respectively with those to which paragraphs (b) and (c) of such subsection respectively apply.

(4) The licenses of premises to which paragraph (a) of subsection two of this section applies, shall cease to be in force at the expiration of such period not being less than six nor greater than twelve months from the date of the vote as the court may fix.

Other licenses.

The licenses of premises to which paragraph (b) or paragraph (c) of the said subsection applies shall cease to be in force at the expiration of such period, not being less than one nor greater than two years from the date aforesaid as the court may fix.

If, after giving effect to the provisions of this section relating to premises to which paragraphs (a), (b), and (c), aforesaid apply, the desired reduction of the number of licenses has not been made, the special

Liquor (Amendment).

special court may apply the reduction to other premises. In such case the licenses of such other premises may be renewed from time to time, but shall cease to be in force at the expiration of three years, counting from the date of the notification in the Gazette of the determination of the special court as to the reduction:

Provided that where such special court finds that any of such other premises are held under a written lease, or written agreement for a lease, which existed on the twenty-fourth day of August, one thousand nine hundred and five, and which at the date of the notification of the determination of the court has more than three years to run, the license of such premises shall not under this section cease to be in force until the determination of the lease, or of the period for which such agreement is to have effect, or the expiration of eight years from the commencement of this Act, whichever event happens first; and if the said court finds that the said premises were on the twenty-fourth day of August, one thousand nine hundred and five, and on the date of the notification of the determination of the court, owned by the licensee, or that the licensee was on such dates the manager for the owner, the license of such premises shall not under this section cease to be in force until the expiration of the eight years abovementioned:

Provided further that nothing in this subsection shall prevent the refusal of the renewal or the cancellation or the forfeiture of a license or the disqualification of premises for any lawful cause.

Unless the said lease or agreement, or the indenture executed in pursuance of such agreement, whenever executed, has before the thirty-first day of December, one thousand nine hundred and five, or within such extended time, not exceeding fourteen days, as the Governor may allow, been registered in the department of the Registrar-General, and in the case of a lease or agreement executed before the thirteenth day of December, one thousand nine hundred and four, has been stamped before the fourteenth day of December, one thousand nine hundred and five, and in the case of a lease executed after the thirteenth day of December, one thousand nine hundred and four, has been stamped within the period within which it may lawfully be stamped without fine, the licensee shall be excluded from the benefit of any extension of time beyond the three years first abovementioned.

Right to appear
before court.

- (5) In any such proceedings as aforesaid by a special court—
(a) classifying licensed premises; or
(b) declaring that licenses shall cease to be in force,

any person who may be directly affected by the determination of the court in such proceedings may appear before the court and shall be heard.

Resolution C, how
given effect to.

73. (1) If resolution C is carried it shall take full effect within the electorate at the expiration of three years from the date of the vote:
Provided

Liquor (Amendment).

Provided that, on the vote being carried, a classification of licensed premises shall be made by the special court, as in the last preceding section provided, and the licenses of premises as to which paragraphs (a), (b), and (c) of subsection two of that section apply shall cease to be in force at the expiration of the respective periods fixed by the special court in accordance with that section :

Provided further that where such special court finds that any premises to which paragraphs (a), (b), or (c) do not apply as aforesaid are held under a written lease or written agreement for a lease which existed on the twenty-fourth day of August, one thousand nine hundred and five, and which at the date of the notification of the determination of the court has more than three years to run, the license of such premises shall not, under this section, cease to be in force until the determination of the lease, or of the period for which such agreement is to have effect, or the expiration of eight years from the commencement of this Act, whichever event happens first ; and if the said court finds that the said premises were on the twenty-fourth day of August, one thousand nine hundred and five, and on the date of the notification of the determination of the court, owned by the licensee, or that the licensee was on such dates the manager for the owner, the license of such premises shall not, under this section, cease to be in force until the expiration of the eight years abovementioned :

Provided further that nothing in this section shall prevent the refusal of the renewal or the cancellation or the forfeiture of a license or the disqualification of premises for any lawful cause.

Unless the said lease or agreement, or the indenture executed in pursuance of such agreement, whenever executed, has before the thirty-first day of December, one thousand nine hundred and five, or within such extended time, not exceeding fourteen days, as the Governor may allow, been registered in the department of the Registrar-General, and in the case of a lease or agreement executed before the thirteenth day of December, one thousand nine hundred and four, has been stamped before the fourteenth day of December, one thousand nine hundred and five, and in the case of a lease executed after the thirteenth day of December, one thousand nine hundred and four, has been stamped within the period within which it may lawfully be stamped without fine, the licensee shall be excluded from the benefit of any extension of time beyond the three years in the last preceding section mentioned.

(2) When such resolution so takes effect, all licenses of every description within the electorate shall cease to be in force, and thereupon, and until licenses are restored in the electorate, the following provisions shall apply :—

- (a) The provisions of the Principal Act and this Act relating to the sale of liquor without a license shall apply to the sale, supply, barter, or other disposal of liquor. (b)

Liquor (Amendment).

(b) Provided that nothing in this section shall be held to prohibit the sale of methylated spirits for use in the arts or manufactures, or to prohibit the sale of liquor for medicinal use, subject to the following conditions:—

(i) That such sale of liquor for medicinal use is by a pharmacist, registered under the Pharmacy Act, 1897, on the prescription of a duly qualified medical practitioner.

(ii) That the bottle or other vessel containing the liquor is distinctly labelled with the words "intoxicating liquor," and the name and address of the seller.

(c) If any person supplies liquor otherwise than as herein provided, he shall be liable to a penalty not exceeding thirty pounds.

(3) This section shall not apply to sales by brewers of liquor or makers of wine, being their own manufacture, to persons not residing or carrying on business within the electorate to which the vote applies, and to be delivered beyond the limits of such electorate.

(4) For the purposes of this and the last preceding section, any lease or agreement (including a lease under the Real Property Act), if registered in the office of the Registrar-General pursuant to the provisions of the Act No 22 of 1897, shall be deemed to be sufficiently registered.

Provisions applicable
as between lessor and
lessee where license
ceases to be in force.

74. (1) Where, in pursuance of a vote under this Part, the license of any premises ceases to be in force, the following provisions shall apply:—

(a) If any of the conditions set out in paragraph (a) of subsection two of section seventy-four apply to such premises, the lessor may, within fourteen days after the license ceases to be in force, give to the lessee written notice of the determination of the lease at the expiration of fourteen days from such notice, and the same shall thereupon determine as by effluxion of time.

(b) In any other case, the lessee may within fourteen days after the license ceases to be in force give to the lessor written notice that he desires to have the rent of the premises fixed by arbitration.

On such notice being given, the said rent shall be fixed under the Arbitration Act, 1902, by two arbitrators appointed by the lessor and lessee respectively, who may appoint an umpire, and shall, from the date when the license ceases to be in force, and during the currency of the lease, be the rent payable thereunder in respect of the premises.

(2) In this section—

"Lessee" includes an assignee of a lease and a sub-lessee;

"Lessor" includes the person for the time being entitled to the rent of the premises.

Manner

Liquor (Amendment).

Manner of taking the vote.

75. The following provisions shall apply to the taking of a vote Provisions for voting.
under this Part:—

- (a) The vote shall in each electorate be taken at the polling-places appointed for the general election.
- (b) Every elector is qualified to vote, but may vote for one resolution only.
- (c) The electoral officer appointed for a polling-booth shall conduct the taking of the vote therein.
- (d) The manner of voting shall be similar to that followed in the election of members to serve in the Legislative Assembly, but the voting paper shall be marked as prescribed thereon.
- (e) Sections eighty-nine, ninety, ninety-one, one hundred and two, one hundred and seven, one hundred and eight, and one hundred and nine of the Parliamentary Electorates and Elections Act, 1902, shall mutatis mutandis apply to the taking of a vote under this Part.
- (f) The votes given shall be placed in a separate box, and shall be counted by the officer presiding at the booth in the presence of the poll-clerks (if any).
- (g) a voting paper is invalid if—
 - (i) the elector has voted for more than one resolution; or
 - (ii) the voting paper is not endorsed with the initials of the officer presiding at the polling-booth.
- (h) The result of the voting shall be notified by the returning officer in the Gazette.

76. If in any electorate a vote of electors under this Part is Provisions where vote is void. for any reason void, the Governor may appoint a day and places for taking the vote in such electorate, and may appoint officers and make necessary arrangements for the purpose of such vote being taken.

77. If a club, having been established before the first day of November, one thousand nine hundred and five,— Exempting residential, athletic, and other clubs.

- (a) is used bona fide for residential purposes; or
 - (b) is used mainly for the purpose of playing any athletic game or sport approved by the Minister, and carried on during the day time in the open air; or
 - (c) is an association established at any time as a limited company under section fifty-two of the Companies Act, 1899;
- the Governor may by proclamation exempt such club, and any building used in connection therewith, from all the provisions of the Principal Act, and this Act, other than those relating to registration and to the payment of an annual registration fee.

The Governor may by proclamation revoke any such exemption.
Regulations.

*Liquor (Amendment).**Regulations.*

Governor's regulations.

78. The Governor may make regulations for carrying out the provisions of this Part, and may in such regulations impose any penalty not exceeding twenty pounds for the breach of the same.

Any such penalty may be recovered before two justices.

SCHEDULES.**SCHEDULE ONE.**

Subsection eleven of section five.
 Subsection five of section thirteen.
 Section twenty-two.
 Paragraph (a) of subsection one of section twenty-one.
 Section thirty-five.
 Subsection five of section thirty-nine.
 Section forty-eight.
 Section sixty-three.
 Sections eighty-four, eighty-five, eighty-six, and eighty-seven.
 Seventh Schedule.

SCHEDULE TWO.**LIQUOR (AMENDMENT) ACT, 1905.****LOCAL OPTION VOTE.**

I vote that the number of licenses existing in the electorate continue.	☐
I vote that the number of licenses existing in the electorate be reduced.	☐
I vote that no licenses be granted in the electorate.	☐

Indicate your vote by making a cross in the square opposite the resolution for which you vote.

Liquor (Amendment).

SCHEDULE THREE.

LIQUOR (AMENDMENT) ACT, 1905.

LOCAL OPTION VOTE.

I vote that licenses be restored in the electorate.	☐
I vote that licenses be not restored in the electorate.	☐

Indicate your vote by making a cross in the square opposite the resolution for which you vote.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 1 November, 1905. }*

*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO QUINTO

EDWARDI VII REGIS.

Act No. , 1905.

An Act to amend the law relating to the supply of intoxicating liquor ; to regulate the supply of liquor by clubs ; to make better provision for the exercise of local option with regard to the supply of intoxicating liquor ; to amend the Liquor Act, 1898 ; and for other purposes consequent thereon and incidental thereto.

(As amended in Committee of the Whole.)

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5

PART I.

PRELIMINARY.

1. This Act may be cited as the "Liquor (Amendment) Act, Short title. 1905," and shall be construed with the Liquor Act, 1898, hereinafter referred to as the Principal Act.

58455

58—A

2.

NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter.

Liquor (Amendment).

2. This Act shall come into force on the first day of January, one thousand nine hundred and six. Commencement of Act.

3. The enactments of the Principal Act mentioned in Schedule One are to the extent there indicated repealed, **subject to the provisions hereinafter contained**, as from the commencement of this Act, and sections twenty-eight and twenty-nine of the said Act are repealed as from the day of the vote at the Parliamentary general election next following such commencement. Repeal.

4. This Act is divided into Parts, as follows :— Division of Act.

10 PART I.—PRELIMINARY—ss. 1-5.

PART II.—LICENSING COURTS—s. 6.

PART III.—LICENSES UNDER PART III OF PRINCIPAL ACT—
ss. 7-21.

PART IV.—LICENSES GENERALLY—ss. 25-41.

15 PART V.—CLUBS—ss. 42-62.

PART VI.—LOCAL OPTION—ss. 63-78.

5. (1) The definition of spirit merchant in section three of the Principal Act is repealed, and the following is substituted in its place— Definition of "spirit merchant" and "near relative or connection."

20 "Spirit merchant" means any vendor or exhibitor for sale in any shop or premises of liquor in quantities at any one time of not less than two gallons of the same description of liquor; but does not include a licensed auctioneer or broker selling or offering for sale any liquor on account of another person.

25 (2) "Near relative or connection" means wife, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, half-brother, step-brother, sister, half-sister, step-sister, father, step-father, mother, step-mother, father-in-law, or mother-in-law.

PART II.

LICENSING COURTS.

30 6. In addition to the disqualifications mentioned in paragraph four of section five of the Principal Act, a person shall be disqualified from being appointed or holding office as a member of a licensing court if any of his near relatives or connections is the holder of any license granted in respect of any premises situate in the licensing Disqualification of member of licensing court.
35 district for which such licensing court is proposed to be or is appointed, or is beneficially interested in any trade or calling exercised under any license so granted.

Any person so disqualified who knowingly and wilfully acts as a member of such court shall be guilty of a misdemeanour.

PART

Liquor (Amendment).

PART III.

LICENSES UNDER PART III OF PRINCIPAL ACT.

7. The provisions of this Part relate to licenses and licensees Application of Part.
and licensed premises under Part III of the Principal Act.

5 *The supplying of liquor.*

8. (1) Any licensee who on his licensed premises gives, sells, Unlawful supply of liquor by licensee.
or supplies, or allows to be given, sold, or supplied, except in case of
sickness or accident, any liquor to—

- 10 (a) any person under the age of eighteen years;
(b) any aboriginal native of Australia; or
(c) any ~~native~~ **person belonging to any** of the coloured races of
the South Pacific Islands,

shall be liable to a penalty not exceeding ten pounds.

15 (2) Any person, other than the licensee, who on any licensed Unlawful supply by other persons.
premises supplies, except in case of sickness or accident, any liquor to—

- (a) any person under the age of eighteen years;
(b) any aboriginal native of Australia;
(c) any ~~native~~ **person belonging to any** of the coloured races of
the South Pacific Islands;

- 20 (d) any person then in a state of intoxication;
(e) any prohibited person; or
(f) any person who is not lawfully entitled to be supplied with liquor,
shall be liable to a penalty not exceeding ten pounds.

25 (3) In any prosecution for an offence under the two last
preceding subsections alleged to have been committed in relation to a
person under the age of eighteen years, it shall be a sufficient defence
if the accused proves that such person was apparently above such age.

30 (4) For the purposes of this section, the expression Definition of "aboriginal native of Australia."
"aboriginal native of Australia" means any full blooded aboriginal
native of Australia, and any person apparently having an admixture of
aboriginal blood who—

- (a) is in receipt of rations or other aid from the Aborigines
Board; or
(b) is residing on a reserve granted for the use of aboriginal
natives of Australia.

35 9. Any person who sends a person under the age of fourteen
years to licensed premises for the purpose of obtaining any liquor shall
be liable to a penalty not exceeding forty shillings. Sending person under age of fourteen for liquor.

40 10. If any person under the age of seventeen years is for any
purpose in the bar of any licensed premises the licensee of such premises
shall forthwith remove or cause to be removed such person from the bar. Person under seventeen not allowed in bar.

Any licensee who fails to comply with the provisions of this
section shall be liable to a penalty not exceeding two pounds,

Liquor (Amendment).

11. If any person against whom a prohibition order under section fifty-two of the Principal Act is in force enters or is found in the bar of any licensed premises, except for some lawful purpose, he shall be liable to a penalty not exceeding five pounds.

Prohibited person not allowed on licensed premises.

5 Any licensee of such premises who knowingly permits such person to be or remain in such bar shall be liable to a penalty not exceeding ten pounds.

12. If any licensee permits drunkenness or any indecent, violent, quarrelsome, or riotous conduct to take place on his licensed premises he shall be liable for the first offence to a penalty not exceeding five pounds and for the second or any subsequent offence to a penalty not exceeding twenty pounds.

Permitting drunkenness or riotous conduct on premises.

Where any licensee is charged with permitting drunkenness on his licensed premises, and it is proved that any person was drunk on his premises, it shall lie on the licensee to prove that he and the persons employed by him took all reasonable steps to prevent drunkenness on the premises.

13. If any licensee allows any female under the age of twenty-one years, other than his wife or daughter, to sell, supply, or serve liquor in any bar in his licensed premises, he shall be liable for every such offence to a penalty not exceeding five pounds.

Barmaids under age of twenty-one.

Premises used for prostitution.

14. If any licensee permits his licensed premises, or any portion thereof, to be used for purposes of prostitution, he shall be liable to a penalty not exceeding ten pounds.

Penalty for permitting premises to be used for prostitution.

Sanitary provisions.

15. (1) Every licensee shall—

Duties of licensee as to sanitary matters.

- (a) cause his licensed premises to be furnished with proper sanitary appliances sufficient for any lodgers or inmates of the premises;
- (b) maintain such appliances and any room or place in which they are in a good sanitary condition;
- (c) keep his licensed premises free from offensive or unwholesome matters.

35 (2) Any licensee who fails to carry out the provisions of this section shall be liable to a penalty not exceeding ten pounds.

Penalty.

Times of selling.

16. (1) No licensee shall keep his licensed premises open for the sale of liquor, or shall sell any liquor, or permit the same to be consumed, on his the said premises—

Times when premises may not be open for sale of liquor.

- (a) upon any Sunday;

(b)

Liquor (Amendment).

- (b) upon any Good Friday or Christmas Day, except for the sale between the hours of seven and nine in the morning, and of one and three in the afternoon, and of eight and ten at night, of liquor not to be consumed on the premises;
- 5 (c) upon any day upon which any election of Members of the Senate or of the House of Representatives of the Parliament of the Commonwealth or of the Legislative Assembly of New South Wales is being held, during the hours when votes may be recorded at such election:
- 10 Provided that in the case of a bye-election this paragraph shall apply only to licensed premises situate within the electorate in respect of which such bye-election is being held.
- 15 (d) upon any other day except between the hours of six in the morning and eleven at night:
- (2) Provided that nothing in this section shall relate to—
- (a) the sale or consumption of liquor to or by any bona fide lodger, servant, or inmate, if the liquor is not drunk at the public bar of the licensee's premises; or
- 20 (b) the sale or consumption of liquor to or by any bona fide traveller at such bar or elsewhere on such premises.
- (3) Every licensee who offends against the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.
- 25 (4) Every separate sale in contravention of the provisions of this section shall be a separate offence.
- (5) So much of sections sixty-four, sixty-five, sixty-six, and sixty-seven of the Principal Act as relates to the provisions of section sixty-three of that Act shall apply to the provisions of this section.
- 30 **17.** (1) Every person, not being a bona fide lodger, servant, inmate, or traveller found drinking liquor in any licensed premises at any time when such premises should not be open for the sale of liquor, shall for every such offence be liable to a penalty not exceeding two pounds.
- 35 (2) Every person found on any such premises at any time when such premises should not be open for the sale of liquor, shall, unless he satisfies the court that he was at the time when he was so found a bona fide lodger, servant, inmate or traveller, or that his presence on such premises at such time was not in contravention of the provisions of this Act, be liable to a penalty not exceeding two pounds.
- 40 **18.** (1) In any prosecution for an offence against either of the two last preceding sections, any liquid shall be deemed to be liquor unless the contrary be proved.
- (2) In the construction of such sections a bona fide traveller shall have the meaning defined in section sixty-four of the Principal Act.

Proviso relating to lodgers, &c., and travellers.

Incorporation of sections of Principal Act.

Person leaving premises during prohibited time with liquor in his possession.

Person found drinking liquor on premises during prohibited time.

Person on premises during prohibited time.

Proof in prosecution under two last sections.

Liquor (Amendment).

19. (1) Any member of the police force appointed in that behalf, ^{Powers of police with respect to persons on licensed premises at prohibited times.} or any member of the police force of or above the rank of senior constable, may demand from any person found on any licensed premises at any time when such premises should not be open for the sale of liquor the name and address of such person, and if he has reasonable ground to suppose that the name or address so given is false, may require such person to produce evidence of the correctness of the name or address given by such person.

(2) If any such person, on demand being made as aforesaid, refuses or neglects to give such name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, such member of the police force may without any warrant apprehend such person forthwith, and shall bring him before some justices as soon as practicable to be dealt with according to law.

(3) Every such person who, on demand being made as aforesaid, refuses or neglects to give his name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, or gives a false name or address, or produces false evidence with respect to such name or address, shall be liable for every such offence to a penalty not exceeding two pounds.

(4) Every licensee, upon whose licensed premises any person is so found, shall, unless he proves to the satisfaction of the court or justices that such person was on such premises for a lawful purpose, be liable to a penalty not exceeding five pounds.

Supply of meals and accommodation.

20. If any person supplied with meals or accommodation at ^{Meals and accommodation to be paid for.} licensed premises, on demand of payment being made by the licensee of such premises, or by his servant or agent, refuses to pay a reasonable sum for such meals or accommodation, he shall be deemed a rogue and a vagabond and shall be liable to be dealt with as such under the Vagrancy Act, 1902.

Bars.

21. (1) No licensee shall sell or supply liquor in more than one bar-room in or upon his licensed premises, unless he has obtained ^{Only one bar, except by permission of court.} the permission of the court so to do. But the provisions of this subsection shall not apply to any person holding a publican's license at the commencement of this Act, until the expiration of six months from such commencement.

For the purposes of this section, a room divided into compartments by wooden partitions, approved by the licensing court, shall be one room if there are doors in the partition giving at all times direct access from one such compartment to another.

(2) Every applicant for such permission shall, with the ^{Application.} notice of his application, deposit with the clerk of the court the fee hereinafter mentioned, and deliver a plan showing the position of the proposed additional bar-room.

(3)

Liquor (Amendment).

(3) A fee of twenty pounds shall be paid annually in Fee.
respect of every additional bar-room for which such permission is
granted, in addition to the fee payable for a new license or renewal.

(4) No such additional bar-room shall be deemed to form Additional bar not
5 any part of the accommodation required by section twenty-four or part of accommoda-
section twenty-five of the Principal Act. tion.

(5) No licensee shall let or sublet any bar or the right to Subletting bar.
sell liquor on his licensed premises.

22. The following fees shall be paid annually for publicans' Fees for publicans'
10 licenses— licenses.

- (a) ten pounds where the licensed premises are assessed by the
licensing court of the district at an annual value of not more
than fifty pounds;
- 15 (b) twenty pounds where such premises are so assessed at an annual
value of more than fifty pounds and not more than one
hundred pounds;
- (c) an additional five pounds for every fifty pounds over one
hundred pounds of such assessed annual value;
- (d) maximum license fee in any case of one hundred pounds.

20 *Reduction of licensing fee.*

23. If it appears to a quarterly licensing court that any Reduction of fee.
premises in respect of which a publican's license is in force are
actually required for the accommodation of travellers, and that such
premises are not accessible by any practicable roadway to any other
25 licensed premises situate within seven miles of such first-mentioned
premises, such court may, if it thinks proper, reduce the fee payable
for such license to one half of the prescribed fee, such fee in any case
not being less than ten pounds. Such reduction shall take effect on
the expiration of the license or the renewal of the same then current.

30 24. Where the fee payable for a publican's license has, before Subsequent increase
or after the commencement of this Act, been reduced in pursuance of of fee.
section twenty-two of the Principal Act, or of the last preceding
section, and it subsequently appears to a quarterly licensing court that
the reasons for such reduction or some of such reasons no longer exist
35 in respect of the premises so licensed, the court may raise such fee to
the full amount payable for such license. The fee so raised shall be
payable on the expiration of the license or the renewal of the same
then current.

Liquor (Amendment).

PART IV.

LICENSES GENERALLY.

Cancellation of licenses.

25. Upon the complaint of any inspector a licensing court ^{Cancellation of}
 5 may summon any licensee to appear before such court and show cause ^{licenses.}
 why his license should not be cancelled. Upon the appearance of such
 licensee, or in his absence after being duly summoned, such court shall
 proceed to hear and determine the matter of such complaint, and may
 10 adjudge such license to be cancelled absolutely or for such period
 (not being less in any case than twelve months) as the court may
 determine.

The following provisions shall take effect for the purposes of
 this section—

- 15 (a) every such summons shall be served upon the licensee not less
 than fourteen days before the day appointed for the hearing
 of the complaint, or if such licensee evades service thereof, or
 is absent at the time of attempted service, it shall be sufficient
 if the summons is posted up in a conspicuous place on his
 20 licensed premises, or be left with any inmate thereof apparently
 above the age of sixteen years, not less than seven days before
 such appointed day ;
- (b) every such complaint shall be heard and determined at a special
 sitting of the licensing court, provided that a quarterly
 25 licensing court shall, if the provisions of the preceding
 paragraph have been complied with, be competent to hear
 and determine the same ;
- (c) the court, at the instance of the complainant or licensee may,
 in its discretion, adjourn the hearing for any time not
 exceeding fourteen days ;
- 30 (d) the names of all licensees whose licenses are cancelled under
 this section, together with the particulars of their licenses
 and licensed premises, shall be published in the Gazette
 within fourteen days after such cancellation.

26. Upon any such complaint the court shall cancel a license ^{Grounds of}
 35 if the licensee is proved to have been before or after the commence- ^{cancellation.}
 ment of this Act convicted while being the holder of a license—

- (a) of felony or of any offence for which he has been sentenced to
 imprisonment with hard labour ;
- 40 (b) of permitting his premises or any portion thereof to be used
 for purposes of prostitution ;
- (c) three times within three years of any offence (whether of the
 same or different kinds) against the Principal Act or this Act ;
- (d) of any offence which by any such Act is punishable by the
 cancellation or forfeiture of the offender's license :

Provided

Liquor (Amendment).

Provided that if a license is liable to be cancelled only on the ground mentioned in paragraph (a) of this section, the court may (unless the premises are liable to be disqualified under this Act), on the application of the wife of the licensee or any of his family above the age of twenty-one years, or of the person for the time being entitled to receive the rents or profits of the licensed premises, transfer the license to such wife or to some member of the family, or to some other person approved by the court.

Proviso where licensee convicted of felony or misdemeanour.

27. If three previous convictions for offences (whether of the same or different kinds) under the Principal Act or this Act are proved to have been made before or after the commencement of this Act against a licensee within the three years next preceding, the licensing court shall declare and order such licensee to be, and he shall thereupon be, disqualified for a term of three years from holding any license whatever under the Principal Act or this Act.

Disqualification of licensee.

28. The following provisions shall apply to any proceedings under the two last preceding sections:—

Provisions applicable to two last preceding sections.

(a) A conviction under section forty-four, ninety, ninety-five, or one hundred of the Principal Act or section fifteen of this Act shall not be reckoned as a conviction for an offence against the said Acts respectively;

(b) A conviction may be proved by the certificate of the officer having the custody of the records of the court in which such conviction was had;

(c) Nothing in the said sections shall prevent the infliction of any pecuniary penalty or forfeiture or cancellation of license or any term of imprisonment to which the licensee would otherwise be liable, or shall preclude the exercise of any power given by the Principal Act or this Act.

29. Any person whose license is cancelled, or who is declared disqualified under the above provisions, shall, during the continuance of such cancellation or disqualification, be deemed for all purposes as aforesaid to be disqualified. Every such cancellation and disqualification shall, during the full term thereof, enure and be operative for the respective purposes thereof throughout New South Wales.

Effect of cancellation or disqualification.

Disqualification of premises.

30. (1) If any licensee is convicted—

(a) of any offence against section eight, or of permitting drunkenness or indecency on his premises in contravention of section twelve of this Act; or

Disqualification of premises on conviction of licensee.

(b) of any offence against section forty-six or section fifty-two of the Principal Act; or

(c) of permitting his premises or any portion thereof to be used for purposes of prostitution; or

(d)

Liquor (Amendment).

(d) of any offence under the provisions of Part IX of the Public Health Act, 1902, relating to unwholesome or adulterated liquor, or under section one hundred and two or section one hundred and three of the Principal Act ; or

5 (e) of any offence against section fifteen of this Act.

And if two previous convictions for any of such offences (whether of the same or different kinds) are proved to have been made after the commencement of this Act against him within the three years next preceding while licensee of the same premises, the court shall cancel
10 the license of the premises, and may disqualify such premises from being licensed for a period of two years.

(2) Where a licensee is convicted of any such offence the clerk of the court before which the conviction was held shall give
notice in writing thereof to the owner of the premises. Notice to owner of conviction.

15 **31.** If within any period of two years there have been made four convictions for any of the offences mentioned in the last preceding section (whether of the same or different kinds) against a licensee or
against two or more successive licensees of the same premises, such premises may be disqualified from being licensed for two years from
20 the date of the last of such convictions. Disqualification for four offences in two years.

32. Where by order of a court any licensed premises are for any period disqualified to be licensed, the court shall cause the order to be served on the owner of such premises, where the owner is not occupier, together with a statement that a licensing court will be held
25 at a time and place therein specified, at which the owner may appear and appeal against such order on all or any of the following grounds only, and may in its discretion suspend the operation of the order disqualifying the premises until the hearing of the appeal :—

30 (a) That notice, as required by this Act, has not been served on the owner of a prior offence which, on the committing of a subsequent offence or subsequent offences, renders the premises liable to be disqualified as aforesaid ;

35 (b) ~~That the tenant by whom the offence was committed held under a contract made prior to the commencement of this Act, and that~~ either because of the provisions of a lease made prior to the first day of December, one thousand nine hundred and five, or because of the provisions of any Act of Parliament, the owner could not legally have evicted the tenant in the interval between the receipt by him of notice of the next prior offence
40 as aforesaid and the committing of the offence in respect of which the disqualifying order was made ; or

45 (c) That the offence in respect of which the disqualifying order was made occurred so soon after the receipt of such notice that the owner, notwithstanding he had legal power to evict the tenant, could not with reasonable diligence have exercised that power in the interval which occurred between the said notice and the subsequent offence.

If

Liquor (Amendment).

If the owner appears at the time and place specified, and satisfies the court that he is entitled to have the order cancelled on any of the grounds aforesaid, the licensing court shall thereupon direct such order to be cancelled, and the same shall be void.

5 **33.** (1) Where a licensee has neglected to give the notice prescribed in section thirty-eight of the Principal Act ten days prior to the holding of the licensing court appointed to be held next before the expiry of the license, or having given such notice neglects to apply to such court in pursuance thereof, the owner of the licensed premises may give such notice not less than five days prior to the holding of such court, and the court may grant such renewal on the application of the said owner: Provided that the said court may grant such renewal although such last-mentioned notice has not been given, or has been given after the time prescribed as aforesaid.

Right of owner to give notice of application for renewal.

15 (2) Where such application is made by the owner, it shall not be necessary to produce the license of the premises.

(3) For the purposes of this section "owner," in cases where the occupier is not the owner, means the person entitled to the rent payable by the occupier.

20 **34.** Section five of the Principal Act is amended, as follows:—
 (a) Subsection eight is amended by inserting the words "or
 "Minister" after the word "Governor" in that subsection.
 (b) Subsection eleven is repealed, and in place thereof, the following provisions shall have effect—

Amendment of section 5 of Principal Act.

25 (11) The Governor may appoint any person to be for such period as he specifies a deputy licensing magistrate of the court of a licensing district; and such deputy may, in the case of the death, removal, resignation, or absence of any licensing magistrate, exercise all the powers vested in, and shall perform all the duties cast upon a licensing magistrate by this Act.

Deputy licensing magistrate.

30 The Governor may also appoint any person to act for such period as he specifies as a member of a licensing court during the absence of a member of such court or while such member is acting as deputy licensing magistrate.

35 **35.** If the licensed premises of any licensed publican are being wholly or partially rebuilt, or are undergoing repairs or alterations so as to render such premises unfit for the carrying on of his business, any licensing magistrate, upon application by or on behalf of such licensed publican, may, by order under his hand, authorise any such licensed publican to carry on his business in some neighbouring premises, although not having the accommodation required by the Act, for any period not exceeding six calendar months.

Premises undergoing repairs.

Any

Liquor (Amendment).

Any such temporary license, or any license granted under the provisions of section forty-two of the Principal Act, shall not be taken into consideration when estimating the number of licenses in an electorate for any purpose under Part VI of this Act.

5 36. 35. Section eleven of the Principal Act is amended as follows :— Amendment of section 11 of Principal Act.

(a) The proviso to the section is amended by omitting the words "as aforesaid," and the notice to which those words refer shall be given by affixing the same on the outer door of the court-house or building in which the court is to be held.

10 (b) The following provision is hereby added to the said section :—
"A quorum of a licensing court may, without notice of their sitting, hear and determine and deal with any matters which may be heard, determined, or dealt with by a
15 licensing magistrate sitting alone."

37. 36. Subsection four of section twenty-three of the Principal Act is amended by inserting the words "seventy-nine" in place of the words "eighty-one" in that subsection. Amendment of section 23 of Principal Act.

38. 37. Section twenty-six of the Principal Act is amended by inserting the words "or such further period not exceeding six months as the court may allow" after the words "twelve months" in that section. Amendment of section 26 of Principal Act.

39. 38. Section thirty-three of the Principal Act is amended by inserting the words "three months" in place of the words "twenty-eight days" in that section. Amendment of section 33 of the Principal Act.

40. ~~Subsection five of section thirty-nine of the Principal Act is hereby repealed.~~ Repeal of subs. (5) of s. 39 of the Principal Act.

41. 39. Section forty-two of the Principal Act is amended as follows :— Amendment of section 42 of Principal Act.

30 (a) By inserting the words "or by dilapidations, or by reason that such premises are being repaired or rebuilt" after the words "or other calamity" in that section.

(b) By inserting "twelve months" in place of "six calendar months" in that section.

35 (c) By adding the following provision :—

"Any owner or licensed publican desirous of making any material alterations or additions to his licensed premises shall apply to the court for permission to do so, and shall furnish the court with a properly drawn plan showing such alterations and additions proposed to be made; and if any such owner or licensee makes any material alterations or additions to his licensed premises without the permission of the court, the license shall be liable to cancellation."

42. 40. Subsection four of section seventy-one of the Principal Act is amended by inserting the words "seventy-five" in place of "seventy-seven" in that subsection. Amendment of section 71 of Principal Act.

Liquor (Amendment).

~~43.~~ 41. Section seventy-five of the Principal Act is amended by adding the following provision:—

Amendment of
section 75 of
Principal Act.

“If a licensed spirit merchant sells liquor in quantities not authorised by his license, he shall be liable to a penalty not exceeding 5 ten pounds.”

PART V.

CLUBS.

Preliminary.

44. 42. In this Part, unless the context requires another meaning—
- 10 “Inspector” means inspector for the licensing district within which the club premises are situate.
- “Registered club” means club registered under this part.
- “Register of members” means register of members of a registered club prescribed by this Part to be kept by the secretary.
- 15 “Secretary” includes any officer or other person performing the duties of secretary of a club.

Definitions.

Application of Principal Act and this Act.

45. 43. Sections forty-six, forty-seven, fifty-one, and fifty-two, and Part VI of the Principal Act, and sections eight to nineteen of this
- 20 Act, shall apply to registered clubs governed by this Act.
- In applying such enactments “club premises” shall be read for “licensed premises” and “secretary of the club” for “licensee” or “holder of a license under Part III of the Principal Act.”

Application of
certain sections of
the Principal and
this Act to registered
clubs.

Conditions of registration.

- 25 46. 44. No club shall be or continue to be registered under this Part unless all the following conditions exist with respect to it, namely:—
- (a) The club must be a bona fide association or company of not less than forty persons in the case of a club established at any place within a radius of fifteen miles from the General
- 30 Post Office in Sydney, and not less than thirty persons in the case of a club established elsewhere.
- (b) The club must be a body, association, or company, associated together for social, literary, political, sporting, athletic, or other lawful purpose.
- 35 (c) The club must be established for the purpose of providing accommodation for the members thereof and their guests, upon premises of which such association or company are the bona fide occupiers.
- (d)

Conditions of
registration of clubs.

Liquor (Amendment).

- (d) The accommodation must be provided and maintained from the joint funds of the club, and no persons must be entitled under its rules to derive any profit, benefit, or advantage from the club which is not shared equally by every member thereof.
- (e) The premises upon which the club is established must be suitable for the purposes of a club.
- (f) No payment or part payment of any secretary, manager, or other officer or servant of the club shall be made by way of commission or allowance from or upon the receipts of the club for drink supplied.
- (g) A register of members of the club for the time being shall be kept on the club's premises as hereinafter required.
- 47- 45. In order that any club may be eligible to be registered, the Provision to be made in rules of clubs.
- 15 rules of the club shall provide that—
- (a) the business and affairs of the club shall be under the management of a committee elected for not less than twelve months by the general body of members ;
- (b) the committee shall hold periodical meetings, and minutes of all resolutions and proceedings of such committee shall be entered in a book to be provided for that purpose ;
- (c) the names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least a week before their election, and an interval of not less than two weeks shall elapse between nomination and election of ordinary members ;
- (d) all members shall be elected by the general body of members, or by a general or an election committee, at a meeting or meetings duly convened, and a record shall be kept by the secretary of the club of the names of the members present and voting at such meetings ;
- (e) there shall be a defined subscription of not less than one pound per annum, payable by members quarterly, half-yearly, or annually in advance ;
- (f) correct accounts and books shall be kept, showing the financial affairs of the club and the particulars usually shown in books of account of a like nature.
- (g) a visitor shall not be supplied with liquor in the club premises unless on invitation and in the company of a member, ~~and no bar shall be allowed on club premises for the sale of liquor ;~~
- (h) no persons shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular subscription, except those possessing certain qualifications defined in the rules, and subject to conditions and regulations prescribed therein ;

(i)

Liquor (Amendment).

- (i) no person under twenty-one years of age shall be admitted a member of the club, ~~and no liquor shall be sold or supplied to any person under that age~~: Provided that where the club is primarily devoted to some athletic purpose, there shall be no limitation of the age of a member of the club. **No liquor shall be sold or supplied to any person under twenty-one years of age.**

Provided that in the case of a club primarily devoted to some athletic purpose, the management of which is vested in trustees appointed by the Governor, such club shall, if the Governor so declares by proclamation in the Gazette, be exempted from compliance with the provisions of paragraphs (a), (c), and (d) of this section, **and of paragraph (c) of the last preceding section**, and such trustees shall for the purposes of this Act be deemed the elected committee of the club.

Grant and renewal of certificates of registration.

48. **46.** (1) The secretary of any club desirous of obtaining a certificate of the registration of the club under this Act shall— a Notice of application for registration.

- (a) at least fourteen days before applying for the same deliver to the clerk of the licensing court for the licensing district in which the premises of the club are situate a notice in writing, and in duplicate, signed by the secretary, in the form prescribed;
- (b) publish a copy of such notice on one day in each week for at least two weeks preceding his application (and so that the last of such publications is not less than eight days before the time at which the application is to be made), in a daily newspaper published in the electorate, or if none is so published, then in a newspaper generally circulating in the electorate;

(2) Such application shall be accompanied by the following documents, namely:—

- (a) Two printed copies of all rules of the club, certified as correct under the hand of the secretary.
- (b) A statement, verified by statutory declaration, of the names and addresses of bona fide members of the club at the date of the application.

49. **47.** (1) The secretary of any club desirous of obtaining a renewal of its certificate of registration shall, at least ten days before applying for such renewal, deliver to the clerk of the licensing court for the licensing district in which the premises of the club are situate a notice in writing, and in duplicate, signed by the secretary, in the form prescribed. a Notice of application for renewal.

(2) Such notice shall be accompanied by the following documents, namely:—

- (a) Two printed copies of all rules of the club, certified as correct under the hand of the secretary. (b)

Liquor (Amendment).

(b) A statement verified by statutory declaration of the number of bona fide members of the club at the date of the application.

50. 48. (1) Where application is made for the grant or renewal of any such certificate, the clerk of the licensing court shall forthwith forward a copy of such application to the inspector for inquiry and report; and on receipt of notice of any objection which may lawfully be taken as hereinafter in this Act provided shall forward a copy of the same to such inspector for inquiry and report, and to the secretary of the club.

Copy of application to be furnished to inspector.

(2) Such inspector, on receipt of any such notice if authorised in writing by a stipendiary or police magistrate, shall inspect the premises of the club and the register of its members, and satisfy himself by proper inquiries that the particulars contained in the application are correct.

Inspection of club premises.

51. 49. If on any application being made for the grant or renewal of any such certificate a notice of objection has not been duly given, the clerk of the licensing court shall grant or renew the certificate; but, if notice of objection is so lodged, the matter of the application shall be inquired into and dealt with by the court.

Application how dealt with.

52. 50. (1) At the hearing of any such application, objections may be taken by any corporation or person hereinafter in this Act mentioned, upon one or more of the following grounds:—

Objections which may be taken to grant or renewal of certificate.

- (a) That the application made by the club, or the rules of the club, or any of them, are in any respect specified in such objection not in conformity with this Act.
- (b) That the club has ceased to exist, or that the number of members is less than forty or thirty, as the case may be, according to the locality in which the premises are situated.
- (c) That it is not conducted in good faith as a club, or that it is kept, or habitually used, for any unlawful purpose or mainly for the supply of liquor.
- (d) That there is frequent drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner.
- (e) That illegal sales of liquor have taken place in the club premises.
- (f) That persons who are not members are habitually admitted to the club premises merely for the purpose of obtaining liquor.
- (g) That the club occupies premises which have been disqualified, or of which the license has been cancelled, or the renewal thereof has been refused within twelve months next preceding the formation of the club.

(h)

Liquor (Amendment).

- (h) That the supply of liquor to the club is not under the control of members of the committee appointed by the members.
- (i) That any of the rules of the club are habitually broken.
- 5 (j) That the rules have been so changed as not to be in conformity with the provisions required by this Act to be embodied in the rules.
- (k) That persons are habitually admitted as members without an interval of at least two weeks' between nomination and election, contrary to the provisions of this Act.
- 10 (l) That the supply of liquor on the club premises is not under the control of the members or the committee, contrary to the provisions of this Act.
- (m) That any other specified provision of this Act has not been complied with.

15 (2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.

~~53.~~ 51. Any objection to the grant or renewal of any such certificate may be taken by— Who may take objection.

- 20 (a) an inspector;
- (b) the council of the municipality or other local government area within which the premises of the club are situate;
- (c) any freeholder, leaseholder, or person residing on property situate within half a one mile from such premises if they are situate within a municipality, or within five miles from such premises if they are situate elsewhere.
- 25

The signatures to any such objection when made by any person described in paragraph (c) shall be witnessed by a justice or a member of the police force.

30 ~~54.~~ 52. When an application for the registration of a club is granted, a certificate of registration under the hand of the clerk of such court, in the form prescribed, shall be issued to the club. A fee of five pounds shall be paid in respect of the grant or renewal of such certificate for the first forty members of the club, and a further sum of one pound for every additional forty members or fraction thereof. Issue of certificate of registration.

35 ~~55.~~ 53. When any application for a certificate or renewal is refused, the chairman of the licensing court shall pronounce the decision in open court, and shall state the grounds of the refusal, and shall cause the same to be entered on the records of the court. Refusal of renewal.

40 *Duration of certificates and renewals.*

~~56.~~ 54. (1) Subject to this Act, every certificate of registration of a club shall commence and take effect from the date on which it is therein stated to commence, and shall, unless previously cancelled or suspended, be in force until and including the ~~thirtieth day of June~~ Duration of certificate.

45 thirty-first day of December then next following.

Liquor (Amendment).

(2) A renewal shall be for twelve months from the day when the certificate or the next preceding renewal thereof expires.

Removals.

57- 55. (1) The premises of a registered club may be changed under
5 the authority of a certificate of removal. Certificate of removal.

When such club desires to remove from the premises occupied by it to any other premises, the secretary shall, at least fourteen days before applying for a certificate, deliver to the clerk of the licensing court a notice as nearly as may be in the form prescribed.

10 (2) If on any such application a notice of objection has
not been duly given, the clerk of the licensing court shall issue the
certificate of removal; but if notice of objection is so given, the matter
of the application shall be inquired into and dealt with by the court. Application, how dealt with.

(3) The only objection that can be taken to any such appli- What objections may be taken.
15 cation shall be that the proposed premises are not suitable for a club:

(4) Provided that if the premises of a club are, by fire, Proviso where club premises accidentally destroyed.
tempest, or other calamity, or by dilapidations, or by reason that such
premises are being repaired or rebuilt, rendered unfit for the purposes
thereof, the club may, without application to the licensing authority,
20 remove to other premises, under its existing certificate, for any period
not extending beyond the currency of the certificate. Notice of such
removal and of the reason therefor shall, however, be forthwith given
by the secretary to the clerk of the licensing court.

Notices to be given of objection.

25 58- 56. No objector shall be heard against any application unless Notice of objection.
notice of the objection has been given to the clerk of the licensing court
and to the applicant at least ~~ten~~ five clear days before the time appointed
for the hearing of the application to which such notice applies:

30 Provided that the court shall not be precluded from entertaining
any objection which may arise during the hearing of an application, but
the applicant shall then be entitled to an adjournment for such time,
not less than three days, as the court thinks fit.

Hearing of applications.

59- 57. The licensing court shall hear the application and objections, Hearing of applications and objections.
35 and may order such inquiry as it thinks fit, and thereafter shall grant
or refuse the application. Upon the grant of the application the court
shall cause the entries required by this Act to be made in the register
to be kept by the clerk of such court.

40 If, in the opinion of the court, any objection is frivolous or
vexatious, the person making the objection shall, on the order of the
court, be liable to pay the costs of the applicant in the proceedings.

Cancellation

Liquor (Amendment).

Cancellation of registration.

60. 58. (1) Upon the complaint of an inspector, made upon oath, a stipendiary or police magistrate may issue a summons to the secretary of any registered club calling upon him to show cause at the next meeting of the a licensing court why the certificate of registration of the club should not be cancelled on all or any of the grounds of objection which might have been taken as hereinbefore provided to the grant or renewal of a certificate. Summons to show cause against cancellation.

(2) Such summons shall be served at least ten days before the day appointed for the meeting at which the matter is to be heard. Service of summons.

If the secretary of any registered club cannot be found, or if there is no secretary, such summons may be served by affixing the same upon a conspicuous part of the premises of the club.

15 (3) The licensing court shall hear and determine the matter of such complaint, and may— Determination of court.

(a) cancel the certificate; or

(b) suspend the certificate until any conditions prescribed by this Act are complied with; or

20 (c) dismiss the complaint.

(4) The costs of the hearing and determination of every such matter shall be in the discretion of the licensing court. Costs.

(5) During the period of any such suspension as aforesaid the club shall be deemed to be an unregistered club. Suspension.

Unlawful sale of liquor.

25 61. 59. (1) If on the premises of an unregistered club any liquor is sold or supplied to any person, whether a member of such club or not, the person selling or supplying such liquor, and every person authorising such sale or supply, shall be liable to a penalty not exceeding fifty pounds; and for a second or subsequent offence, to imprisonment for any period not exceeding two months, or to a penalty not exceeding one hundred pounds, or to both. Sale on premises of unregistered club

(2) If any liquor is kept for sale or supply on the premises, every officer and member of the same club shall be liable to a penalty not exceeding ten pounds, unless he proves, to the satisfaction of the court, that such liquor was so kept without his knowledge or against his orders. Liquor kept for supply or sale.

35 (3) Provided that with respect to any club which was formed before the first day of November, one thousand nine hundred and five, and was bona fide used on that day as a club, the operation of this section, and the repeal by this Act of subsection five of section thirteen of the Principal Act, shall not take effect until the first day of March, one thousand nine hundred and six.

Inspection.

*Liquor (Amendment).**Inspection.*

62- 60. (1) If a stipendiary or police magistrate or chairman of a Search warrant.
 licensing court is satisfied, by complaint on oath, that there is reasonable
 ground for supposing that any registered club is so managed or carried
 5 on as to constitute a ground for the cancellation or suspension of the
 certificate of registration thereof, or that any liquor is sold or supplied,
 or kept for sale or supply, on the premises of an unregistered club,
 he may grant a search warrant to any member of the police force
 named therein.

10 (2) A search warrant granted under this section shall Authority of
 authorise the member of the police force named therein to enter the search warrant
 club on any week-day or Sunday, at any time of the day or night, and
 to inspect the premises of the club to take the names and addresses of
 any persons found therein, and to seize any liquor kept for sale or
 15 supply as aforesaid, and the vessels containing the same, and any books
 and papers relating to the business of the club.

(3) If admittance to such premises is refused or unreason-
 ably delayed to a member of the police force authorised as aforesaid,
 such member may break into the premises with such assistance as may
 20 be deemed requisite. Any person who refuses or wilfully so delays
 admittance as aforesaid shall be liable to a penalty not exceeding ten
 pounds.

(4) If any person in any registered club, entered by a
 member of the police force under this section, on being asked by such
 25 member his name or address, refuses or neglects to give such name
 or address, or wilfully gives a false name or address, he shall be liable
 to a penalty not exceeding five pounds.

Register of members of a club.

63- 61. The secretary of a registered club shall keep on the club Register of members.
 30 premises a register of members, setting forth the names in full,
 occupations, and addresses of all members of the club, and the date of
 the latest payment by each member of his subscription. Such register
 shall be open at any time to the inspection of the inspector or any
 member of the police force authorised in writing by the inspector any
 35 member of the licensing court.

Any secretary who fails to keep such register containing the
 prescribed particulars, or who wilfully makes any false entry therein,
 or any secretary or other person who prevents or obstructs any such
 inspection as aforesaid, shall be liable to a penalty not exceeding fifty
 40 pounds.

Penalties.

64- 62. If the secretary of any club makes, in a statutory declaration, False certificate by
 any statement which he knows to be false in any material particular, secretary.
 he shall be liable to imprisonment for a term not exceeding six months.

PART

Liquor (Amendment).

PART VI.

LOCAL OPTION.

Preliminary.

65- 63. In this Part, unless the context requires another meaning,— Definitions.

5 “Elector” means person qualified to vote at a general election in the electorate.

“Electorate” means electoral district for the election of a Member to serve in the Legislative Assembly.

10 “General election” means Parliamentary general election for the return of Members pursuant to writs issued upon the dissolution or expiry of the Legislative Assembly.

“License” means publican’s or colonial wine license and includes the registration of a club.

“Licensee” means holder of a publican’s or colonial wine license, and includes the secretary of a registered club.

15 “Licensed” as applied to premises means premises in respect of which a publican’s or colonial wine license is in force, and includes the premises of a registered club.

Maximum number of licenses.

20 66- 64. The number of publicans’ or colonial wine licenses in an electorate shall not, except in pursuance of special authority granted as hereinafter in this Act provided, at any time exceed the number of licenses of the same description, including conditional licenses, in the electorate at the commencement of this Act, and applications pending for licenses of premises in respect of which publicans’ or colonial wine licenses were held within four months before the commencement of this Act. Number of licenses not to exceed present number.

30 67- 65. Where a petition is presented to the Governor asking that a license may be granted for certain specified premises, and such petition is signed by a majority in number of the adult residents living in an area within a radius of one mile from the said premises, and it is shown by such petition that— Increase in number of licenses on ground of increase of population.

(a) there has been a large increase of population in the said area since the number of licenses in the electorate was fixed by or under this Act, and that such increase of population is likely to be permanent;

35 (b) there are insufficient licensed premises to meet public requirements within such area;

(c) no transfer of an existing license to the premises specified in the petition has been applied for.

40 the Governor shall refer such petition for inquiry in open court by a licensing court.

If, on such inquiry and after hearing persons in support of and in opposition to the petition, evidence, the said court is of opinion that the petition should be granted, it shall make a recommendation to that effect to the Governor. On

Liquor (Amendment).

On the receipt of such recommendation, the Governor may grant the petition, and shall so declare in the Gazette; and thereupon a license or a transfer of a license may be granted for the said premises, notwithstanding that by such grant the number of licenses
 5 in the electorate will exceed the number therein at the commencement of this Act as specified in the last preceding section or at the time of the taking of a vote under this Part, or the number fixed in pursuance of a vote for the reduction of the number of licenses in the electorate:

10 Provided that this section shall not apply where a resolution under this Part is in force that no licenses be granted in the electorate.

The vote.

68. 66. (1) A vote of electors under this Part shall be taken in every electorate at the places and on the day fixed for the poll therein
 at each general election: Place and date of voting.

15 Provided that where such election is held within eighteen months after the polling-day for the then outgoing Parliament, the vote shall not be taken at such election, but on the day fixed for the poll at the next succeeding general election.

(2) The first vote shall be taken at the general election
 20 next following the commencement of this Act.

(3) The vote taken in any electorate shall be given effect to within such electorate.

Resolutions to be submitted.

69. 67. (1) Except where resolution C of this section has
 25 previously been carried, and is in force in an electorate, the following resolutions shall be submitted to the vote of electors:— Form of resolutions.

(a) That the number of licenses existing in the electorate continue. (Resolution A.)

30 (b) That the number of licenses existing in the electorate be reduced. (Resolution B.)

(c) That no licenses be granted in the electorate. (Resolution C.)
 And the voting paper shall be in the form of Schedule Two.

(2) Where resolution C has been previously carried, and
 is in force in the electorate, the resolution submitted shall be:— Where resolution C is carried.

35 (d) That licenses be restored in the electorate. (Resolution D.)

And the voting-paper shall be in the form of Schedule Three.

When resolutions carried.

70. 68. (1) Resolution A or B of the last preceding section is
 carried if a majority in number of the votes given is in favour of any
 40 such resolution. What majority is required for carrying resolutions. (2)

Liquor (Amendment).

(2) Resolution C is carried if three-fifths at least in number of the votes given is in favour of that resolution: Provided that where less than such number is so given, the votes given in favour of resolution C shall be added to the votes given for resolution B.

5 (3) Resolution D is carried if three-fifths at least in number of the votes given is in favour of that resolution.

(4) Provided that resolution C or D shall not be carried unless thirty per centum or more of the number of electors on the electoral rolls for the electorate vote for such resolution.

10 *Effect of carrying resolutions.*

~~71.~~ 69. If any resolution is carried it shall be notified in the Gazette, and shall, subject to the provisions of this Act or the Principal Act, be given effect to within the electorate as follows, until altered by a subsequent vote:—

15 (a) If resolution A is carried, the number of licenses of the respective descriptions shall not exceed the number at the time of the taking of the vote.

20 (b) If resolution B is carried, the number of licenses of the respective descriptions at the time of the taking of the vote shall be reduced, and may be reduced to three-fourths of such number.

(c) If resolution C is carried, no licenses shall be granted, renewed, or transferred, and the provisions hereinafter in this Act provided shall have effect.

25 (d) If resolution D is carried, licenses may be granted, renewed, and transferred, but so that the number of licenses shall not be greater than the number held when the resolution C was carried in the electorate, nor less than half such number.

30 (e) If resolution D is not carried, the resolution C previously carried shall continue to have effect until altered in pursuance of this Act.

The enforcing of resolutions B and C.

~~72.~~ 70. (1) For the purpose of effecting a reduction under this Act of the number of licenses in an electorate, a special court shall be constituted.

(2) A district court judge appointed by the Governor shall be a member of and shall preside at each such court, and such court shall be duly constituted if the said judge and one other member is present.

40 (.) Where two or more licensing courts have jurisdiction at some place or places within the electorate, the chairmen of such licensing courts shall be members of the special court for the electorate.

(4) Where but one licensing court has jurisdiction within the electorate, the Governor shall appoint the chairman of such court and one or more stipendiary or police magistrates to be members of the special court for the electorate.

Liquor (Amendment).

73. 71. (1) Each such special court shall be a court of record, with power to make all general and other rules necessary for the conduct of its business, and for the enforcing of its orders and adjudications. Court to be of record.

(2) The judge presiding at any such court may take, administer, and cause to be taken and administered, oaths, declarations, and affirmations in any matter within its jurisdiction. Power to administer oaths.

(3) The provisions of section seven of the Principal Act relating to a licensing court, and its chairman, and its proceedings, and to persons summoned to attend as witnesses, shall apply respectively to the special court aforesaid, and the judge presiding thereat and its proceedings, and to persons summoned to attend as witnesses at such court. Application of s. 7 of Principal Act.

(4) Any member of such special court, or any person authorised by it in writing, may enter any licensed premises at any time by day or night. Admittance to licensed premises by court or authorised person.

If admittance to such premises be refused or unreasonably delayed, after demand made by such member or person as aforesaid, the licensee of such premises, and every person who wilfully refuses or delays such admittance, shall be liable to a penalty not exceeding fifty pounds.

(5) The determination of any such special court shall be final and conclusive. Determination of court final.

74. 72. (1) Where resolution B is carried, the special court having jurisdiction within the electorate shall— Resolution B, how given effect to.

(a) determine the reduction to be made in the number of the existing licenses of the respective descriptions, exclusive of those which, under a previous vote, will cease to be in force at the expiration of the prescribed period, ~~or registered club~~;

Provided that—

(i) Where such number exceeds twelve, and is less than twenty-four such number shall be reduced by at least two.

(ii) Where such number is twenty-four or more, but is less than thirty-six, such number shall be reduced by at least three.

(iii) Where such number is thirty-six or more, such number shall be reduced by at least four.

(b) for the purpose of the said reduction, cause a classification of the licensed premises to be made as hereinafter provided;

(c) make the reduction by declaring that certain specified licenses of each description shall cease to be in force.

(d) notify in the Gazette its determination, and give notice to the licensees affected thereby.

Liquor (Amendment).

(2) The classification shall include licensed premises as to which the following conditions or any of them apply:—

Classification of premises.

- (a) There have within the three years next preceding the taking of the vote been either two convictions for one of the following offences or one conviction for two of such offences made against the same or different licensees of the same premises, that is to say,—
 - (i) selling or ~~allowed~~ **allowing** to be sold any liquor to persons under the age of eighteen years or to prohibited persons;
 - (ii) selling or allowing to be sold liquor to persons in a state of intoxication;
 - (iii) allowing gaming to be carried on on the premises;
 - (iv) permitting the premises, or any portion thereof, to be used for purposes of prostitution;
 - (v) permitting drunkenness on the premises;
 - (vi) letting or subletting any bar or **the right to sell liquor** on the premises;
 - (vii) **selling liquor in prohibited hours**;
- (b) there has within the said three years been a conviction of any licensee of the premises for any one of the said offences;
- (c) it is proved that the business in the premises is so badly conducted as to be a serious inconvenience to persons requiring accommodation or a nuisance to neighbours, or that the premises are insufficiently provided with proper sanitary conveniences.

(3) In carrying out the said reduction the special court, in determining what licenses shall cease to be in force, shall—

Order of reduction of licenses to which paragraphs (a), (b), and (c) apply.

- (a) consider the convenience of the public and the requirements of the several localities in the electorate;
- (b) subject to the above consideration, deal in the first place with the licenses of premises to which paragraph (a) of the last preceding subsection applies, and in the second and third places respectively with those to which paragraphs (b) and (c) of such subsection respectively apply.

(4) The licenses of premises to which paragraph (a) of subsection two of this section applies, shall cease to be in force at the expiration of such period not being less than six nor greater than twelve months from the date of the vote as the court may fix.

Other licenses.

The licenses of premises to which paragraph (b) or paragraph (c) of the said subsection applies shall cease to be in force at the expiration of such period, not being less than one nor greater than two years from the date aforesaid as the court may fix.

If, after giving effect to the provisions of this section relating to premises to which paragraphs (a), (b), and (c), aforesaid apply, the desired reduction of the number of licenses has not been made, the special

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special court may apply the reduction to other premises. In such case the licenses of such other premises may be renewed from time to time, but shall cease to be in force at the expiration of three years, counting from the date of the notification in the Gazette of the determination of the special court as to the reduction:

Provided that where such special court finds that **any of such** other premises are held under a written lease, or written agreement for a lease, which existed on the twenty-fourth day of August, one thousand nine hundred and five, and which at the date of the notification of the determination of the court has more than three years to run, the license of such premises shall not under this section cease to be in force until the determination of the lease, **or of the period for which such agreement is to have effect**, or the expiration of eight years from the commencement of this Act, whichever event happens first; and if the said court finds that the said premises were on the ~~first day of~~ **September, twenty-fourth day of August**, one thousand nine hundred and five, and on the date of the notification of the determination of the court, owned by the licensee, the license of such premises shall not under this section cease to be in force until the expiration of the eight years abovementioned:

Provided further that nothing in this subsection shall prevent the refusal of the renewal or the cancellation or the forfeiture of a license or the disqualification of premises for any lawful cause.

Unless the said lease or agreement ~~shall have been duly stamped~~ without fine within the period provided by law and shall have been registered in the Registrar-General's office prior to the first day of December, one thousand nine hundred and five, **or the indenture executed in pursuance of such agreement, whenever executed, has before the thirty-first day of December, one thousand nine hundred and five, been registered in the proper office or department of the Registrar-General, and in the case of a lease or agreement executed before the thirteenth day of December, one thousand nine hundred and four, has been stamped before the fourteenth day of December, one thousand nine hundred and five, and in the case of a lease executed after the thirteenth day of December, one thousand nine hundred and four, has been stamped within the period within which it may lawfully be stamped without fine, the licensee shall be excluded from the benefit of any extension of time beyond the three years first abovementioned.**

(5) In any such proceedings as aforesaid by a special court—
 (a) classifying licensed premises; or
 (b) declaring that licenses shall cease to be in force,

Right to appear before court.

any person who may be directly affected by the determination of the court in such proceedings may appear before the court and shall be heard.

Liquor (Amendment).

75. 73. (1) If resolution C is carried it shall take full effect within the electorate at the expiration of three years from the date of the vote : Resolution C, how given effect to.

5 Provided that, on the vote being carried, a classification of licensed premises shall be made by the special court, as in the last preceding section provided, and the licenses of premises as to which paragraphs (a), (b), and (c) of subsection two of that section apply shall cease to be in force at the expiration of the respective periods fixed by the special court in accordance with that section.

10 Provided further that where such special court finds that any premises to which paragraphs (a), (b), or (c) do not apply as aforesaid are held under a written lease or written agreement for a lease which existed on the twenty-fourth day of August, one thousand nine hundred and five, and which at the date of the notification of the
15 determination of the court has more than three years to run, the license of such premises shall not, under this section, cease to be in force until the determination of the lease, or of the period for which such agreement is to have effect, or the expiration of eight years from the commencement of this Act, whichever event happens first ; and if
20 the said court finds that the said premises were on the twenty-fourth day of August, one thousand nine hundred and five, and on the date of the notification of the determination of the court, owned by the licensee, the license of such premises shall not, under this section, cease to be in force until the expiration of the eight years abovementioned :

25 Provided further that nothing in this section shall prevent the refusal of the renewal or the cancellation or the forfeiture of a license or the disqualification of premises for any lawful cause.

Unless the said lease or agreement shall have been duly stamped without fine within the period provided by law and shall have been registered in the Registrar-General's office prior to the first day of December, one thousand nine hundred and five, or the indenture executed in pursuance of such agreement, whenever executed, has before the thirty-first day of December, one thousand nine hundred and five, been registered in the proper office or department of the Registrar-General,
30 and in the case of a lease or agreement executed before the thirteenth day of December, one thousand nine hundred and four, has been stamped before the fourteenth day of December, one thousand nine hundred and five, and in the case of a lease executed after the thirteenth day of December, one thousand nine hundred and four, has been stamped
35 within the period within which it may lawfully be stamped without fine, the licensee shall be excluded from the benefit of any extension of time beyond the three years in the last preceding section mentioned.
40

Liquor (Amendment).

(2) When such resolution so takes effect, all licenses of every description within the electorate shall cease to be in force, and thereupon, and until licenses are restored in the electorate, the following provisions shall apply :—

- 5 (a) The provisions of the Principal Act and this Act relating to the sale of liquor without a license shall apply to the sale, supply, barter, or other disposal of liquor.
- (b) Provided that nothing in this section shall be held to prohibit the sale of methylated spirits for use in the arts or manufactures, or to prohibit the sale of liquor for medicinal use, subject to the following conditions :—
 - 10 (i) That such sale of liquor for medicinal use is by a pharmacist, registered under the Pharmacy Act, 1897, on the prescription of a duly qualified medical practitioner.
 - 15 (ii) That the bottle or other vessel containing the liquor is distinctly labelled with the words "intoxicating liquor," and the name and address of the seller.
- (c) If any person supplies liquor otherwise than as herein provided, he shall be liable to a penalty not exceeding
20 thirty pounds.

(3) This section shall not apply to sales by brewers of liquor or makers of wine, being their own manufacture, to persons not residing or carrying on business within the electorate to which the vote applies, and to be delivered beyond the limits of such electorate.

25 ~~76.~~ 74. (1) Where, in pursuance of a vote under this Part, the license of any premises ceases to be in force, the following provisions shall apply :—

Provisions applicable as between lessor and lessee where license ceases to be in force.

- (a) If any of the conditions set out in paragraph (a) of subsection two of section seventy-four apply to such premises, the lessor
30 may, within fourteen days after the license ceases to be in force, give to the lessee written notice of the determination of the lease at the expiration of fourteen days from such notice, and the same shall thereupon determine as by effluxion of time.
- 35 (b) In any other case, the lessee may within fourteen days after the license ceases to be in force give to the lessor written notice that he desires to have the rent of the premises fixed by arbitration.

40 On such notice being given, the said rent shall be fixed under the Arbitration Act, 1902, by two arbitrators appointed by the lessor and lessee respectively, who may appoint an umpire, and shall, from the date when the license ceases to be in force, and during the currency of the lease, be the rent payable thereunder in respect of the premises.

Liquor (Amendment).

(2) In this section—

“Lessee” includes an assignee of a lease and a sub-lessee;

“Lessor” includes the person for the time being entitled to the rent of the premises.

5

Manner of taking the vote.

~~77.~~ **75.** The following provisions shall apply to the taking of a vote Provisions for
under this Part:— voting.

- (a) The vote shall in each electorate be taken at the polling-places appointed for the general election.
- 10 (b) Every elector is qualified to vote, but may vote for one resolution only.
- (c) The electoral officer appointed for a polling-booth shall conduct the taking of the vote therein.
- 15 (d) The manner of voting shall be similar to that followed in the election of members to serve in the Legislative Assembly, but the voting paper shall be marked as prescribed thereon.
- (e) Sections eighty-nine, ninety, ninety-one, one hundred and two, one hundred and seven, one hundred and eight, and one hundred and nine of the Parliamentary Electorates and Elections Act, 1902, shall mutatis mutandis apply to the taking of a vote under this Part.
- 20 (f) The votes given shall be placed in a separate box, and shall be counted by the officer presiding at the booth in the presence of the poll-clerks (if any).
- 25 (g) a voting paper is invalid if—
 - (i) the elector has voted for more than one resolution; or
 - (ii) the voting paper is not endorsed with the initials of the officer presiding at the polling-booth.
- (h) The result of the voting shall be notified by the returning officer in the Gazette.
- 30

~~78.~~ **76.** If in any electorate a vote of electors under this Part is for any reason void, the Governor may appoint a day and places for taking the vote in such electorate, and may appoint officers and make necessary arrangements for the purpose of such vote being taken. Provisions where vote is void.

35 ~~79.~~ **77.** If it is proved to the Governor that a club, is used bona fide for residential purposes, or mainly for the purpose of playing any athletic game or sport approved by the Minister, and is carried on during the day time in the open air, he may by proclamation exempt such club, and any building used in connection therewith, from all the provisions of the Principal Act, and this Act, other than those relating to the payment of an annual registration fee, having been established before the first day of November, one thousand nine hundred and five,—

(a) is used bona fide for residential purposes; or

(b)

Governor may exempt residential and athletic clubs.

Liquor (Amendment).

- (b) is used mainly for the purpose of playing or promoting any athletic game or sport approved by the Minister, and carried on during the day time in the open air; or
- (c) is an association established at any time as a limited company under section fifty-two of the Companies Act, 1899;
- the Governor may by proclamation exempt such club, and any building used in connection therewith, from all the provisions of the Principal Act, and this Act, other than those relating to registration and to the payment of an annual registration fee.

The Governor may by proclamation revoke any such exemption.

Regulations.

80. 78. The Governor may make regulations for carrying out the provisions of this Part, and may in such regulations impose any penalty not exceeding twenty pounds for the breach of the same.
- Any such penalty may be recovered before two justices.

SCHEDULES.

SCHEDULE ONE.

- 20 Subsection eleven of section five.
Subsection five of section thirteen.
Section twenty-two.
Paragraph (a) of subsection one of section twenty-one.
Section thirty-five.
- 25 Subsection five of section thirty-nine.
Section forty-eight.
Section sixty-three.
Sections eighty-four, eighty-five, eighty-six, and eighty-seven.
Seventh Schedule.

SCHEDULE

Liquor (Amendment).

SCHEDULE TWO.

LIQUOR (AMENDMENT) ACT, 1905.

LOCAL OPTION VOTE.

	I vote that the number of licenses existing in the electorate continue.	☐
5	I vote that the number of licenses existing in the electorate be reduced.	☐
	I vote that no licenses be granted in the electorate.	☐

Indicate your vote by making a cross in the square opposite the resolution for which you vote.

SCHEDULE THREE.

LIQUOR (AMENDMENT) ACT, 1905.

LOCAL OPTION VOTE.

10	I vote that licenses be restored in the electorate.	☐
	I vote that licenses be not restored in the electorate.	☐

15 Indicate your vote by making a cross in the square opposite the resolution for which you vote.

3-10-64 (10-10-64)

RESEARCH TWT

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LIQUOR (AMENDMENT) BILL.

SCHEDULE of the Amendments referred to in Message of 6th December, 1905.

- Page 2, clause 3, line 4. *After* "repealed" *insert* "subject to the provisions hereinafter contained"
- Page 3, clause 8, line 11. *Omit* "native" *insert* "person belonging to any"
- Page 3, clause 8, line 18. *Omit* "native" *insert* "person belonging to any"
- Page 4, clause 12, line 8. *Before* "violent" *insert* "indecent"
- Page 4, clause 16, line 38. *After* "his" *insert* "licensed"
- Page 4, clause 16, line 40. *Omit* "his" *insert* "the said"
- Page 6, clause 19, line 1. *After* "behalf" *insert* "or any member of the police force of or above the
"rank of senior-constable"
- Page 7, clause 21, line 7. *After* "bar" *insert* "or the right to sell liquor"
- Page 9, clause 30, line 39. *Before* "on" *insert* "or indecent conduct"
- Page 10, clause 32, lines 33 and 34. *Omit* "the tenant by whom the offence was committed held under a
"contract made prior to the commencement of this Act, and that" *insert* "either because of
"the provisions of a lease made prior to the first day of December, one thousand nine
"hundred and five, or because of the provisions of any Act of Parliament"
- Pages 11 and 12, clause 35. *Omit* clause 35.
- Page 12, clause 40. *Omit* clause 40.
- Page 14, clause 47. 45, lines 39 and 40. *Omit* "and no bar shall be allowed on club premises for the sale
"of liquor"
- Page 15, clause 47. 45, lines 2 and 3. *Omit* "and no liquor shall be sold or supplied to any person under
"that age"
- Page 15, clause 47. 45, line 5. *After* "club" *insert* "No liquor shall be sold or supplied to any person
"under twenty-one years of age"
- Page 15, clause 47. 45, line 12. *After* "section" *insert* "and of paragraph (c) of the last preceding
"section"
- Page 15, clause 48. 46, line 26. *Omit* "daily"
- Page 17, clause 53. 51, line 24. *Omit* "half a" *insert* "one"
- Page 17, clause 53. 51, line 27. *After* "objection" *insert* "when made by any person described in
"paragraph (c)"
- Page 17, clause 56. 54, line 44. *Omit* "thirtieth day of June" *insert* "thirty-first day of December"
- Page 18, clause 58. 56, line 27. *Omit* "ten" *insert* "five"
- Page 19, clause 60. 58, lines 4 and 5. *Omit* "the next meeting of the" *insert* "a"
- Page 19, clause 61. 59, line 34. *Omit* "same" *insert* "club"
- Page 19, clause 61. 59. At end of clause *add* "(3) Provided that with respect to any club which was
"formed before the first day of November, one thousand nine hundred and five, and was
"bona fide used on that day as a club, the operation of this section, and the repeal by
"this Act of subsection five of section thirteen of the Principal Act, shall not take effect
"until the first day of March, one thousand nine hundred and six"
- Page 20, clause 63. 61, line 30. *After* "full" *insert* "occupations"
- Page 20, clause 63. 61, line 34. *Omit* "the inspector" *insert* "any member of the Licensing Court"
- Page 21, clause 66. 64, line 20. *Before* "licenses" *insert* "publicans' or colonial wine"
- Page 21, clause 66. 64, line 23. *Omit* "including conditional licenses"
- Page 21, clause 66. 64. At end of clause *add* "including therein conditional licenses, and applications
"pending for licenses of premises in respect of which publicans' or colonial wine licenses
"were held within four months before the commencement of this Act."
- "The number of clubs in an electorate shall not at any time exceed the number of
"clubs formed before the first day of November, one thousand nine hundred and five,
"and bona fide used on that day as clubs, and registered under this Act on or before the
"first day of March, one thousand nine hundred and six"
- Page 22, clause 67. 65, lines 1 and 2. *Omit* "persons in support of and in opposition to the petition"
insert "evidence"
- Page 22, clause 67. 65, lines 9 and 10. *Omit* "at the commencement of this Act" *insert* "as specified in
"the last preceding section"
- Page 23, clause 71. 69, line 20. *After* "and" *insert* "in each case"
- Page 24, clause 74. 72, line 26. *After* "licenses" *insert* "of the respective descriptions"
- Page 24, clause 74. 72, line 28. *Omit* "or registered club"

- Page 25, clause ~~74~~ **72**, line 8. *Omit "allowed" insert "allowing"*
- Page 25, clause ~~74~~ **72**, line 16. *After "bar" insert "or the right to sell liquor"*
- Page 25, clause ~~74~~ **72**. *After line 16 insert "(vii) selling liquor in prohibited hours"*
- Page 26, clause ~~74~~ **72**, line 6. *After "that" secondly occurring insert "any of"*
- Page 26, clause ~~74~~ **72**, line 12. *After "lease" insert "or of the period for which such agreement is
"to have effect"*
- Page 26, clause ~~74~~ **72**, lines 15 and 16. *Omit "first day of September" insert "twenty-fourth day of
"August"*
- Page 26, clause ~~74~~ **72**, line 18. *After "licensee" insert "or that the licensee was on such dates the
"manager for the owner"*
- Page 26, clause ~~74~~ **72**, lines 25 to 28. *Omit "shall have been duly stamped without fine within the period
"provided by law and shall have been registered in the Registrar-General's Office prior to the
"first day of December, one thousand nine hundred and five" insert "or the indenture
"executed in pursuance of such agreement whenever executed, has before the thirty-first
"day of December, one thousand nine hundred and five, or within such extended time,
"not exceeding fourteen days, as the Governor may allow, been registered in the
"Department of the Registrar-General, and in the case of a lease or agreement
"executed before the thirteenth day of December, one thousand nine hundred and four,
"has been stamped before the fourteenth day of December, one thousand nine hundred
"and five, and in the case of a lease executed after the thirteenth day of December, one
"thousand nine hundred and four, has been stamped within the period within which it
"may lawfully be stamped without fine"*
- Page 27, clause ~~75~~ **73**, line 1. *After "take" insert "full"*
- Page 27, clause ~~75~~ **73**, line 11. *After "premises" insert "to which paragraphs (a), (b), or (c) do not
"apply as aforesaid"*
- Page 27, clause ~~75~~ **73**, line 17. *After "lease" insert "or of the period for which such agreement is to
"have effect"*
- Page 27, clause ~~75~~ **73**, line 23. *After "licensee" insert "or that the licensee was on such dates the
"manager for the owner"*
- Page 27, clause ~~75~~ **73**, lines 29 to 32. *Omit "shall have been duly stamped without fine within the period
"provided by law and shall have been registered in the Registrar-General's Office prior to the
"first day of December, one thousand nine hundred and five" insert "or the indenture executed
"in pursuance of such agreement whenever executed, has before the thirty-first day of
"December, one thousand nine hundred and five, or within such extended time, not
"exceeding fourteen days, as the Governor may allow, been registered in the Depart-
"ment of the Registrar-General, and in the case of a lease or agreement executed
"before the thirteenth day of December, one thousand nine hundred and four, has been
"stamped before the fourteenth day of December, one thousand nine hundred and five,
"and in the case of a lease executed after the thirteenth day of December, one thousand
"nine hundred and four, has been stamped within the period within which it may
"lawfully be stamped without fine"*
- Page 28, clause ~~75~~ **73**, line 12. *After "sale" insert "of liquor for medicinal use"*
- Page 28, clause ~~75~~ **73**, line 22. *After "liquor" insert "or makers of wine"*
- Page 28, clause ~~75~~ **73**. *At end of clause add "(4) For the purposes of this and the last preceding
"section any lease or agreement (including a lease under the Real Property Act) if
"registered in the office of the Registrar-General, pursuant to the provisions of the Act
"No. 22 of 1897, shall be deemed to be sufficiently registered."*
- Page 29, clause ~~79~~ **77**, line 41. *Omit "it is proved to the Governor that"*
- Page 29, clause ~~79~~ **77**, line 41. *After "club" insert "having been established before the first day of
"November, one thousand nine hundred and five,—(a)"*
- Page 30, clause ~~79~~ **77**, line 1. *Before "mainly" insert "(b) is used"*
- Page 30, clause ~~79~~ **77**, line 2. *Omit "is"*
- Page 30, clause ~~79~~ **77**, line 3. *Omit "he" insert "or (c) is an association established at any time
"as a limited company under section fifty-two of the Companies Act, 1899; the Governor"*
- Page 30, clause ~~79~~ **77**, line 9. *After "to" insert "registration and to"*
- Page 30, clause ~~79~~ **77**. *At end of clause add "The Governor may by proclamation revoke any such
"exemption"*

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 1 November, 1905. }*

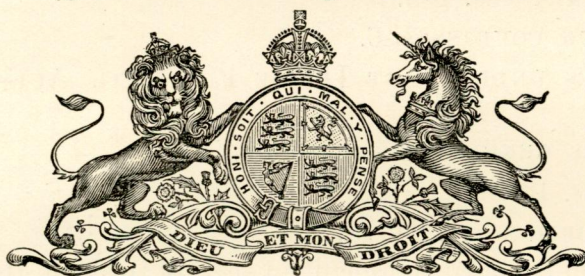
*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 6th December, 1905. }*

*JOHN J. CALVERT,
Clerk of the Parliaments.*

New South Wales.



ANNO QUINTO

EDWARDI VII REGIS.

Act No. , 1905.

An Act to amend the law relating to the supply of intoxicating liquor ; to regulate the supply of liquor by clubs ; to make better provision for the exercise of local option with regard to the supply of intoxicating liquor ; to amend the Liquor Act, 1898 ; and for other purposes consequent thereon and incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5

PART I.

PRELIMINARY.

1. This Act may be cited as the "Liquor (Amendment) Act, Short title. 1905," and shall be construed with the Liquor Act, 1898, hereinafter referred to as the Principal Act.

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NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter.

Liquor (Amendment).

2. This Act shall come into force on the first day of January, one thousand nine hundred and six. Commencement of Act.

3. The enactments of the Principal Act mentioned in Schedule One are to the extent there indicated repealed, **subject to the provisions hereinafter contained**, as from the commencement of this Act, and sections twenty-eight and twenty-nine of the said Act are repealed as from the day of the vote at the Parliamentary general election next following such commencement. Repeal.

4. This Act is divided into Parts, as follows :—

Division of Act.

10 PART I.—PRELIMINARY—ss. 1-5.

PART II.—LICENSING COURTS—s. 6.

PART III.—LICENSES UNDER PART III OF PRINCIPAL ACT—ss. 7-24.

PART IV.—LICENSES GENERALLY—ss. 25-41.

15 PART V.—CLUBS—ss. 42-62.

PART VI.—LOCAL OPTION—ss. 63-78.

5. (1) The definition of spirit merchant in section three of the Principal Act is repealed, and the following is substituted in its place— Definition of "spirit merchant" and "near relative or connection."

20 "Spirit merchant" means any vendor or exhibitor for sale in any shop or premises of liquor in quantities at any one time of not less than two gallons of the same description of liquor; but does not include a licensed auctioneer or broker selling or offering for sale any liquor on account of another person.

(2) "Near relative or connection" means wife, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, half-brother, step-brother, sister, half-sister, step-sister, father, step-father, mother, step-mother, father-in-law, or mother-in-law.

PART II.

LICENSING COURTS.

30 6. In addition to the disqualifications mentioned in paragraph four of section five of the Principal Act, a person shall be disqualified from being appointed or holding office as a member of a licensing court if any of his near relatives or connections is the holder of any license granted in respect of any premises situate in the licensing Disqualification of member of licensing court.
35 district for which such licensing court is proposed to be or is appointed, or is beneficially interested in any trade or calling exercised under any license so granted.

Any person so disqualified who knowingly and wilfully acts as a member of such court shall be guilty of a misdemeanour.

PART

Liquor (Amendment).

PART III.

LICENSES UNDER PART III OF PRINCIPAL ACT.

7. The provisions of this Part relate to licenses and licensees Application of Part, and licensed premises under Part III of the Principal Act.

5 *The supplying of liquor.*

8. (1) Any licensee who on his licensed premises gives, sells, Unlawful supply of or supplies, or allows to be given, sold, or supplied, except in case of liquor by licensee. sickness or accident, any liquor to—

- 10 (a) any person under the age of eighteen years ;
(b) any aboriginal native of Australia ; or
(c) any native person belonging to any of the coloured races of the South Pacific Islands,

shall be liable to a penalty not exceeding ten pounds.

15 (2) Any person, other than the licensee, who on any licensed premises supplies, except in case of sickness or accident, any liquor to — Unlawful supply by other persons.

- (a) any person under the age of eighteen years ;
(b) any aboriginal native of Australia ;
(c) any native person belonging to any of the coloured races of the South Pacific Islands ;

- 20 (d) any person then in a state of intoxication ;
(e) any prohibited person ; or
(f) any person who is not lawfully entitled to be supplied with liquor, shall be liable to a penalty not exceeding ten pounds.

25 (3) In any prosecution for an offence under the two last preceding subsections alleged to have been committed in relation to a person under the age of eighteen years, it shall be a sufficient defence if the accused proves that such person was apparently above such age.

30 (4) For the purposes of this section, the expression "aboriginal native of Australia" means any full blooded aboriginal native of Australia, and any person apparently having an admixture of aboriginal blood who— Definition of "aboriginal native of Australia."

- (a) is in receipt of rations or other aid from the Aborigines Board ; or
35 (b) is residing on a reserve granted for the use of aboriginal natives of Australia.

9. Any person who sends a person under the age of fourteen years to licensed premises for the purpose of obtaining any liquor shall be liable to a penalty not exceeding forty shillings. Sending person under age of fourteen for liquor.

40 10. If any person under the age of seventeen years is for any purpose in the bar of any licensed premises the licensee of such premises shall forthwith remove or cause to be removed such person from the bar. Person under seventeen not allowed in bar.

Any licensee who fails to comply with the provisions of this section shall be liable to a penalty not exceeding two pounds.

Liquor (Amendment).

11. If any person against whom a prohibition order under section fifty-two of the Principal Act is in force enters or is found in the bar of any licensed premises, except for some lawful purpose, he shall be liable to a penalty not exceeding five pounds.

Prohibited person not allowed on licensed premises.

5 Any licensee of such premises who knowingly permits such person to be or remain in such bar shall be liable to a penalty not exceeding ten pounds.

12. If any licensee permits drunkenness or any indecent, violent, quarrelsome, or riotous conduct to take place on his licensed premises he shall be liable for the first offence to a penalty not exceeding five pounds and for the second or any subsequent offence to a penalty not exceeding twenty pounds.

Permitting drunkenness or riotous conduct on premises.

Where any licensee is charged with permitting drunkenness on his licensed premises, and it is proved that any person was drunk on his premises, it shall lie on the licensee to prove that he and the persons employed by him took all reasonable steps to prevent drunkenness on the premises.

13. If any licensee allows any female under the age of twenty-one years, other than his wife or daughter, to sell, supply, or serve liquor in any bar in his licensed premises, he shall be liable for every such offence to a penalty not exceeding five pounds.

Barmains under age of twenty-one.

Premises used for prostitution.

14. If any licensee permits his licensed premises, or any portion thereof, to be used for purposes of prostitution, he shall be liable to a penalty not exceeding ten pounds.

Penalty for permitting premises to be used for prostitution.

Sanitary provisions.

15. (1) Every licensee shall—

- (a) cause his licensed premises to be furnished with proper sanitary appliances sufficient for any lodgers or inmates of the premises;
- (b) maintain such appliances and any room or place in which they are in a good sanitary condition;
- (c) keep his licensed premises free from offensive or unwholesome matters.

Duties of licensee as to sanitary matters.

35 (2) Any licensee who fails to carry out the provisions of this section shall be liable to a penalty not exceeding ten pounds.

Penalty.

Times of selling.

16. (1) No licensee shall keep his licensed premises open for the sale of liquor, or shall sell any liquor, or permit the same to be consumed, on his the said premises—

Times when premises may not be open for sale of liquor.

(a) upon any Sunday;

(b)

Liquor (Amendment).

- (b) upon any Good Friday or Christmas Day, except for the sale between the hours of seven and nine in the morning, and of one and three in the afternoon, and of eight and ten at night, of liquor not to be consumed on the premises;
- 5 (c) upon any day upon which any election of Members of the Senate or of the House of Representatives of the Parliament of the Commonwealth or of the Legislative Assembly of New South Wales is being held, during the hours when votes may be recorded at such election:
- 10 Provided that in the case of a bye-election this paragraph shall apply only to licensed premises situate within the electorate in respect of which such bye-election is being held.
- 15 (d) upon any other day except between the hours of six in the morning and eleven at night:
- (2) Provided that nothing in this section shall relate to—
- (a) the sale or consumption of liquor to or by any bona fide lodger, servant, or inmate, if the liquor is not drunk at the public bar of the licensee's premises; or
- 20 (b) the sale or consumption of liquor to or by any bona fide traveller at such bar or elsewhere on such premises.
- (3) Every licensee who offends against the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.
- 25 (4) Every separate sale in contravention of the provisions of this section shall be a separate offence.
- (5) So much of sections sixty-four, sixty-five, sixty-six, and sixty-seven of the Principal Act as relates to the provisions of section sixty-three of that Act shall apply to the provisions of this section.
- 30 **17.** (1) Every person, not being a bona fide lodger, servant, inmate, or traveller found drinking liquor in any licensed premises at any time when such premises should not be open for the sale of liquor, shall for every such offence be liable to a penalty not exceeding two pounds.
- 35 (2) Every person found on any such premises at any time when such premises should not be open for the sale of liquor, shall, unless he satisfies the court that he was at the time when he was so found a bona fide lodger, servant, inmate or traveller, or that his presence on such premises at such time was not in contravention of the provisions of this Act, be liable to a penalty not exceeding two pounds.
- 40 **18.** (1) In any prosecution for an offence against either of the two last preceding sections, any liquid shall be deemed to be liquor unless the contrary be proved.
- (2) In the construction of such sections a bona fide traveller shall have the meaning defined in section sixty-four of the Principal Act.

Proviso relating to lodgers, &c., and travellers.

Separate offences.

Incorporation of sections of Principal Act.

Person leaving premises during prohibited time with liquor in his possession.

Person found drinking liquor on premises during prohibited time.

Person on premises during prohibited time.

Proof in prosecution under two last sections.

Liquor (Amendment).

19. (1) Any member of the police force appointed in that behalf, Powers of police with respect to persons on licensed premises at prohibited times.
or any member of the police force of or above the rank of senior constable,
 may demand from any person found on any licensed premises at any
 time when such premises should not be open for the sale of liquor the
 5 name and address of such person, and if he has reasonable ground to
 suppose that the name or address so given is false, may require such
 person to produce evidence of the correctness of the name or address
 given by such person.

(2) If any such person, on demand being made as afore-
 10 said, refuses or neglects to give such name or address, or fails, without
 reasonable cause, to produce any such evidence as aforesaid, such
 member of the police force may without any warrant apprehend such
 person forthwith, and shall bring him before some justices as soon as
 practicable to be dealt with according to law.

(3) Every such person who, on demand being made as afore-
 15 said, refuses or neglects to give his name or address, or fails, without
 reasonable cause, to produce any such evidence as aforesaid, or gives a
 false name or address, or produces false evidence with respect to such
 name or address, shall be liable for every such offence to a penalty not
 20 exceeding two pounds.

(4) Every licensee, upon whose licensed premises any person
 is so found, shall, unless he proves to the satisfaction of the court
 or justices that such person was on such premises for a lawful purpose,
 be liable to a penalty not exceeding five pounds.

25 *Supply of meals and accommodation.*

20. If any person supplied with meals or accommodation at Meals and accommodation to be paid for.
 licensed premises, on demand of payment being made by the licensee
 of such premises, or by his servant or agent, refuses to pay a reasonable
 sum for such meals or accommodation, he shall be deemed a rogue and
 30 a vagabond and shall be liable to be dealt with as such under the
 Vagrancy Act, 1902.

Bars.

21. (1) No licensee shall sell or supply liquor in more than Only one bar, except by permission of court.
 one bar-room in or upon his licensed premises, unless he has obtained
 35 the permission of the court so to do. But the provisions of this
 subsection shall not apply to any person holding a publican's license at
 the commencement of this Act, until the expiration of six months
 from such commencement.

For the purposes of this section, a room divided into compartments
 40 by wooden partitions, approved by the licensing court, shall be one
 room if there are doors in the partition giving at all times direct
 access from one such compartment to another.

(2) Every applicant for such permission shall, with the Application.
 notice of his application, deposit with the clerk of the court the fee
 45 hereinafter mentioned, and deliver a plan showing the position of the
 proposed additional bar-room.

(3)

Liquor (Amendment).

(3) A fee of twenty pounds shall be paid annually in ^{Fee.} respect of every additional bar-room for which such permission is granted, in addition to the fee payable for a new license or renewal.

(4) No such additional bar-room shall be deemed to form ^{Additional bar not part of accommodation.} any part of the accommodation required by section twenty-four or section twenty-five of the Principal Act.

(5) No licensee shall let or sublet any bar **or the right to** ^{Subletting bar.} sell liquor on his licensed premises.

22. The following fees shall be paid annually for publicans' ^{Fees for publicans' licenses.} licenses—

- (a) ten pounds where the licensed premises are assessed by the licensing court of the district at an annual value of not more than fifty pounds;
- (b) twenty pounds where such premises are so assessed at an annual value of more than fifty pounds and not more than one hundred pounds;
- (c) an additional five pounds for every fifty pounds over one hundred pounds of such assessed annual value;
- (d) maximum license fee in any case of one hundred pounds.

20 *Reduction of licensing fee.*

23. If it appears to a quarterly licensing court that any ^{Reduction of fee.} premises in respect of which a publican's license is in force are actually required for the accommodation of travellers, and that such premises are not accessible by any practicable roadway to any other licensed premises situate within seven miles of such first-mentioned premises, such court may, if it thinks proper, reduce the fee payable for such license to one half of the prescribed fee, such fee in any case not being less than ten pounds. Such reduction shall take effect on the expiration of the license or the renewal of the same then current.

24. Where the fee payable for a publican's license has, before ^{Subsequent increase of fee.} or after the commencement of this Act, been reduced in pursuance of section twenty-two of the Principal Act, or of the last preceding section, and it subsequently appears to a quarterly licensing court that the reasons for such reduction or some of such reasons no longer exist in respect of the premises so licensed, the court may raise such fee to the full amount payable for such license. The fee so raised shall be payable on the expiration of the license or the renewal of the same then current.

Liquor (Amendment).

PART IV.

LICENSES GENERALLY.

Cancellation of licenses.

25. Upon the complaint of any inspector a licensing court
5 may summon any licensee to appear before such court and show cause
why his license should not be cancelled. Upon the appearance of such
licensee, or in his absence after being duly summoned, such court shall
proceed to hear and determine the matter of such complaint, and may
10 adjudge such license to be cancelled absolutely or for such period
(not being less in any case than twelve months) as the court may
determine.

Cancellation of
licenses.

The following provisions shall take effect for the purposes of
this section—

- 15 (a) every such summons shall be served upon the licensee not less
than fourteen days before the day appointed for the hearing
of the complaint, or if such licensee evades service thereof, or
is absent at the time of attempted service, it shall be sufficient
if the summons is posted up in a conspicuous place on his
20 licensed premises, or be left with any inmate thereof apparently
above the age of sixteen years, not less than seven days before
such appointed day ;
- (b) every such complaint shall be heard and determined at a special
sitting of the licensing court, provided that a quarterly
25 licensing court shall, if the provisions of the preceding
paragraph have been complied with, be competent to hear
and determine the same ;
- (c) the court, at the instance of the complainant or licensee may,
in its discretion, adjourn the hearing for any time not
exceeding fourteen days ;
- 30 (d) the names of all licensees whose licenses are cancelled under
this section, together with the particulars of their licenses
and licensed premises, shall be published in the Gazette
within fourteen days after such cancellation.

26. Upon any such complaint the court shall cancel a license
35 if the licensee is proved to have been before or after the commence-
ment of this Act convicted while being the holder of a license—

Grounds of
cancellation.

- (a) of felony or of any offence for which he has been sentenced to
imprisonment with hard labour ;
- 40 (b) of permitting his premises or any portion thereof to be used
for purposes of prostitution ;
- (c) three times within three years of any offence (whether of the
same or different kinds) against the Principal Act or this Act ;
- (d) of any offence which by any such Act is punishable by the
cancellation or forfeiture of the offender's license :

Provided

Liquor (Amendment).

Provided that if a license is liable to be cancelled only on the ground mentioned in paragraph (a) of this section, the court may (unless the premises are liable to be disqualified under this Act), on the application of the wife of the licensee or any of his family above the age of twenty-one years, or of the person for the time being entitled to receive the rents or profits of the licensed premises, transfer the license to such wife or to some member of the family, or to some other person approved by the court.

Proviso where licensee convicted of felony or misdemeanour.

27. If three previous convictions for offences (whether of the same or different kinds) under the Principal Act or this Act are proved to have been made before or after the commencement of this Act against a licensee within the three years next preceding, the licensing court shall declare and order such licensee to be, and he shall thereupon be, disqualified for a term of three years from holding any license whatever under the Principal Act or this Act.

Disqualification of licensee.

28. The following provisions shall apply to any proceedings under the two last preceding sections:—

Provisions applicable to two last preceding sections.

- (a) A conviction under section forty-four, ninety, ninety-five, or one hundred of the Principal Act or section fifteen of this Act shall not be reckoned as a conviction for an offence against the said Acts respectively;
- (b) A conviction may be proved by the certificate of the officer having the custody of the records of the court in which such conviction was had;
- (c) Nothing in the said sections shall prevent the infliction of any pecuniary penalty or forfeiture or cancellation of license or any term of imprisonment to which the licensee would otherwise be liable, or shall preclude the exercise of any power given by the Principal Act or this Act.

29. Any person whose license is cancelled, or who is declared disqualified under the above provisions, shall, during the continuance of such cancellation or disqualification, be deemed for all purposes as aforesaid to be disqualified. Every such cancellation and disqualification shall, during the full term thereof, enure and be operative for the respective purposes thereof throughout New South Wales.

Effect of cancellation or disqualification.

Disqualification of premises.

30. (1) If any licensee is convicted—

Disqualification of premises on conviction of licensee.

- (a) of any offence against section eight, or of permitting drunkenness or indecent conduct on his premises in contravention of section twelve of this Act; or
- (b) of any offence against section forty-six or section fifty-two of the Principal Act; or
- (c) of permitting his premises or any portion thereof to be used for purposes of prostitution; or

(d)

Liquor (Amendment).

(d) of any offence under the provisions of Part IX of the Public Health Act, 1902, relating to unwholesome or adulterated liquor, or under section one hundred and two or section one hundred and three of the Principal Act; or

5 (e) of any offence against section fifteen of this Act.

And if two previous convictions for any of such offences (whether of the same or different kinds) are proved to have been made after the commencement of this Act against him within the three years next preceding while licensee of the same premises, the court shall cancel
10 the license of the premises, and may disqualify such premises from being licensed for a period of two years.

(2) Where a licensee is convicted of any such offence the clerk of the court before which the conviction was held shall give
notice in writing thereof to the owner of the premises. Notice to owner of conviction.

15 **31.** If within any period of two years there have been made four convictions for any of the offences mentioned in the last preceding section (whether of the same or different kinds) against a licensee or against two or more successive licensees of the same premises, such premises may be disqualified from being licensed for two years from
20 the date of the last of such convictions. Disqualification for four offences in two years.

32. Where by order of a court any licensed premises are for any period disqualified to be licensed, the court shall cause the order to be served on the owner of such premises, where the owner is not occupier, together with a statement that a licensing court will be held
25 at a time and place therein specified, at which the owner may appear and appeal against such order on all or any of the following grounds only, and may in its discretion suspend the operation of the order disqualifying the premises until the hearing of the appeal:—

30 (a) That notice, as required by this Act, has not been served on the owner of a prior offence which, on the committing of a subsequent offence or subsequent offences, renders the premises liable to be disqualified as aforesaid;

35 (b) ~~That the tenant by whom the offence was committed held under a contract made prior to the commencement of this Act, and that~~ either because of the provisions of a lease made prior to the first day of December, one thousand nine hundred and five, or because of the provisions of any Act of Parliament, the owner could not legally have evicted the tenant in the interval between the receipt by him of notice of the next prior offence as aforesaid and the committing of the offence in respect of
40 which the disqualifying order was made; or

45 (c) That the offence in respect of which the disqualifying order was made occurred so soon after the receipt of such notice that the owner, notwithstanding he had legal power to evict the tenant, could not with reasonable diligence have exercised that power in the interval which occurred between the said notice and the subsequent offence.

If

Liquor (Amendment).

If the owner appears at the time and place specified, and satisfies the court that he is entitled to have the order cancelled on any of the grounds aforesaid, the licensing court shall thereupon direct such order to be cancelled, and the same shall be void.

5 **33.** (1) Where a licensee has neglected to give the notice prescribed in section thirty-eight of the Principal Act ten days prior to the holding of the licensing court appointed to be held next before the expiry of the license, or having given such notice neglects to apply to such court in pursuance thereof, the owner of the licensed
10 premises may give such notice not less than five days prior to the holding of such court, and the court may grant such renewal on the application of the said owner: Provided that the said court may grant such renewal although such last-mentioned notice has not been given, or has been given after the time prescribed as aforesaid.

Right of owner to give notice of application for renewal.

15 (2) Where such application is made by the owner, it shall not be necessary to produce the license of the premises.

(3) For the purposes of this section "owner," in cases where the occupier is not the owner, means the person entitled to the rent payable by the occupier.

20 **34.** Section five of the Principal Act is amended, as follows:—

Amendment of section 5 of Principal Act.

(a) Subsection eight is amended by inserting the words "or Minister" after the word "Governor" in that subsection.

(b) Subsection eleven is repealed, and in place thereof, the following provisions shall have effect—

25 (11) The Governor may appoint any person to be for such period as he specifies a deputy licensing magistrate of the court of a licensing district; and such deputy may, in the case of the death, removal, resignation, or absence of any licensing magistrate, exercise all the powers vested in, and shall perform all the duties cast upon a licensing magistrate
30 by this Act.

Deputy licensing magistrate.

35 The Governor may also appoint any person to act for such period as he specifies as a member of a licensing court during the absence of a member of such court or while such member is acting as deputy licensing magistrate.

40 **35.** If the licensed premises of any licensed publican are being wholly or partially rebuilt, or are undergoing repairs or alterations so as to render such premises unfit for the carrying on of his business, any licensing magistrate, upon application by or on behalf of such licensed publican, may, by order under his hand, authorise any such licensed publican to carry on his business in some neighbouring premises, although not having the accommodation required by the Act, for any period not exceeding six calendar months.

Premises undergoing repairs.

Any

Liquor (Amendment).

Any such temporary license, or any license granted under the provisions of section forty-two of the Principal Act, shall not be taken into consideration when estimating the number of licenses in an electorate for any purpose under Part VI of this Act.

5 36. 35. Section eleven of the Principal Act is amended as follows:— Amendment of section 11 of Principal Act.

(a) The proviso to the section is amended by omitting the words “as aforesaid,” and the notice to which those words refer shall be given by affixing the same on the outer door of the court-house or building in which the court is to be held.

10 (b) The following provision is hereby added to the said section:—
 “A quorum of a licensing court may, without notice of their sitting, hear and determine and deal with any matters which may be heard, determined, or dealt with by a licensing magistrate sitting alone.”

15 37. 36. Subsection four of section twenty-three of the Principal Act is amended by inserting the words “seventy-nine” in place of the words “eighty-one” in that subsection. Amendment of section 23 of Principal Act.

20 38. 37. Section twenty-six of the Principal Act is amended by inserting the words “or such further period not exceeding six months as the court may allow” after the words “twelve months” in that section. Amendment of section 26 of Principal Act.

25 39. 38. Section thirty-three of the Principal Act is amended by inserting the words “three months” in place of the words “twenty-eight days” in that section. Amendment of section 33 of the Principal Act.

~~40. Subsection five of section thirty-nine of the Principal Act is hereby repealed.~~ Repeal of subs. (5) of s. 39 of the Principal Act.

41. 39. Section forty-two of the Principal Act is amended as follows:— Amendment of section 42 of Principal Act.

30 (a) By inserting the words “or by dilapidations, or by reason that such premises are being repaired or rebuilt” after the words “or other calamity” in that section.

(b) By inserting “twelve months” in place of “six calendar months” in that section.

35 (c) By adding the following provision:—
 “Any owner or licensed publican desirous of making any material alterations or additions to his licensed premises shall apply to the court for permission to do so, and shall furnish the court with a properly drawn plan showing such alterations and additions proposed to be made; and if any such owner or licensee makes any material alterations or additions to his licensed premises without the permission of the court, the license shall be liable to cancellation.”

40 42. 40. Subsection four of section seventy-one of the Principal Act is amended by inserting the words “seventy-five” in place of “seventy-seven” in that subsection. Amendment of section 71 of Principal Act.

Liquor (Amendment).

43. 41. Section seventy-five of the Principal Act is amended by adding the following provision:—

“If a licensed spirit merchant sells liquor in quantities not authorised by his license, he shall be liable to a penalty not exceeding 5 ten pounds.”

Amendment of
section 75 of
Principal Act.

PART V.

CLUBS.

Preliminary.

44. 42. In this Part, unless the context requires another meaning—
- 10 “Inspector” means inspector for the licensing district within which the club premises are situate.
- “Registered club” means club registered under this part.
- “Register of members” means register of members of a registered club prescribed by this Part to be kept by the secretary.
- 15 “Secretary” includes any officer or other person performing the duties of secretary of a club.

Definitions.

Application of Principal Act and this Act.

45. 43. Sections forty-six, forty-seven, fifty-one, and fifty-two, and Part VI of the Principal Act, and sections eight to nineteen of this Act, shall apply to registered clubs governed by this Act.

Application of
certain sections of
the Principal and
this Act to registered
clubs.

In applying such enactments “club premises” shall be read for “licensed premises” and “secretary of the club” for “licensee” or “holder of a license under Part III of the Principal Act.”

Conditions of registration.

- 25 46. 44. No club shall be or continue to be registered under this Part unless all the following conditions exist with respect to it, namely:—
- (a) The club must be a bona fide association or company of not less than forty persons in the case of a club established at any place within a radius of fifteen miles from the General Post Office in Sydney, and not less than thirty persons in the case of a club established elsewhere.
- 30 (b) The club must be a body, association, or company, associated together for social, literary, political, sporting, athletic, or other lawful purpose.
- 35 (c) The club must be established for the purpose of providing accommodation for the members thereof and their guests, upon premises of which such association or company are the bona fide occupiers.
- (d)

Conditions of
registration of clubs.

Liquor (Amendment).

- (d) The accommodation must be provided and maintained from the joint funds of the club, and no persons must be entitled under its rules to derive any profit, benefit, or advantage from the club which is not shared equally by every member thereof.
- (e) The premises upon which the club is established must be suitable for the purposes of a club.
- (f) No payment or part payment of any secretary, manager, or other officer or servant of the club shall be made by way of commission or allowance from or upon the receipts of the club for drink supplied.
- (g) A register of members of the club for the time being shall be kept on the club's premises as hereinafter required.
47. 45. In order that any club may be eligible to be registered, the Provision to be made in rules of clubs.
- 15 rules of the club shall provide that—
- (a) the business and affairs of the club shall be under the management of a committee elected for not less than twelve months by the general body of members ;
- (b) the committee shall hold periodical meetings, and minutes of all resolutions and proceedings of such committee shall be entered in a book to be provided for that purpose ;
- (c) the names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least a week before their election, and an interval of not less than two weeks shall elapse between nomination and election of ordinary members ;
- (d) all members shall be elected by the general body of members, or by a general or an election committee, at a meeting or meetings duly convened, and a record shall be kept by the secretary of the club of the names of the members present and voting at such meetings ;
- (e) there shall be a defined subscription of not less than one pound per annum, payable by members quarterly, half-yearly, or annually in advance ;
- (f) correct accounts and books shall be kept, showing the financial affairs of the club and the particulars usually shown in books of account of a like nature.
- (g) a visitor shall not be supplied with liquor in the club premises unless on invitation and in the company of a member, ~~and no bar shall be allowed on club premises for the sale of liquor ;~~
- (h) no persons shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular subscription, except those possessing certain qualifications defined in the rules, and subject to conditions and regulations prescribed therein ;

(i)

Liquor (Amendment).

- 5 (i) no person under twenty-one years of age shall be admitted a member of the club, ~~and no liquor shall be sold or supplied to any person under that age~~: Provided that where the club is primarily devoted to some athletic purpose, there shall be no limitation of the age of a member of the club. **No liquor shall be sold or supplied to any person under twenty-one years of age.**

10 Provided that in the case of a club primarily devoted to some athletic purpose, the management of which is vested in trustees appointed by the Governor, such club shall, if the Governor so declares by proclamation in the Gazette, be exempted from compliance with the provisions of paragraphs (a), (c), and (d) of this section, **and of paragraph (c) of the last preceding section**, and such trustees shall for the purposes of this Act be deemed the elected committee of the club.

15 *Grant and renewal of certificates of registration.*

48. 46. (1) The secretary of any club desirous of obtaining a certificate of the registration of the club under this Act shall— a Notice of application for registration.

- 20 (a) at least fourteen days before applying for the same deliver to the clerk of the licensing court for the licensing district in which the premises of the club are situate a notice in writing, and in duplicate, signed by the secretary, in the form prescribed;

- 25 (b) publish a copy of such notice on one day in each week for at least two weeks preceding his application (and so that the last of such publications is not less than eight days before the time at which the application is to be made), in a daily newspaper published in the electorate, or if none is so published, then in a newspaper generally circulating in the electorate;

30 (2) Such application shall be accompanied by the following documents, namely:—

- (a) Two printed copies of all rules of the club, certified as correct under the hand of the secretary.
- 35 (b) A statement, verified by statutory declaration, of the names and addresses of bona fide members of the club at the date of the application.

49. 47. (1) The secretary of any club desirous of obtaining a renewal of its certificate of registration shall, at least ten days before applying for such renewal, deliver to the clerk of the licensing court a Notice of application for renewal. for the licensing district in which the premises of the club are situate a notice in writing, and in duplicate, signed by the secretary, in the form prescribed.

(2) Such notice shall be accompanied by the following documents, namely:—

- 45 (a) Two printed copies of all rules of the club, certified as correct under the hand of the secretary. (b)

Liquor (Amendment).

(b) A statement verified by statutory declaration of the number of bona fide members of the club at the date of the application.

50. 48. (1) Where application is made for the grant or renewal of any such certificate, the clerk of the licensing court shall forthwith forward a copy of such application to the inspector for inquiry and report; and on receipt of notice of any objection which may lawfully be taken as hereinafter in this Act provided shall forward a copy of the same to such inspector for inquiry and report, and to the secretary of the club.

Copy of application to be furnished to inspector.

(2) Such inspector, on receipt of any such notice if authorised in writing by a stipendiary or police magistrate, shall inspect the premises of the club and the register of its members, and satisfy himself by proper inquiries that the particulars contained in the application are correct.

Inspection of club premises.

49. If on any application being made for the grant or renewal of any such certificate a notice of objection has not been duly given, the clerk of the licensing court shall grant or renew the certificate; but, if notice of objection is so lodged, the matter of the application shall be inquired into and dealt with by the court.

Application how dealt with.

50. (1) At the hearing of any such application, objections may be taken by any corporation or person hereinafter in this Act mentioned, upon one or more of the following grounds:—

Objections which may be taken to grant or renewal of certificate.

- (a) That the application made by the club, or the rules of the club, or any of them, are in any respect specified in such objection not in conformity with this Act.
- (b) That the club has ceased to exist, or that the number of members is less than forty or thirty, as the case may be, according to the locality in which the premises are situated.
- (c) That it is not conducted in good faith as a club, or that it is kept, or habitually used, for any unlawful purpose or mainly for the supply of liquor.
- (d) That there is frequent drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner.
- (e) That illegal sales of liquor have taken place in the club premises.
- (f) That persons who are not members are habitually admitted to the club premises merely for the purpose of obtaining liquor.
- (g) That the club occupies premises which have been disqualified, or of which the license has been cancelled, or the renewal thereof has been refused within twelve months next preceding the formation of the club.

(h)

Liquor (Amendment).

- (h) That the supply of liquor to the club is not under the control of members of the committee appointed by the members.
- (i) That any of the rules of the club are habitually broken.
- 5 (j) That the rules have been so changed as not to be in conformity with the provisions required by this Act to be embodied in the rules.
- (k) That persons are habitually admitted as members without an interval of at least two weeks' between nomination and election, contrary to the provisions of this Act.
- 10 (l) That the supply of liquor on the club premises is not under the control of the members or the committee, contrary to the provisions of this Act.
- (m) That any other specified provision of this Act has not been complied with.

15 (2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.

~~53.~~ 51. Any objection to the grant or renewal of any such certificate may be taken by— Who may take objection.

- 20 (a) an inspector;
- (b) the council of the municipality or other local government area within which the premises of the club are situate ;
- (c) any freeholder, leaseholder, or person residing on property situate within half a one mile from such premises if they are situate within a municipality, or within five miles from such premises if they are situate elsewhere.
- 25

The signatures to any such objection **when made by any person described in paragraph (c)** shall be witnessed by a justice or a member of the police force.

30 ~~54.~~ 52. When an application for the registration of a club is granted, a certificate of registration under the hand of the clerk of such court, in the form prescribed, shall be issued to the club. A fee of five pounds shall be paid in respect of the grant or renewal of such certificate for the first forty members of the club, and a further sum of one pound for every additional forty members or fraction thereof. Issue of certificate registration.

~~55.~~ 53. When any application for a certificate or renewal is refused, the chairman of the licensing court shall pronounce the decision in open court, and shall state the grounds of the refusal, and shall cause the same to be entered on the records of the court. Refusal of renewal.

40 *Duration of certificates and renewals.*

~~56.~~ 54. (1) Subject to this Act, every certificate of registration of a club shall commence and take effect from the date on which it is therein stated to commence, and shall, unless previously cancelled or suspended, be in force until and including the ~~thirtieth day of June~~ **thirty-first day of December** then next following. Duration of certificate.

Liquor (Amendment).

(2) A renewal shall be for twelve months from the day when the certificate or the next preceding renewal thereof expires.

Removals.

57- 55. (1) The premises of a registered club may be changed under Certificate of removal.
5 the authority of a certificate of removal.

When such club desires to remove from the premises occupied by it to any other premises, the secretary shall, at least fourteen days before applying for a certificate, deliver to the clerk of the licensing court a notice as nearly as may be in the form prescribed.

10 (2) If on any such application a notice of objection has Application, how dealt with.
not been duly given, the clerk of the licensing court shall issue the certificate of removal ; but if notice of objection is so given, the matter of the application shall be inquired into and dealt with by the court.

(3) The only objection that can be taken to any such appli- What objections may be taken.
15 cation shall be that the proposed premises are not suitable for a club :

(4) Provided that if the premises of a club are, by fire, Proviso where club premises accidentally destroyed.
tempest, or other calamity, or by dilapidations, or by reason that such premises are being repaired or rebuilt, rendered unfit for the purposes thereof, the club may, without application to the licensing authority,
20 remove to other premises, under its existing certificate, for any period not extending beyond the currency of the certificate. Notice of such removal and of the reason therefor shall, however, be forthwith given by the secretary to the clerk of the licensing court.

Notices to be given of objection.

25 58- 56. No objector shall be heard against any application unless Notice of objection.
notice of the objection has been given to the clerk of the licensing court and to the applicant at least ~~ten~~ five clear days before the time appointed for the hearing of the application to which such notice applies :

30 Provided that the court shall not be precluded from entertaining any objection which may arise during the hearing of an application, but the applicant shall then be entitled to an adjournment for such time, not less than three days, as the court thinks fit.

Hearing of applications.

59- 57. The licensing court shall hear the application and objections, Hearing of applications and objections.
35 and may order such inquiry as it thinks fit, and thereafter shall grant or refuse the application. Upon the grant of the application the court shall cause the entries required by this Act to be made in the register to be kept by the clerk of such court.

40 If, in the opinion of the court, any objection is frivolous or vexatious, the person making the objection shall, on the order of the court, be liable to pay the costs of the applicant in the proceedings.

Cancellation

Liquor (Amendment).

Cancellation of registration.

60. 58. (1) Upon the complaint of an inspector, made upon oath, a stipendiary or police magistrate may issue a summons to the secretary of any registered club calling upon him to show cause at the next meeting of the a licensing court why the certificate of registration of the club should not be cancelled on all or any of the grounds of objection which might have been taken as hereinbefore provided to the grant or renewal of a certificate. Summons to show cause against cancellation.

10 (2) Such summons shall be served at least ten days before the day appointed for the meeting at which the matter is to be heard. Service of summons.

If the secretary of any registered club cannot be found, or if there is no secretary, such summons may be served by affixing the same upon a conspicuous part of the premises of the club.

15 (3) The licensing court shall hear and determine the matter of such complaint, and may— Determination of court.

(a) cancel the certificate; or

(b) suspend the certificate until any conditions prescribed by this Act are complied with; or

20 (c) dismiss the complaint.

(4) The costs of the hearing and determination of every such matter shall be in the discretion of the licensing court. Costs.

(5) During the period of any such suspension as aforesaid the club shall be deemed to be an unregistered club. Suspension.

Unlawful sale of liquor.

25 61. 59. (1) If on the premises of an unregistered club any liquor is sold or supplied to any person, whether a member of such club or not, the person selling or supplying such liquor, and every person authorising such sale or supply, shall be liable to a penalty not exceeding fifty pounds; and for a second or subsequent offence, to imprisonment for any period not exceeding two months, or to a penalty not exceeding one hundred pounds, or to both. Sale on premises of unregistered club

35 (2) If any liquor is kept for sale or supply on the premises, every officer and member of the same club shall be liable to a penalty not exceeding ten pounds, unless he proves, to the satisfaction of the court, that such liquor was so kept without his knowledge or against his orders. Liquor kept for supply or sale.

40 (3) Provided that with respect to any club which was formed before the first day of November, one thousand nine hundred and five, and was bona fide used on that day as a club, the operation of this section, and the repeal by this Act of subsection five of section thirteen of the Principal Act, shall not take effect until the first day of March, one thousand nine hundred and six.

Inspection.

Liquor (Amendment).

Inspection.

62. 60. (1) If a stipendiary or police magistrate or chairman of a licensing court is satisfied, by complaint on oath, that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for the cancellation or suspension of the certificate of registration thereof, or that any liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any member of the police force named therein.

10 (2) A search warrant granted under this section shall authorise the member of the police force named therein to enter the club on any week-day or Sunday, at any time of the day or night, and to inspect the premises of the club to take the names and addresses of any persons found therein, and to seize any liquor kept for sale or supply as aforesaid, and the vessels containing the same, and any books and papers relating to the business of the club.

15 (3) If admittance to such premises is refused or unreasonably delayed to a member of the police force authorised as aforesaid, such member may break into the premises with such assistance as may be deemed requisite. Any person who refuses or wilfully so delays admittance as aforesaid shall be liable to a penalty not exceeding ten pounds.

20 (4) If any person in any registered club, entered by a member of the police force under this section, on being asked by such member his name or address, refuses or neglects to give such name or address, or wilfully gives a false name or address, he shall be liable to a penalty not exceeding five pounds.

Register of members of a club.

63. 61. The secretary of a registered club shall keep on the club premises a register of members, setting forth the names in full, occupations, and addresses of all members of the club, and the date of the latest payment by each member of his subscription. Such register shall be open at any time to the inspection of the inspector or any member of the police force authorised in writing by the inspector any member of the licensing court.

Any secretary who fails to keep such register containing the prescribed particulars, or who wilfully makes any false entry therein, or any secretary or other person who prevents or obstructs any such inspection as aforesaid, shall be liable to a penalty not exceeding fifty pounds.

Penalties.

64. 62. If the secretary of any club makes, in a statutory declaration, any statement which he knows to be false in any material particular, he shall be liable to imprisonment for a term not exceeding six months.

Liquor (Amendment).

PART VI.

LOCAL OPTION.

Preliminary.

65- 63. In this Part, unless the context requires another meaning,— Definitions.

5 "Elector" means person qualified to vote at a general election in the electorate.

"Electorate" means electoral district for the election of a Member to serve in the Legislative Assembly.

10 "General election" means Parliamentary general election for the return of Members pursuant to writs issued upon the dissolution or expiry of the Legislative Assembly.

"License" means publican's or colonial wine license and includes the registration of a club.

15 "Licensee" means holder of a publican's or colonial wine license, and includes the secretary of a registered club.

"Licensed" as applied to premises means premises in respect of which a publican's or colonial wine license is in force, and includes the premises of a registered club.

Maximum number of licenses.

20 66- 64. The number of publicans' or colonial wine licenses in an electorate shall not, except in pursuance of special authority granted as hereinafter in this Act provided, at any time exceed the number of licenses of the same description, ~~including conditional licenses,~~ in the electorate at the commencement of this Act, ~~including therein~~ 25 conditional licenses and applications pending for licenses of premises in respect of which publicans' or colonial wine licenses were held within four months before the commencement of this Act.

The number of clubs in an electorate shall not at any time exceed the number of clubs formed before the first day of November, one 30 thousand nine hundred and five, and bona fide used on that day as clubs, and registered under this Act on or before the first day of March, one thousand nine hundred and six.

67- 65. Where a petition is presented to the Governor asking that a license may be granted for certain specified premises, and such 35 petition is signed by a majority in number of the adult residents living in an area within a radius of one mile from the said premises, and it is shown by such petition that—

(a) there has been a large increase of population in the said area since the number of licenses in the electorate was fixed by 40 or under this Act, and that such increase of population is likely to be permanent;

(b) there are insufficient licensed premises to meet public requirements within such area;

45 (c) no transfer of an existing license to the premises specified in the petition has been applied for,

the Governor shall refer such petition for inquiry in open court by a licensing court. If,

Liquor (Amendment).

If, on such inquiry and after hearing ~~persons in support of and in opposition to the petition,~~ evidence, the said court is of opinion that the petition should be granted, it shall make a recommendation to that effect to the Governor.

- 5 On the receipt of such recommendation, the Governor may grant the petition, and shall so declare in the Gazette; and thereupon a license or a transfer of a license may be granted for the said premises, notwithstanding that by such grant the number of licenses in the electorate will exceed the number therein ~~at the commencement~~
 10 of this Act as specified in the last preceding section or at the time of the taking of a vote under this Part, or the number fixed in pursuance of a vote for the reduction of the number of licenses in the electorate:

Provided that this section shall not apply where a resolution under this Part is in force that no licenses be granted in the electorate.

15 *The vote.*

68. 66. (1) A vote of electors under this Part shall be taken in every electorate at the places and on the day fixed for the poll therein at each general election: Place and date of voting.

20 Provided that where such election is held within eighteen months after the polling-day for the then outgoing Parliament, the vote shall not be taken at such election, but on the day fixed for the poll at the next succeeding general election.

(2) The first vote shall be taken at the general election next following the commencement of this Act.

25 (3) The vote taken in any electorate shall be given effect to within such electorate.

Resolutions to be submitted.

69. 67. (1) Except where resolution C of this section has previously been carried, and is in force in an electorate, the following
 30 resolutions shall be submitted to the vote of electors:—

(a) That the number of licenses existing in the electorate continue. (Resolution A.)

(b) That the number of licenses existing in the electorate be reduced. (Resolution B.) Where resolution C is carried.

35 (c) That no licenses be granted in the electorate. (Resolution C.)
 And the voting paper shall be in the form of Schedule Two.

(2) Where resolution C has been previously carried, and is in force in the electorate, the resolution submitted shall be:—

(d) That licenses be restored in the electorate. (Resolution D.)

40 And the voting-paper shall be in the form of Schedule Three.

When resolutions carried.

70. 68. (1) Resolution A or B of the last preceding section is carried if a majority in number of the votes given is in favour of any such resolution. What majority is required for carrying resolutions.
 (2)

Liquor (Amendment).

(2) Resolution C is carried if three-fifths at least in number of the votes given is in favour of that resolution: Provided that where less than such number is so given, the votes given in favour of resolution C shall be added to the votes given for resolution B.

5 (3) Resolution D is carried if three-fifths at least in number of the votes given is in favour of that resolution.

(4) Provided that resolution C or D shall not be carried unless thirty per centum or more of the number of electors on the electoral rolls for the electorate vote for such resolution.

10 *Effect of carrying resolutions.*

~~71.~~ 69. If any resolution is carried it shall be notified in the Gazette, and shall, subject to the provisions of this Act or the Principal Act, be given effect to within the electorate as follows, until altered by a subsequent vote:—

15 (a) If resolution A is carried, the number of licenses of the respective descriptions shall not exceed the number at the time of the taking of the vote.

20 (b) If resolution B is carried, the number of licenses of the respective descriptions at the time of the taking of the vote shall be reduced, and in each case may be reduced to three-fourths of such number.

(c) If resolution C is carried, no licenses shall be granted, renewed, or transferred, and the provisions hereinafter in this Act provided shall have effect.

25 (d) If resolution D is carried, licenses may be granted, renewed, and transferred, but so that the number of licenses shall not be greater than the number held when the resolution C was carried in the electorate, nor less than half such number.

30 (e) If resolution D is not carried, the resolution C previously carried shall continue to have effect until altered in pursuance of this Act.

The enforcing of resolutions B and C.

~~72.~~ 70. (1) For the purpose of effecting a reduction under this Act of the number of licenses in an electorate, a special court shall be constituted.

(2) A district court judge appointed by the Governor shall be a member of and shall preside at each such court, and such court shall be duly constituted if the said judge and one other member is present.

40 (3) Where two or more licensing courts have jurisdiction at some place or places within the electorate, the chairmen of such licensing courts shall be members of the special court for the electorate.

(4) Where but one licensing court has jurisdiction within the electorate, the Governor shall appoint the chairman of such court and one or more stipendiary or police magistrates to be members of the special court for the electorate.

Liquor (Amendment).

73. 71. (1) Each such special court shall be a court of record, with power to make all general and other rules necessary for the conduct of its business, and for the enforcing of its orders and adjudications.

Court to be of record.

(2) The judge presiding at any such court may take, administer, and cause to be taken and administered, oaths, declarations, and affirmations in any matter within its jurisdiction.

Power to administer oaths.

(3) The provisions of section seven of the Principal Act relating to a licensing court, and its chairman, and its proceedings, and to persons summoned to attend as witnesses, shall apply respectively to the special court aforesaid, and the judge presiding thereat and its proceedings, and to persons summoned to attend as witnesses at such court.

Application of s. 7 of Principal Act.

(4) Any member of such special court, or any person authorised by it in writing, may enter any licensed premises at any time by day or night.

Admittance to licensed premises by court or authorised person.

If admittance to such premises be refused or unreasonably delayed, after demand made by such member or person as aforesaid, the licensee of such premises, and every person who wilfully refuses or delays such admittance, shall be liable to a penalty not exceeding fifty pounds.

(5) The determination of any such special court shall be final and conclusive.

Determination of court final.

74. 72. (1) Where resolution B is carried, the special court having jurisdiction within the electorate shall—

Resolution B, how given effect to.

(a) determine the reduction to be made in the number of the existing licenses of the respective descriptions, exclusive of those which, under a previous vote, will cease to be in force at the expiration of the prescribed period, ~~or registered club~~;

Provided that—

(i) Where such number exceeds twelve, and is less than twenty-four such number shall be reduced by at least two.

(ii) Where such number is twenty-four or more, but is less than thirty-six, such number shall be reduced by at least three.

(iii) Where such number is thirty-six or more, such number shall be reduced by at least four.

(b) for the purpose of the said reduction, cause a classification of the licensed premises to be made as hereinafter provided ;

(c) make the reduction by declaring that certain specified licenses of each description shall cease to be in force.

(d) notify in the Gazette its determination, and give notice to the licensees affected thereby.

(2)

Liquor (Amendment).

(2) The classification shall include licensed premises as to Classification of
which the following conditions or any of them apply :— premises.

- 5 (a) There have within the three years next preceding the taking
of the vote been either two convictions for one of the following
offences or one conviction for two of such offences made
against the same or different licensees of the same premises,
that is to say,—
- 10 (i) selling or ~~allowed~~ **allowing** to be sold any liquor to persons
under the age of eighteen years or to prohibited persons ;
- (ii) selling or allowing to be sold liquor to persons in a state
of intoxication ;
- (iii) allowing gaming to be carried on on the premises ;
- (iv) permitting the premises, or any portion thereof, to be used
for purposes of prostitution ;
- 15 (v) permitting drunkenness on the premises ;
- (vi) letting or subletting any bar **or the right to sell liquor** on
the premises ;
- (vii) **selling liquor in prohibited hours ;**
- 20 (b) there has within the said three years been a conviction of
any licensee of the premises for any one of the said offences ;
- (c) it is proved that the business in the premises is so badly
conducted as to be a serious inconvenience to persons
requiring accommodation or a nuisance to neighbours, or
that the premises are insufficiently provided with proper
sanitary conveniences.

(3) In carrying out the said reduction the special court, in Order of reduction
of licenses to which
paragraphs (a), (b),
and (c) apply.
determining what licenses shall cease to be in force, shall—

- (a) consider the convenience of the public and the requirements
of the several localities in the electorate ;
- 30 (b) subject to the above consideration, deal in the first place
with the licenses of premises to which paragraph (a) of the
last preceding subsection applies, and in the second and
third places respectively with those to which paragraphs (b)
and (c) of such subsection respectively apply.

35 (4) The licenses of premises to which paragraph (a) of Other licenses.
subsection two of this section applies, shall cease to be in force at
the expiration of such period not being less than six nor greater than
twelve months from the date of the vote as the court may fix.

The licenses of premises to which paragraph (b) or paragraph
40 (c) of the said subsection applies shall cease to be in force at the
expiration of such period, not being less than one nor greater than
two years from the date aforesaid as the court may fix.

If, after giving effect to the provisions of this section relating
to premises to which paragraphs (a), (b), and (c), aforesaid apply,
45 the desired reduction of the number of licenses has not been made, the
special

Liquor (Amendment).

special court may apply the reduction to other premises. In such case the licenses of such other premises may be renewed from time to time, but shall cease to be in force at the expiration of three years, counting from the date of the notification in the Gazette of the
5 determination of the special court as to the reduction :

Provided that where such special court finds that **any of** such other premises are held under a written lease, or written agreement for a lease, which existed on the twenty-fourth day of August, one thousand nine hundred and five, and which at the date of the notification
10 of the determination of the court has more than three years to run, the license of such premises shall not under this section cease to be in force until the determination of the lease, **or of the period for which such agreement is to have effect**, or the expiration of eight years from the commencement of this Act, whichever event happens first; and if
15 the said court finds that the said premises were on the ~~first day of September, twenty-fourth day of August~~, one thousand nine hundred and five, and on the date of the notification of the determination of the court, owned by the licensee, **or that the licensee was on such dates the manager for the owner**, the license of such premises shall not
20 under this section cease to be in force until the expiration of the eight years abovementioned :

Provided further that nothing in this subsection shall prevent the refusal of the renewal or the cancellation or the forfeiture of a license or the disqualification of premises for any lawful cause.

25 Unless the said lease or agreement ~~shall have been duly stamped without fine within the period provided by law and shall have been registered in the Registrar-General's office prior to the first day of December, one thousand nine hundred and five, or the indenture executed in pursuance of such agreement, whenever executed, has before the~~
30 ~~thirty-first day of December, one thousand nine hundred and five, or within such extended time, not exceeding fourteen days, as the Governor may allow, been registered in the department of the Registrar-General, and in the case of a lease or agreement executed before the thirteenth day of December, one thousand nine hundred and four, has~~
35 ~~been stamped before the fourteenth day of December, one thousand nine hundred and five, and in the case of a lease executed after the thirteenth day of December, one thousand nine hundred and four, has been stamped within the period within which it may lawfully be stamped without fine, the licensee shall be excluded from the~~
40 ~~benefit of any extension of time beyond the three years first above-mentioned.~~

(5) In any such proceedings as aforesaid by a special court— Right to appear before court.

(a) classifying licensed premises ; or

(b) declaring that licenses shall cease to be in force,

45 any person who may be directly affected by the determination of the court in such proceedings may appear before the court and shall be heard.

Liquor (Amendment).

75- 73. (1) If resolution C is carried it shall take full effect within the electorate at the expiration of three years from the date of the vote : Resolution C, how given effect to.

5 Provided that, on the vote being carried, a classification of licensed premises shall be made by the special court, as in the last preceding section provided, and the licenses of premises as to which paragraphs (a), (b), and (c) of subsection two of that section apply shall cease to be in force at the expiration of the respective periods fixed by the special court in accordance with that section :

10 Provided further that where such special court finds that any premises to which paragraphs (a), (b), or (c) do not apply as aforesaid are held under a written lease or written agreement for a lease which existed on the twenty-fourth day of August, one thousand nine hundred and five, and which at the date of the notification of the
15 determination of the court has more than three years to run, the license of such premises shall not, under this section, cease to be in force until the determination of the lease, or of the period for which such agreement is to have effect, or the expiration of eight years from the commencement of this Act, whichever event happens first ; and if
20 the said court finds that the said premises were on the twenty-fourth day of August, one thousand nine hundred and five, and on the date of the notification of the determination of the court, owned by the licensee, or that the licensee was on such dates the manager for the owner, the license of such premises shall not, under this section, cease
25 to be in force until the expiration of the eight years abovementioned :

Provided further that nothing in this section shall prevent the refusal of the renewal or the cancellation or the forfeiture of a license or the disqualification of premises for any lawful cause.

30 Unless the said lease or agreement shall have been duly stamped without fine within the period provided by law and shall have been registered in the Registrar-General's office prior to the first day of December, one thousand nine hundred and five, or the indenture executed in pursuance of such agreement, whenever executed, has before the thirty-first day of December, one thousand nine hundred and five, or
35 within such extended time, not exceeding fourteen days, as the Governor may allow, been registered in the department of the Registrar-General, and in the case of a lease or agreement executed before the thirteenth day of December, one thousand nine hundred and four, has been stamped before the fourteenth day of December, one thousand nine
40 hundred and five, and in the case of a lease executed after the thirteenth day of December, one thousand nine hundred and four, has been stamped within the period within which it may lawfully be stamped without fine, the licensee shall be excluded from the benefit of any extension of time beyond the three years in the last preceding section mentioned.

(2)

Liquor (Amendment).

(2) When such resolution so takes effect, all licenses of every description within the electorate shall cease to be in force, and thereupon, and until licenses are restored in the electorate, the following provisions shall apply :—

- 5 (a) The provisions of the Principal Act and this Act relating to the sale of liquor without a license shall apply to the sale, supply, barter, or other disposal of liquor.
- (b) Provided that nothing in this section shall be held to prohibit the sale of methylated spirits for use in the arts or manufac-
10 tures, or to prohibit the sale of liquor for medicinal use, subject to the following conditions :—
 - (i) That such sale **of liquor for medicinal use** is by a pharmacist, registered under the Pharmacy Act, 1897, on the prescrip-
15 tion of a duly qualified medical practitioner.
 - (ii) That the bottle or other vessel containing the liquor is distinctly labelled with the words “intoxicating liquor,” and the name and address of the seller.
- (c) If any person supplies liquor otherwise than as herein
20 provided, he shall be liable to a penalty not exceeding thirty pounds.

(3) This section shall not apply to sales by brewers of liquor or makers of wine, being their own manufacture, to persons not residing or carrying on business within the electorate to which the vote applies, and to be delivered beyond the limits of such electorate.

- 25 (4) For the purposes of this and the last preceding section, any lease or agreement (including a lease under the Real Property Act), if registered in the office of the Registrar-General pursuant to the provisions of the Act No. 22 of 1897, shall be deemed to be sufficiently registered.

- 30 ~~76.~~ 74. (1) Where, in pursuance of a vote under this Part, the license of any premises ceases to be in force, the following provisions shall apply :—

Provisions applicable as between lessor and lessee where license ceases to be in force.

- 35 (a) If any of the conditions set out in paragraph (a) of subsection two of section seventy-four apply to such premises, the lessor may, within fourteen days after the license ceases to be in force, give to the lessee written notice of the determination of the lease at the expiration of fourteen days from such notice, and the same shall thereupon determine as by effluxion of time.
- 40 (b) In any other case, the lessee may within fourteen days after the license ceases to be in force give to the lessor written notice that he desires to have the rent of the premises fixed by arbitration.

On

Liquor (Amendment).

On such notice being given, the said rent shall be fixed under the Arbitration Act, 1902, by two arbitrators appointed by the lessor and lessee respectively, who may appoint an umpire, and shall, from the date when the license ceases to be in force, and during the currency of the lease, be the rent payable thereunder in respect of the premises.

(2) In this section—

“Lessee” includes an assignee of a lease and a sub-lessee;

“Lessor” includes the person for the time being entitled to the rent of the premises.

Manner of taking the vote.

77. 75. The following provisions shall apply to the taking of a vote under this Part:— Provisions for voting.

- (a) The vote shall in each electorate be taken at the polling-places appointed for the general election.
- (b) Every elector is qualified to vote, but may vote for one resolution only.
- (c) The electoral officer appointed for a polling-booth shall conduct the taking of the vote therein.
- (d) The manner of voting shall be similar to that followed in the election of members to serve in the Legislative Assembly, but the voting paper shall be marked as prescribed thereon.
- (e) Sections eighty-nine, ninety, ninety-one, one hundred and two, one hundred and seven, one hundred and eight, and one hundred and nine of the Parliamentary Electorates and Elections Act, 1902, shall mutatis mutandis apply to the taking of a vote under this Part.
- (f) The votes given shall be placed in a separate box, and shall be counted by the officer presiding at the booth in the presence of the poll-clerks (if any).
- (g) a voting paper is invalid if—
 - (i) the elector has voted for more than one resolution; or
 - (ii) the voting paper is not endorsed with the initials of the officer presiding at the polling-booth.
- (h) The result of the voting shall be notified by the returning officer in the Gazette.

78. 76. If in any electorate a vote of electors under this Part is for any reason void, the Governor may appoint a day and places for taking the vote in such electorate, and may appoint officers and make necessary arrangements for the purpose of such vote being taken. Provisions where vote is void.

79. 77. If it is proved to the Governor that a club, having been established before the first day of November, one thousand nine hundred and five,— Governor may exempt residential and athletic clubs.

(a) is used bona fide for residential purposes; or

(b)

Liquor (Amendment).

(b) is used mainly for the purpose of playing any athletic game or sport approved by the Minister, and is carried on during the day time in the open air; he or

5 (c) is an association established at any time as a limited company under section fifty-two of the Companies Act, 1899;

the Governor may by proclamation exempt such club, and any building used in connection therewith, from all the provisions of the Principal Act, and this Act, other than those relating to registration
10 and to the payment of an annual registration fee.

The Governor may by proclamation revoke any such exemption.

Regulations.

80. 78. The Governor may make regulations for carrying out the Governor's regula-
provisions of this Part, and may in such regulations impose any tions.
15 penalty not exceeding twenty pounds for the breach of the same.

Any such penalty may be recovered before two justices.

SCHEDULES.

SCHEDULE ONE.

20 Subsection eleven of section five.
Subsection five of section thirteen.
Section twenty-two.
Paragraph (a) of subsection one of section twenty-one
Section thirty-five.
Subsection five of section thirty-nine.
25 Section forty-eight.
Section sixty-three.
Sections eighty-four, eighty-five, eighty-six, and eighty-seven.
Seventh Schedule.

Liquor (Amendment).

SCHEDULE TWO.

LIQUOR (AMENDMENT) ACT, 1905.

LOCAL OPTION VOTE.

	I vote that the number of licenses existing in the electorate continue.	☐
5	I vote that the number of licenses existing in the electorate be reduced.	☐
	I vote that no licenses be granted in the electorate.	☐

Indicate your vote by making a cross in the square opposite the resolution for which you vote.

SCHEDULE THREE.

LIQUOR (AMENDMENT) ACT, 1905.

LOCAL OPTION VOTE.

10	I vote that licenses be restored in the electorate.	☐
	I vote that licenses be not restored in the electorate.	☐

15 Indicate your vote by making a cross in the square opposite the resolution for which you vote.

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

5. [illegible]

6. [illegible]

7. [illegible]

8. [illegible]

9. [illegible]

10. [illegible]

11. [illegible]

12. [illegible]

13. [illegible]

14. [illegible]

15. [illegible]

16. [illegible]

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 1 November, 1905.* }

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINTO

EDWARDI VII REGIS.

Act No. , 1905.

An Act to amend the law relating to the supply of intoxicating liquor; to regulate the supply of liquor by clubs; to make better provision for the exercise of local option with regard to the supply of intoxicating liquor; to amend the Liquor Act, 1898; and for other purposes consequent thereon and incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5

PART I.

PRELIMINARY.

1. This Act may be cited as the "Liquor (Amendment) Act, Short title. 1905," and shall be construed with the Liquor Act, 1898, hereinafter referred to as the Principal Act.

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Liquor (Amendment).

2. This Act shall come into force on the first day of January, Commencement of Act.
one thousand nine hundred and six.

3. The enactments of the Principal Act mentioned in Schedule Repeal.
One are to the extent there indicated repealed as from the commence-
5 ment of this Act, and sections twenty-eight and twenty-nine of the
said Act are repealed as from the day of the vote at the Parliamentary
general election next following such commencement.

4. This Act is divided into Parts, as follows :— Division of Act.

PART I.—PRELIMINARY—ss. 1-5.

10 PART II.—LICENSING COURTS—s. 6.

PART III.—LICENSES UNDER PART III OF PRINCIPAL ACT—
ss. 7-24.

PART IV.—LICENSES GENERALLY—ss. 25-43.

PART V.—CLUBS—ss. 44-64.

15 PART VI.—LOCAL OPTION—ss. 65-80.

5. (1) The definition of spirit merchant in section three of the Definition of "spirit merchant" and "near relative or connection."
Principal Act is repealed, and the following is substituted in its place—
"Spirit merchant" means any vendor or exhibitor for sale in any

20 shop or premises of liquor in quantities at any one time of
not less than two gallons of the same description of liquor;
but does not include a licensed auctioneer or broker selling or
offering for sale any liquor on account of another person.

(2) "Near relative or connection" means wife, son, step-
son, son-in-law, daughter, step-daughter, daughter-in-law, brother,
25 half-brother, step-brother, sister, half-sister, step-sister, father, step-
father, mother, step-mother, father-in-law, or mother-in-law.

PART II.

LICENSING COURTS.

6. In addition to the disqualifications mentioned in paragraph Disqualification of member of licensing court.
30 four of section five of the Principal Act, a person shall be disqualified
from being appointed or holding office as a member of a licensing
court if any of his near relatives or connections is the holder of any
license granted in respect of any premises situate in the licensing
district for which such licensing court is proposed to be or is appointed,
35 or is beneficially interested in any trade or calling exercised under any
license so granted.

Any person so disqualified who knowingly and wilfully acts as
a member of such court shall be guilty of a misdemeanour.

PART

Liquor (Amendment).

PART III.

LICENSES UNDER PART III OF PRINCIPAL ACT.

7. The provisions of this Part relate to licenses and licensees Application of Part.
and licensed premises under Part III of the Principal Act.

5 *The supplying of liquor.*

8. (1) Any licensee who on his licensed premises gives, sells, Unlawful supply of liquor by licensee.
or supplies, or allows to be given, sold, or supplied, except in case of sickness or accident, any liquor to—

- 10 (a) any person under the age of eighteen years ;
(b) any aboriginal native of Australia ; or
(c) any native of the coloured races of the South Pacific Islands,
shall be liable to a penalty not exceeding ten pounds.

(2) Any person, other than the licensee, who on any licensed Unlawful supply by other persons.
premises supplies, except in case of sickness or accident, any liquor to—

- 15 (a) any person under the age of eighteen years ;
(b) any aboriginal native of Australia ;
(c) any native of the coloured races of the South Pacific Islands ;
(d) any person then in a state of intoxication ;
(e) any prohibited person ; or
20 (f) any person who is not lawfully entitled to be supplied with liquor,
shall be liable to a penalty not exceeding ten pounds.

(3) In any prosecution for an offence under the two last preceding subsections alleged to have been committed in relation to a
25 person under the age of eighteen years, it shall be a sufficient defence if the accused proves that such person was apparently above such age.

(4) For the purposes of this section, the expression Definition of "aboriginal native of Australia."
"aboriginal native of Australia" means any full blooded aboriginal native of Australia, and any person apparently having an admixture of
30 aboriginal blood who—

- (a) is in receipt of rations or other aid from the Aborigines Board ; or
(b) is residing on a reserve granted for the use of aboriginal natives of Australia.

35 9. Any person who sends a person under the age of fourteen years to licensed premises for the purpose of obtaining any liquor shall be liable to a penalty not exceeding forty shillings. Sending person under age of fourteen for liquor.

10. If any person under the age of seventeen years is for any purpose in the bar of any licensed premises the licensee of such
40 premises shall forthwith remove or cause to be removed such person from the bar. Person under seventeen not allowed in bar.

Any licensee who fails to comply with the provisions of this section shall be liable to a penalty not exceeding two pounds.

Liquor (Amendment).

11. If any person against whom a prohibition order under section fifty-two of the Principal Act is in force enters or is found in the bar of any licensed premises, except for some lawful purpose, he shall be liable to a penalty not exceeding five pounds.

Prohibited person not allowed on licensed premises.

5 Any licensee of such premises who knowingly permits such person to be or remain in such bar shall be liable to a penalty not exceeding ten pounds.

12. If any licensee permits drunkenness or any violent, quarrelsome, or riotous conduct to take place on his licensed premises he shall be liable for the first offence to a penalty not exceeding five pounds and for the second or any subsequent offence to a penalty not exceeding twenty pounds.

Permitting drunkenness or riotous conduct on premises.

Where any licensee is charged with permitting drunkenness on his licensed premises, and it is proved that any person was drunk on his premises, it shall lie on the licensee to prove that he and the persons employed by him took all reasonable steps to prevent drunkenness on the premises.

13. If any licensee allows any female under the age of twenty-one years, other than his wife or daughter, to sell, supply, or serve liquor in any bar in his licensed premises, he shall be liable for every such offence to a penalty not exceeding five pounds.

Of Barmaids under age of twenty-one.

Premises used for prostitution.

14. If any licensee permits his licensed premises, or any portion thereof, to be used for purposes of prostitution, he shall be liable to a penalty not exceeding ten pounds.

Penalty for permitting premises to be used for prostitution.

Sanitary provisions.

15. (1) Every licensee shall—

- (a) cause his licensed premises to be furnished with proper sanitary appliances sufficient for any lodgers or inmates of the premises;
- (b) maintain such appliances and any room or place in which they are in a good sanitary condition;
- (c) keep his licensed premises free from offensive or unwholesome matters.

Duties of licensee as to sanitary matters.

(2) Any licensee who fails to carry out the provisions of this section shall be liable to a penalty not exceeding ten pounds.

Penalty.

Times of selling.

16. (1) No licensee shall keep his premises open for the sale of liquor, or shall sell any liquor, or permit the same to be consumed, on his premises—

Times when premises may not be open for sale of liquor.

(a) upon any Sunday;

(b)

Liquor (Amendment).

- (b) upon any Good Friday or Christmas Day, except for the sale between the hours of seven and nine in the morning, and of one and three in the afternoon, and of eight and ten at night, of liquor not to be consumed on the premises;
- 5 (c) upon any day upon which any election of Members of the Senate or of the House of Representatives of the Parliament of the Commonwealth or of the Legislative Assembly of New South Wales is being held, during the hours when votes may be recorded at such election:
- 10 Provided that in the case of a bye-election this paragraph shall apply only to licensed premises situate within the electorate in respect of which such bye-election is being held.
- 15 (d) upon any other day except between the hours of six in the morning and eleven at night:
- (2) Provided that nothing in this section shall relate to—
- (a) the sale or consumption of liquor to or by any bona fide lodger, servant, or inmate, if the liquor is not drunk at the public bar of the licensee's premises; or
- 20 (b) the sale or consumption of liquor to or by any bona fide traveller at such bar or elsewhere on such premises.
- (3) Every licensee who offends against the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds. Penalty.
- 25 (4) Every separate sale in contravention of the provisions of this section shall be a separate offence. Separate offences.
- (5) So much of sections sixty-four, sixty-five, sixty-six, and sixty-seven of the Principal Act as relates to the provisions of section sixty-three of that Act shall apply to the provisions of this section. Incorporation of sections of Principal Act.
- 30 17. (1) Every person, not being a bona fide lodger, servant, inmate, or traveller found drinking liquor in any licensed premises at any time when such premises should not be open for the sale of liquor, shall for every such offence be liable to a penalty not exceeding two pounds. Person leaving premises during prohibited time with liquor in his possession.
- 35 (2) Every person found on any such premises at any time when such premises should not be open for the sale of liquor, shall, unless he satisfies the court that he was at the time when he was so found a bona fide lodger, servant, inmate or traveller, or that his presence on such premises at such time was not in contravention of the provisions of this Act, be liable to a penalty not exceeding two pounds. Person on premises during prohibited time.
- 40 18. (1) In any prosecution for an offence against either of the two last preceding sections, any liquid shall be deemed to be liquor unless the contrary be proved. Proof in prosecution under two last sections.
- (2) In the construction of such sections a bona fide traveller shall have the meaning defined in section sixty-four of the Principal Act.

Liquor (Amendment).

19. (1) Any member of the police force appointed in that behalf may demand from any person found on any licensed premises at any time when such premises should not be open for the sale of liquor the name and address of such person, and if he has reasonable ground to suppose that the name or address so given is false, may require such person to produce evidence of the correctness of the name or address given by such person.

Powers of police with respect to persons on licensed premises at prohibited times.

(2) If any such person, on demand being made as aforesaid, refuses or neglects to give such name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, such member of the police force may without any warrant apprehend such person forthwith, and shall bring him before some justices as soon as practicable to be dealt with according to law.

(3) Every such person who, on demand being made as aforesaid, refuses or neglects to give his name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, or gives a false name or address, or produces false evidence with respect to such name or address, shall be liable for every such offence to a penalty not exceeding two pounds.

(4) Every licensee, upon whose licensed premises any person is so found, shall, unless he proves to the satisfaction of the court or justices that such person was on such premises for a lawful purpose, be liable to a penalty not exceeding five pounds.

Supply of meals and accommodation.

20. If any person supplied with meals or accommodation at licensed premises, on demand of payment being made by the licensee of such premises, or by his servant or agent, refuses to pay a reasonable sum for such meals or accommodation, he shall be deemed a rogue and a vagabond and shall be liable to be dealt with as such under the Vagrancy Act, 1902.

Meals and accommodation to be paid for.

Bars.

21. (1) No licensee shall sell or supply liquor in more than one bar-room in or upon his licensed premises, unless he has obtained the permission of the court so to do. But the provisions of this subsection shall not apply to any person holding a publican's license at the commencement of this Act, until the expiration of six months from such commencement.

Only one bar, except by permission of court.

For the purposes of this section, a room divided into compartments by wooden partitions, approved by the licensing court, shall be one room if there are doors in the partition giving at all times direct access from one such compartment to another.

(2) Every applicant for such permission shall, with the notice of his application, deposit with the clerk of the court the fee hereinafter mentioned, and deliver a plan showing the position of the proposed additional bar-room.

(3)

Liquor (Amendment).

(3) A fee of twenty pounds shall be paid annually in ^{Fee.} respect of every additional bar-room for which such permission is granted, in addition to the fee payable for a new license or renewal.

(4) No such additional bar-room shall be deemed to form ^{Additional bar not} any part of the accommodation required by section twenty-four or ^{part of accommoda-} section twenty-five of the Principal Act. ^{tion.}

(5) No licensee shall let or sublet any bar on his licensed ^{Subletting bar.} premises.

22. The following fees shall be paid annually for publicans' ^{Fees for publicans'} licenses:— ^{licenses.}

- (a) Ten pounds where the licensed premises are assessed by the licensing court of the district at an annual value of not more than fifty pounds;
- 15 (b) twenty pounds where such premises are so assessed at an annual value of more than fifty pounds and not more than one hundred pounds;
- (c) an additional five pounds for every fifty pounds over one hundred pounds of such assessed annual value.
- (d) maximum license fee in any case of one hundred pounds.

20 *Reduction of licensing fee.*

23. If it appears to a quarterly licensing court that any ^{Reduction of fee.} premises in respect of which a publican's license is in force are actually required for the accommodation of travellers, and that such premises are not accessible by any practicable roadway to any other ²⁵ licensed premises situate within seven miles of such first-mentioned premises, such court may, if it thinks proper, reduce the fee payable for such license to one half of the prescribed fee, such fee in any case not being less than ten pounds. Such reduction shall take effect on the expiration of the license or the renewal of the same then current.

30 24. Where the fee payable for a publican's license has, before ^{Subsequent increase} or after the commencement of this Act, been reduced in pursuance of ^{of fee.} section twenty-two of the Principal Act, or of the last preceding section, and it subsequently appears to a quarterly licensing court that the reasons for such reduction or some of such reasons no longer exist ³⁵ in respect of the premises so licensed, the court may raise such fee to the full amount payable for such license. The fee so raised shall be payable on the expiration of the license or the renewal of the same then current.

Liquor (Amendment).

PART IV.

LICENSES GENERALLY.

Cancellation of licenses.

25. Upon the complaint of any inspector a licensing court Cancellation of licenses.
 5 may summon any licensee to appear before such court and show cause
 why his license should not be cancelled. Upon the appearance of such
 licensee, or in his absence after being duly summoned, such court shall
 proceed to hear and determine the matter of such complaint, and may
 10 adjudge such license to be cancelled absolutely or for such period
 (not being less in any case than twelve months) as the court may
 determine.

The following provisions shall take effect for the purposes of
 this section—

- 15 (a) every such summons shall be served upon the licensee not less
 than fourteen days before the day appointed for the hearing
 of the complaint, or if such licensee evades service thereof, or
 is absent at the time of attempted service, it shall be sufficient
 if the summons is posted up in a conspicuous place on his
 20 licensed premises, or be left with any inmate thereof apparently
 above the age of sixteen years, not less than seven days before
 such appointed day ;
- (b) every such complaint shall be heard and determined at a special
 sitting of the licensing court, provided that a quarterly
 25 licensing court shall, if the provisions of the preceding
 paragraph have been complied with, be competent to hear
 and determine the same ;
- (c) the court, at the instance of the complainant or licensee may,
 in its discretion, adjourn the hearing for any time not
 exceeding fourteen days ;
- 30 (d) the names of all licensees whose licenses are cancelled under
 this section, together with the particulars of their licenses
 and licensed premises, shall be published in the Gazette
 within fourteen days after such cancellation.

26. Upon any such complaint the court shall cancel a license Grounds of cancellation.
 35 if the licensee is proved to have been before or after the commence-
 ment of this Act convicted while being the holder of a license—

- (a) of felony or of any offence for which he has been sentenced to
 imprisonment with hard labour ;
- 40 (b) of permitting his premises or any portion thereof to be used
 for purposes of prostitution ;
- (c) three times within three years of any offence (whether of the
 same or different kinds) against the Principal Act or this Act ;
- (d) of any offence which by any such Act is punishable by the
 cancellation or forfeiture of the offender's license :

Provided

Liquor (Amendment).

Provided that if a license is liable to be cancelled only on the ground mentioned in paragraph (a) of this section, the court may (unless the premises are liable to be disqualified under this Act), on the application of the wife of the licensee or any of his family above the age of twenty-one years, or of the person for the time being entitled to receive the rents or profits of the licensed premises, transfer the license to such wife or to some member of the family, or to some other person approved by the court.

Proviso where licensee convicted of felony or misdemeanour.

27. If three previous convictions for offences (whether of the same or different kinds) under the Principal Act or this Act are proved to have been made before or after the commencement of this Act against a licensee within the three years next preceding, the licensing court shall declare and order such licensee to be, and he shall thereupon be, disqualified for a term of three years from holding any license whatever under the Principal Act or this Act.

Disqualification of licensee.

28. The following provisions shall apply to any proceedings under the two last preceding sections:—

Provisions applicable to two last preceding sections.

- (a) A conviction under section forty-four, ninety, ninety-five, or one hundred of the Principal Act or section fifteen of this Act shall not be reckoned as a conviction for an offence against the said Acts respectively;
- (b) A conviction may be proved by the certificate of the officer having the custody of the records of the court in which such conviction was had;
- (c) Nothing in the said sections shall prevent the infliction of any pecuniary penalty or forfeiture or cancellation of license or any term of imprisonment to which the licensee would otherwise be liable, or shall preclude the exercise of any power given by the Principal Act or this Act.

29. Any person whose license is cancelled, or who is declared disqualified under the above provisions, shall, during the continuance of such cancellation or disqualification, be deemed for all purposes as aforesaid to be disqualified. Every such cancellation and disqualification shall, during the full term thereof, enure and be operative for the respective purposes thereof throughout New South Wales.

Effect of cancellation or disqualification.

Disqualification of premises.

30. (1) If any licensee is convicted—
- (a) of any offence against section eight, or of permitting drunkenness on his premises in contravention of section twelve of this Act; or
 - (b) of any offence against section forty-six or section fifty-two of the Principal Act; or
 - (c) of permitting his premises or any portion thereof to be used for purposes of prostitution; or
 - (d)

Disqualification of premises on conviction of licensee.

Liquor (Amendment).

- (d) of any offence under the provisions of Part IX of the Public Health Act, 1902, relating to unwholesome or adulterated liquor, or under section one hundred and two or section one hundred and three of the Principal Act; or
- 5 (e) of any offence against section fifteen of this Act.
- And if two previous convictions for any of such offences (whether of the same or different kinds) are proved to have been made after the commencement of this Act against him within the three years next preceding while licensee of the same premises, the court shall cancel
- 10 the license of the premises, and may disqualify such premises from being licensed for a period of two years.
- (2) Where a licensee is convicted of any such offence the clerk of the court before which the conviction was held shall give notice in writing thereof to the owner of the premises. Notice to owner of conviction.
- 15 **31.** If within any period of two years there have been made four convictions for any of the offences mentioned in the last preceding section (whether of the same or different kinds) against a licensee or Disqualification for four offences in two years. against two or more successive licensees of the same premises, such premises may be disqualified from being licensed for two years from
- 20 the date of the last of such convictions.
- 32.** Where by order of a court any licensed premises are for any period disqualified to be licensed, the court shall cause the order to be served on the owner of such premises, where the owner is not occupier, together with a statement that a licensing court will be held
- 25 at a time and place therein specified, at which the owner may appear and appeal against such order on all or any of the following grounds only, and may in its discretion suspend the operation of the order disqualifying the premises until the hearing of the appeal:—
- (a) That notice, as required by this Act, has not been served on
- 30 the owner of a prior offence which, on the committing of a subsequent offence or subsequent offences, renders the premises liable to be disqualified as aforesaid;
- (b) That the tenant by whom the offence was committed held
- 35 under a contract made prior to the commencement of this Act, and that the owner could not legally have evicted the tenant in the interval between the receipt by him of notice of the next prior offence as aforesaid and the committing of the offence in respect of which the disqualifying order was made; or
- 40 (c) That the offence in respect of which the disqualifying order was made occurred so soon after the receipt of such notice that the owner, notwithstanding he had legal power to evict the tenant, could not with reasonable diligence have exercised that power in the interval which occurred between the said
- 45 notice and the subsequent offence.

If

Liquor (Amendment).

If the owner appears at the time and place specified, and satisfies the court that he is entitled to have the order cancelled on any of the grounds aforesaid, the licensing court shall thereupon direct such order to be cancelled, and the same shall be void.

5 **33.** (1) Where a licensee has neglected to give the notice prescribed in section thirty-eight of the Principal Act ten days prior to the holding of the licensing court appointed to be held next before the expiry of the license, or having given such notice neglects to apply to such court in pursuance thereof, the owner of the licensed premises may give such notice not less than five days prior to the holding of such court, and the court may grant such renewal on the application of the said owner: Provided that the said court may grant such renewal although such last-mentioned notice has not been given, or has been given after the time prescribed as aforesaid.

Right of owner to give notice of application for renewal.

15 (2) Where such application is made by the owner, it shall not be necessary to produce the license of the premises.

(3) For the purposes of this section "owner," in cases where the occupier is not the owner, means the person entitled to the rent payable by the occupier.

20 **34.** Section five of the Principal Act is amended, as follows:—
(a) Subsection eight is amended by inserting the words "or
"Minister" after the word "Governor" in that subsection.

Amendment of section 5 of Principal Act.

(b) Subsection eleven is repealed, and in place thereof, the following provisions shall have effect—

25 (11) The Governor may appoint any person to be for such period as he specifies a deputy licensing magistrate of the court of a licensing district; and such deputy may, in the case of the death, removal, resignation, or absence of any licensing magistrate, exercise all the powers vested in, and shall perform all the duties cast upon a licensing magistrate by this Act.

Deputy licensing magistrate.

30 The Governor may also appoint any person to act for such period as he specifies as a member of a licensing court during the absence of a member of such court or while such member is acting as deputy licensing magistrate.

35 **35.** If the licensed premises of any licensed publican are being wholly or partially rebuilt, or are undergoing repairs or alterations so as to render such premises unfit for the carrying on of his business, any licensing magistrate, upon application by or on behalf of such licensed publican, may, by order under his hand, authorise any such licensed publican to carry on his business in some neighbouring premises, although not having the accommodation required by the Act, for any period not exceeding six calendar months.

Premises undergoing repairs.

Any

Liquor (Amendment).

Any such temporary license, or any license granted under the provisions of section forty-two of the Principal Act, shall not be taken into consideration when estimating the number of licenses in an electorate for any purpose under Part VI of this Act.

5 **36.** Section eleven of the Principal Act is amended as follows :— Amendment of
section 11 of
Principal Act.

10 (a) The proviso to the section is amended by omitting the words "as aforesaid," and the notice to which those words refer shall be given by affixing the same on the outer door of the court-house or building in which the court is to be held.

15 (b) The following provision is hereby added to the said section :—
"A quorum of a licensing court may, without notice of their sitting, hear and determine and deal with any matters which may be heard, determined, or dealt with by a licensing magistrate sitting alone."

37. Subsection four of section twenty-three of the Principal Act is amended by inserting the words "seventy-nine" in place of the words "eighty-one" in that subsection. Amendment of
section 23 of
Principal Act.

20 **38.** Section twenty-six of the Principal Act is amended by inserting the words "or such further period not exceeding six months as the court may allow" after the words "twelve months" in that section. Amendment of
section 23 of
Principal Act.

25 **39.** Section thirty-three of the Principal Act is amended by inserting the words "three months" in place of the words "twenty-eight days" in that section. Amendment of
section 33 of the
Principal Act.

40. Subsection five of section thirty-nine of the Principal Act is hereby repealed. Repeal of subs. (5) of
s. 39 of the Principal
Act.

30 **41.** Section forty-two of the Principal Act is amended as follows :— Amendment of
section 42 of
Principal Act.

(a) By inserting the words "or by dilapidations, or by reason that such premises are being repaired or rebuilt" after the words "or other calamity" in that section.

(b) By inserting "twelve months" in place of "six calendar months" in that section.

35 (c) By adding the following provision :—

40 "Any owner or licensed publican desirous of making any material alterations or additions to his licensed premises shall apply to the court for permission to do so, and shall furnish the court with a properly drawn plan showing such alterations and additions proposed to be made; and if any such owner or licensee makes any material alterations or additions to his licensed premises without the permission of the court, the license shall be liable to cancellation."

45 **42.** Subsection four of section seventy-one of the Principal Act is amended by inserting the words "seventy-five" in place of "seventy-seven" in that subsection. Amendment of
section 71 of
Principal Act.

Liquor (Amendment).

43. Section seventy-five of the Principal Act is amended by adding the following provision:—

“If a licensed spirit merchant sells liquor in quantities not authorised by his license, he shall be liable to a penalty not exceeding 5 ten pounds.”

Amendment of
section 75 of
Principal Act.

PART V.

CLUBS.

Preliminary.

- 10 44. In this Part, unless the context requires another meaning—
- “Inspector” means inspector for the licensing district within which the club premises are situate.
- “Registered club” means club registered under this part.
- “Register of members” means register of members of a registered club prescribed by this Part to be kept by the secretary.
- 15 “Secretary” includes any officer or other person performing the duties of secretary of a club.

Definitions.

Application of Principal Act and this Act.

45. Sections forty-six, forty-seven, fifty-one, and fifty-two, and Part VI of the Principal Act, and sections eight to nineteen of this Act, shall apply to registered clubs governed by this Act.

In applying such enactments “club premises” shall be read for “licensed premises” and “secretary of the club” for “licensee” or “holder of a license under Part III of the Principal Act.”

Application of
certain sections of
the Principal and
this Act to registered
clubs.

Conditions of registration.

- 25 46. No club shall be or continue to be registered under this Part unless all the following conditions exist with respect to it, namely:—
- (a) The club must be a bona fide association or company of not less than forty persons in the case of a club established at any place within a radius of fifteen miles from the General Post Office in Sydney, and not less than thirty persons in the case of a club established elsewhere.
- 30 (b) The club must be a body, association, or company, associated together for social, literary, political, sporting, athletic, or other lawful purpose.
- 35 (c) The club must be established for the purpose of providing accommodation for the members thereof and their guests, upon premises of which such association or company are the bona fide occupiers.
- (d)

Conditions of
registration of clubs.

Liquor (Amendment).

- (d) The accommodation must be provided and maintained from the joint funds of the club, and no persons must be entitled under its rules to derive any profit, benefit, or advantage from the club which is not shared equally by every member thereof.
- (e) The premises upon which the club is established must be suitable for the purposes of a club.
- (f) No payment or part payment of any secretary, manager, or other officer or servant of the club shall be made by way of commission or allowance from or upon the receipts of the club for drink supplied.
- (g) A register of members of the club for the time being shall be kept on the club's premises as hereinafter required.
47. In order that any club may be eligible to be registered, the Provision to be made in rules of clubs.
- 15 rules of the club shall provide that—
- (a) the business and affairs of the club shall be under the management of a committee elected for not less than twelve months by the general body of members;
- (b) the committee shall hold periodical meetings, and minutes of all resolutions and proceedings of such committee shall be entered in a book to be provided for that purpose;
- (c) the names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least a week before their election, and an interval of not less than two weeks shall elapse between nomination and election of ordinary members;
- (d) all members shall be elected by the general body of members, or by a general or an election committee, at a meeting or meetings duly convened, and a record shall be kept by the secretary of the club of the names of the members present and voting at such meetings;
- (e) there shall be a defined subscription of not less than one pound per annum, payable by members quarterly, half-yearly, or annually in advance;
- (f) correct accounts and books shall be kept, showing the financial affairs of the club and the particulars usually shown in books of account of a like nature.
- (g) a visitor shall not be supplied with liquor in the club premises unless on invitation and in the company of a member, and no bar shall be allowed on club premises for the sale of liquor;
- (h) no persons shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular subscription, except those possessing certain qualifications defined in the rules, and subject to conditions and regulations prescribed therein;

(i)

Liquor (Amendment).

- (i) no person under twenty-one years of age shall be admitted a member of the club, and no liquor shall be sold or supplied to any person under that age: Provided that where the club is primarily devoted to some athletic purpose, there shall be
5 no limitation of the age of a member of the club:

Provided that in the case of a club primarily devoted to some athletic purpose, the management of which is vested in trustees appointed by the Governor, such club shall, if the Governor so declares by proclamation in the Gazette, be exempted from compliance
10 with the provisions of paragraphs (a), (c), and (d) of this section, and such trustees shall for the purposes of this Act be deemed the elected committee of the club.

Grant and renewal of certificates of registration.

48. (1) The secretary of any club desirous of obtaining a Notice of application
15 certificate of the registration of the club under this Act shall— for registration.

- (a) at least fourteen days before applying for the same deliver to the clerk of the licensing court for the licensing district in which the premises of the club are situate a notice in writing, and in duplicate, signed by the secretary, in the form
20 prescribed;
- (b) publish a copy of such notice on one day in each week for at least two weeks preceding his application (and so that the last of such publications is not less than eight days before the time at which the application is to be made), in a daily
25 newspaper published in the electorate, or if none is so published, then in a newspaper generally circulating in the electorate;

(2) Such application shall be accompanied by the following documents, namely:—

- 30 (a) Two printed copies of all rules of the club, certified as correct under the hand of the secretary.
- (b) A statement, verified by statutory declaration, of the names and addresses of bona fide members of the club at the date of the application.

35 49. (1) The secretary of any club desirous of obtaining a Notice of application for renewal. renewal of its certificate of registration shall, at least ten days before applying for such renewal, deliver to the clerk of the licensing court for the licensing district in which the premises of the club are situate a notice in writing, and in duplicate, signed by the secretary, in the
40 form prescribed.

(2) Such notice shall be accompanied by the following documents, namely:—

- (a) Two printed copies of all rules of the club, certified as correct under the hand of the secretary. (b)

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- (b) A statement verified by statutory declaration of the number of bona fide members of the club at the date of the application.

50. (1) Where application is made for the grant or renewal of any such certificate, the clerk of the licensing court shall forthwith forward a copy of such application to the inspector for inquiry and report; and on receipt of notice of any objection which may lawfully be taken as hereinafter in this Act provided shall forward a copy of the same to such inspector for inquiry and report, and to the secretary of the club.

Copy of application to be furnished to inspector.

(2) Such inspector, on receipt of any such notice if authorised in writing by a stipendiary or police magistrate, shall inspect the premises of the club and the register of its members, and satisfy himself by proper inquiries that the particulars contained in the application are correct.

Inspection of club premises.

51. If on any application being made for the grant or renewal of any such certificate a notice of objection has not been duly given, the clerk of the licensing court shall grant or renew the certificate; but, if notice of objection is so lodged, the matter of the application shall be inquired into and dealt with by the court.

Application how dealt with.

52. (1) At the hearing of any such application, objections may be taken by any corporation or person hereinafter in this Act mentioned, upon one or more of the following grounds :—

Objections which may be taken to grant or renewal of certificate.

- (a) That the application made by the club, or the rules of the club, or any of them, are in any respect specified in such objection not in conformity with this Act.
- (b) That the club has ceased to exist, or that the number of members is less than forty or thirty, as the case may be, according to the locality in which the premises are situated.
- (c) That it is not conducted in good faith as a club, or that it is kept, or habitually used, for any unlawful purpose or mainly for the supply of liquor.
- (d) That there is frequent drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner.
- (e) That illegal sales of liquor have taken place in the club premises.
- (f) That persons who are not members are habitually admitted to the club premises merely for the purpose of obtaining liquor.
- (g) That the club occupies premises which have been disqualified, or of which the license has been cancelled, or the renewal thereof has been refused within twelve months next preceding the formation of the club.

(h)

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- (h) That the supply of liquor to the club is not under the control of members of the committee appointed by the members.
- (i) That any of the rules of the club are habitually broken.
- 5 (j) That the rules have been so changed as not to be in conformity with the provisions required by this Act to be embodied in the rules.
- (k) That persons are habitually admitted as members without an interval of at least two weeks' between nomination and election, contrary to the provisions of this Act.
- 10 (l) That the supply of liquor on the club premises is not under the control of the members or the committee, contrary to the provisions of this Act.
- (m) That any other specified provision of this Act has not been complied with.

- 15 (2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.

53. Any objection to the grant or renewal of any such certificate may be taken by— Who may take objection.

- 20 (a) an inspector;
- (b) the council of the municipality or other local government area within which the premises of the club are situate;
- (c) any freeholder, leaseholder, or person residing on property situate within half a mile from such premises if they are situate within a municipality, or within five miles from such premises if they are situate elsewhere.
- 25

The signatures to any such objection shall be witnessed by a justice or a member of the police force.

- 54.** When an application for the registration of a club is granted, a certificate of registration under the hand of the clerk of such court, in the form prescribed, shall be issued to the club. A fee of five pounds shall be paid in respect of the grant or renewal of such certificate for the first forty members of the club, and a further sum of one pound for every additional forty members or fraction thereof. Issue of certificate of registration.
- 30

- 55.** When any application for a certificate or renewal is refused, the chairman of the licensing court shall pronounce the decision in open court, and shall state the grounds of the refusal, and shall cause the same to be entered on the records of the court. Refusal of renewal.
- 35

Duration of certificates and renewals.

- 40 **56.** (1) Subject to this Act, every certificate of registration of a club shall commence and take effect from the date on which it is therein stated to commence, and shall, unless previously cancelled or suspended, be in force until and including the thirtieth day of June then next following. Duration of certificate.

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(2) A renewal shall be for twelve months from the day when the certificate or the next preceding renewal thereof expires.

Removals.

57. (1) The premises of a registered club may be changed under the authority of a certificate of removal. Certificate of removal.

When such club desires to remove from the premises occupied by it to any other premises, the secretary shall, at least fourteen days before applying for a certificate, deliver to the clerk of the licensing court a notice as nearly as may be in the form prescribed.

10 (2) If on any such application a notice of objection has not been duly given, the clerk of the licensing court shall issue the certificate of removal ; but if notice of objection is so given, the matter of the application shall be inquired into and dealt with by the court. Application, how dealt with.

15 (3) The only objection that can be taken to any such application shall be that the proposed premises are not suitable for a club : What objections may be taken.

(4) Provided that if the premises of a club are, by fire, tempest, or other calamity, or by dilapidations, or by reason that such premises are being repaired or rebuilt, rendered unfit for the purposes thereof, the club may, without application to the licensing authority, remove to other premises, under its existing certificate, for any period not extending beyond the currency of the certificate. Notice of such removal and of the reason therefor shall, however, be forthwith given by the secretary to the clerk of the licensing court. Proviso where club premises accidentally destroyed.

Notices to be given of objection.

25 58. No objector shall be heard against any application unless notice of the objection has been given to the clerk of the licensing court and to the applicant at least ten clear days before the time appointed for the hearing of the application to which such notice applies : Notice of objection.

30 Provided that the court shall not be precluded from entertaining any objection which may arise during the hearing of an application, but the applicant shall then be entitled to an adjournment for such time, not less than three days, as the court thinks fit.

Hearing of applications.

59. The licensing court shall hear the application and objections, and may order such inquiry as it thinks fit, and thereafter shall grant or refuse the application. Upon the grant of the application the court shall cause the entries required by this Act to be made in the register to be kept by the clerk of such court. Hearing of applications and objections.

40 If, in the opinion of the court, any objection is frivolous or vexatious, the person making the objection shall, on the order of the court, be liable to pay the costs of the applicant in the proceedings.

Cancellation

*Liquor (Amendment).**Cancellation of registration.*

60. (1) Upon the complaint of an inspector, made upon oath, a Summons to show stipendiary or police magistrate may issue a summons to the secretary cause against of any registered club calling upon him to show cause at the next cancellation.
5 meeting of the licensing court why the certificate of registration of the club should not be cancelled on all or any of the grounds of objection which might have been taken as hereinbefore provided to the grant or renewal of a certificate.

(2) Such summons shall be served at least ten days Service of summons.
10 before the day appointed for the meeting at which the matter is to be heard.

If the secretary of any registered club cannot be found, or if there is no secretary, such summons may be served by affixing the same upon a conspicuous part of the premises of the club.

15 (3) The licensing court shall hear and determine the Determination of matter of such complaint, and may— court.

(a) cancel the certificate; or

(b) suspend the certificate until any conditions prescribed by this Act are complied with; or

20 (c) dismiss the complaint.

(4) The costs of the hearing and determination of every Costs.
such matter shall be in the discretion of the licensing court.

(5) During the period of any such suspension as aforesaid Suspension.
the club shall be deemed to be an unregistered club.

25 *Unlawful sale of liquor.*

61. (1) If on the premises of an unregistered club any liquor Sale on premises of is sold or supplied to any person, whether a member of such club or unregistered club.
not, the person selling or supplying such liquor, and every person authorising such sale or supply, shall be liable to a penalty not
30 exceeding fifty pounds; and for a second or subsequent offence, to imprisonment for any period not exceeding two months, or to a penalty not exceeding one hundred pounds, or to both.

(2) If any liquor is kept for sale or supply on the premises, Liquor kept for every officer and member of the same shall be liable to a penalty not supply or sale.
35 exceeding ten pounds, unless he proves, to the satisfaction of the court, that such liquor was so kept without his knowledge or against his orders.

Inspection.

62. (1) If a stipendiary or police magistrate or chairman of a Search warrant.
40 licensing court is satisfied, by complaint on oath, that there is reasonable ground for supposing that any registered club is so managed or carried
on

Liquor (Amendment).

on as to constitute a ground for the cancellation or suspension of the certificate of registration thereof, or that any liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any member of the police force
5 named therein.

(2) A search warrant granted under this section shall Authority of search warrant. authorise the member of the police force named therein to enter the club on any week-day or Sunday, at any time of the day or night, and to inspect the premises of the club to take the names and addresses of
10 any persons found therein, and to seize any liquor kept for sale or supply as aforesaid, and the vessels containing the same, and any books and papers relating to the business of the club.

(3) If admittance to such premises is refused or unreasonably delayed to a member of the police force authorised as aforesaid,
15 such member may break into the premises with such assistance as may be deemed requisite. Any person who refuses or wilfully so delays admittance as aforesaid shall be liable to a penalty not exceeding ten pounds.

(4) If any person in any registered club, entered by a
20 member of the police force under this section, on being asked by such member his name or address, refuses or neglects to give such name or address, or wilfully gives a false name or address, he shall be liable to a penalty not exceeding five pounds.

Register of members of a club.

25 **63.** The secretary of a registered club shall keep on the club Register of members. premises a register of members, setting forth the names in full and addresses of all members of the club, and the date of the latest payment by each member of his subscription. Such register shall be open at any time to the inspection of the inspector or any member of the
30 police force authorised in writing by the inspector.

Any secretary who fails to keep such register containing the prescribed particulars, or who wilfully makes any false entry therein, or any secretary or other person who prevents or obstructs any such inspection as aforesaid, shall be liable to a penalty not exceeding fifty
35 pounds.

Penalties.

64. If the secretary of any club makes, in a statutory declaration, False certificate by secretary. any statement which he knows to be false in any material particular, he shall be liable to imprisonment for a term not exceeding six months.

Liquor (Amendment).

PART VI.

LOCAL OPTION.

Preliminary.

65. In this Part, unless the context requires another meaning,— Definitions.
- 5 “Elector” means person qualified to vote at a general election in the electorate.
- “Electorate” means electoral district for the election of a Member to serve in the Legislative Assembly.
- 10 “General election” means Parliamentary general election for the return of Members pursuant to writs issued upon the dissolution or expiry of the Legislative Assembly.
- “License” means publican’s or colonial wine license and includes the registration of a club.
- 15 “Licensee” means holder of a publican’s or colonial wine license, and includes the secretary of a registered club.
- “Licensed” as applied to premises means premises in respect of which a publican’s or colonial wine license is in force, and includes the premises of a registered club.

Maximum number of licenses.

- 20 66. The number of licenses in an electorate shall not, except in pursuance of special authority granted as hereinafter in this Act provided, at any time exceed the number of licenses of the same description, including conditional licenses, in the electorate at the commencement of this Act. Number of licenses not to exceed present number.
- 25 67. Where a petition is presented to the Governor asking that a license may be granted for certain specified premises, and such petition is signed by a majority in number of the adult residents living in an area within a radius of one mile from the said premises, and it is shown by such petition that— Increase in number of licenses on ground of increase of population.
- 30 (a) there has been a large increase of population in the said area since the number of licenses in the electorate was fixed by or under this Act, and that such increase of population is likely to be permanent;
- 35 (b) there are insufficient licensed premises to meet public requirements within such area;
- (c) no transfer of an existing license to the premises specified in the petition has been applied for,
- the Governor shall refer such petition for inquiry in open court by a licensing court.
- 40 If, on such inquiry and after hearing persons in support of and in opposition to the petition, the said court is of opinion that the petition should be granted, it shall make a recommendation to that effect to the Governor. On

Liquor (Amendment).

On the receipt of such recommendation, the Governor may grant the petition, and shall so declare in the Gazette; and thereupon a license or a transfer of a license may be granted for the said premises, notwithstanding that by such grant the number of licenses in the electorate will exceed the number therein at the commencement of this Act or at the time of the taking of a vote under this Part, or the number fixed in pursuance of a vote for the reduction of the number of licenses in the electorate:

Provided that this section shall not apply where a resolution under this Part is in force that no licenses be granted in the electorate.

The vote.

68. (1) A vote of electors under this Part shall be taken in every electorate at the places and on the day fixed for the poll therein at each general election: Place and date of voting.

15 Provided that where such election is held within eighteen months after the polling-day for the then outgoing Parliament, the vote shall not be taken at such election, but on the day fixed for the poll at the next succeeding general election.

(2) The first vote shall be taken at the general election next following the commencement of this Act.

(3) The vote taken in any electorate shall be given effect to within such electorate.

Resolutions to be submitted.

69. (1) Except where resolution C of this section has previously been carried, and is in force in an electorate, the following resolutions shall be submitted to the vote of electors:— Form of resolutions.

(a) That the number of licenses existing in the electorate continue. (Resolution A.)

30 (b) That the number of licenses existing in the electorate be reduced. (Resolution B.)

(c) That no licenses be granted in the electorate. (Resolution C.) And the voting paper shall be in the form of Schedule Two.

(2) Where resolution C has been previously carried, and is in force in the electorate, the resolutions submitted shall be:— Where resolution C is carried.

35 (d) That licenses be restored in the electorate. (Resolution D.) And the voting-paper shall be in the form of Schedule Three.

When resolutions carried.

70. (1) Resolution A or B of the last preceding section is carried if a majority in number of the votes given is in favour of any such resolution. What majority is required for carrying resolutions.

(2)

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(2) Resolution C is carried if three-fifths at least in number of the votes given is in favour of that resolution: Provided that where less than such number is so given, the votes given in favour of resolution C shall be added to the votes given for resolution B.

5 (3) Resolution D is carried if three-fifths at least in number of the votes given is in favour of that resolution.

(4) Provided that resolution C or D shall not be carried unless thirty per centum or more of the number of electors on the electoral rolls for the electorate vote for such resolution.

10 *Effect of carrying resolutions.*

71. If any resolution is carried it shall be notified in the Gazette, and shall, subject to the provisions of this Act or the Principal Act, be given effect to within the electorate as follows, until altered by a subsequent vote:—

15 (a) If resolution A is carried, the number of licenses of the respective descriptions shall not exceed the number at the time of the taking of the vote.

(b) If resolution B is carried, the number of licenses of the respective descriptions at the time of the taking of the vote shall be reduced, and may be reduced to three-fourths of such number.

20 (c) If resolution C is carried, no licenses shall be granted, renewed, or transferred, and the provisions hereinafter in this Act provided shall have effect.

25 (d) If resolution D is carried, licenses may be granted, renewed, and transferred, but so that the number of licenses shall not be greater than the number held when the resolution C was carried in the electorate, nor less than half such number.

30 (e) If resolution D is not carried, the resolution C previously carried shall continue to have effect until altered in pursuance of this Act.

The enforcing of resolutions B and C.

72. (1) For the purpose of effecting a reduction under this Act of the number of licenses in an electorate, a special court shall be constituted.

35 (2) A district court judge appointed by the Governor shall be a member of and shall preside at each such court, and such court shall be duly constituted if the said judge and one other member is present.

40 (3) Where two or more licensing courts have jurisdiction at some place or places within the electorate, the chairmen of such licensing courts shall be members of the special court for the electorate.

(4) Where but one licensing court has jurisdiction within the electorate, the Governor shall appoint the chairman of such court and one or more stipendiary or police magistrates to be members of the special court for the electorate.

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73. (1) Each such special court shall be a court of record, with power to make all general and other rules necessary for the conduct of its business, and for the enforcing of its orders and adjudications. Court to be of record.

(2) The judge presiding at any such court may take, administer, and cause to be taken and administered, oaths, declarations, and affirmations in any matter within its jurisdiction. Power to administer oaths.

(3) The provisions of section seven of the Principal Act relating to a licensing court, and its chairman, and its proceedings, and to persons summoned to attend as witnesses, shall apply respectively to the special court aforesaid, and the judge presiding thereat and its proceedings, and to persons summoned to attend as witnesses at such court. Application of s. 7 of Principal Act.

(4) Any member of such special court, or any person authorised by it in writing, may enter any licensed premises at any time by day or night. Admittance to licensed premises by court or authorised person.

If admittance to such premises be refused or unreasonably delayed, after demand made by such member or person as aforesaid, the licensee of such premises, and every person who wilfully refuses or delays such admittance, shall be liable to a penalty not exceeding fifty pounds.

(5) The determination of any such special court shall be final and conclusive. Determination of court final.

74. (1) Where resolution B is carried, the special court having jurisdiction within the electorate shall— Resolution B, how given effect to.

(a) determine the reduction to be made in the number of the existing licenses, exclusive of those which, under a previous vote, will cease to be in force at the expiration of the prescribed period, or registered club:

Provided that—

(i) Where such number exceeds twelve, and is less than twenty-four such number shall be reduced by at least two.

(ii) Where such number is twenty-four or more, but is less than thirty-six, such number shall be reduced by at least three.

(iii) Where such number is thirty-six or more, such number shall be reduced by at least four.

(b) for the purpose of the said reduction, cause a classification of the licensed premises to be made as hereinafter provided;

(c) make the reduction by declaring that certain specified licenses of each description shall cease to be in force.

(d) notify in the Gazette its determination, and give notice to the licensees affected thereby.

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(2) The classification shall include licensed premises as to which the following conditions or any of them apply :—

Classification of premises.

- 5 (a) There have within the three years next preceding the taking of the vote been either two convictions for one of the following offences or one conviction for two of such offences made against the same or different licensees of the same premises, that is to say,—
 - 10 (i) selling or allowed to be sold any liquor to persons under the age of eighteen years or to prohibited persons ;
 - (ii) selling or allowing to be sold liquor to persons in a state of intoxication ;
 - (iii) allowing gaming to be carried on on the premises ;
 - (iv) permitting the premises, or any portion thereof, to be used for purposes of prostitution ;
 - 15 (v) permitting drunkenness on the premises ;
 - (vi) letting or subletting any bar on the premises ;
- (b) there has within the said three years been a conviction of any licensee of the premises for any one of the said offences ;
- 20 (c) it is proved that the business in the premises is so badly conducted as to be a serious inconvenience to persons requiring accommodation or a nuisance to neighbours, or that the premises are insufficiently provided with proper sanitary conveniences.

(3) In carrying out the said reduction the special court, in determining what licenses shall cease to be in force, shall—

Order of reduction of licenses to which paragraphs (a), (b), and (c) apply.

- 25 (a) consider the convenience of the public and the requirements of the several localities in the electorate ;
- (b) subject to the above consideration, deal in the first place with the licenses of premises to which paragraph (a) of the last preceding subsection applies, and in the second and
- 30 (c) of such subsection respectively apply.

(4) The licenses of premises to which paragraph (a) of subsection two of this section applies, shall cease to be in force at the expiration of such period not being less than six nor greater than twelve months from the date of the vote as the court may fix.

Other licenses.

The licenses of premises to which paragraph (b) or paragraph (c) of the said subsection applies shall cease to be in force at the expiration of such period, not being less than one nor greater than two years from the date aforesaid as the court may fix.

If, after giving effect to the provisions of this section relating to premises to which paragraphs (a), (b), and (c), aforesaid apply, the desired reduction of the number of licenses has not been made, the special court may apply the reduction to other premises. In such case the licenses of such other premises may be renewed from time to

time,

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time, but shall cease to be in force at the expiration of three years, counting from the date of the notification in the Gazette of the determination of the special court as to the reduction :

Provided that where such special court finds that such other
 5 premises are held under a written lease, or written agreement for a lease, which existed on the twenty-fourth day of August, one thousand nine hundred and five, and which at the date of the notification of the determination of the court has more than three years to run, the license of such premises shall not under this section cease to be in
 10 force until the determination of the lease or the expiration of eight years from the commencement of this Act, whichever event happens first; and if the said court finds that the said premises were on the first day of September, one thousand nine hundred and five, and on the date of the notification of the determination of the court, owned
 15 by the licensee, the license of such premises shall not under this section cease to be in force until the expiration of the eight years abovementioned :

Provided further that nothing in this subsection shall prevent the refusal of the renewal or the cancellation or the forfeiture of a
 20 license or the disqualification of premises for any lawful cause.

Unless the said lease or agreement shall have been duly stamped without fine within the period provided by law and shall have been registered in the Registrar General's office prior to the first day of December, one thousand nine hundred and five, the licensee
 25 shall be excluded from the benefit of any extension of time beyond the three years first abovementioned.

(5) In any such proceedings as aforesaid by a special court— Right to appear
before court.

(a) classifying licensed premises ; or

(b) declaring that licenses shall cease to be in force,

30 any person who may be directly affected by the determination of the court in such proceedings may appear before the court and shall be heard.

75. (1) If resolution C is carried it shall take effect within the Resolution C, how
given effect to.
 electorate at the expiration of three years from the date of the vote :

35 Provided that, on the vote being carried, a classification of licensed premises shall be made by the special court as in the last preceding section provided, and the licenses of premises as to which paragraphs (a) (b) and (c) of subsection two of that section apply, shall cease to be in force at the expiration of the respective periods fixed by
 40 the special court in accordance with that section.

Provided further that where such special court finds that any premises are held under a written lease or written agreement for a lease which existed on the twenty-fourth day of August, one thousand
 nine

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nine hundred and five, and which at the date of the notification of the determination of the court has more than three years to run, the license of such premises shall not, under this section, cease to be in force until the determination of the lease, or the expiration of eight 5 years from the commencement of this Act, whichever event happens first; and if the said court finds that the said premises were on the twenty-fourth day of August, one thousand nine hundred and five, and on the date of the notification of the determination of the court, owned by the licensee, the license of such premises shall not, under this 10 section, cease to be in force until the expiration of the eight years abovementioned :

Provided further that nothing in this section shall prevent the refusal of the renewal or the cancellation or the forfeiture of a license or the disqualification of premises for any lawful cause.

15 Unless the said lease or agreement shall have been duly stamped without fine within the period provided by law and shall have been registered in the Registrar General's office prior to the first day of December, one thousand nine hundred and five, the licensee shall be excluded from the benefit of any extension of time 20 beyond the three years in the last preceding section mentioned.

(2) When such resolution so takes effect, all licenses of every description within the electorate shall cease to be in force, and thereupon, and until licenses are restored in the electorate, the following provisions shall apply :—

- 25 (a) The provisions of the Principal Act and this Act relating to the sale of liquor without a license shall apply to the sale, supply, barter, or other disposal of liquor.
- (b) Provided that nothing in this section shall be held to prohibit 30 the sale of methylated spirits for use in the arts or manufactures, or to prohibit the sale of liquor for medicinal use, subject to the following conditions :—
 - (i) That such sale is by a pharmacist, registered under the Pharmacy Act, 1897, on the prescription of a duly qualified 35 medical practitioner.
 - (ii) That the bottle or other vessel containing the liquor is distinctly labelled with the words "intoxicating liquor," and the name and address of the seller.
- (c) If any person supplies liquor otherwise than as herein 40 provided, he shall be liable to a penalty not exceeding thirty pounds.

(3) This section shall not apply to sales by brewers of liquor, being their own manufacture, to persons not residing or carrying on business within the electorate to which the vote applies, and to be delivered beyond the limits of such electorate.

Liquor (Amendment).

76. (1) Where, in pursuance of a vote under this Part, the license of any premises ceases to be in force, the following provisions shall apply :—

Provisions applicable as between lessor and lessee where license ceases to be in force.

5 (a) If any of the conditions set out in paragraph (a) of subsection two of section seventy-four apply to such premises, the lessor may, within fourteen days after the license ceases to be in force, give to the lessee written notice of the determination of the lease at the expiration of fourteen days from such notice, and the same shall thereupon determine as by

10 effluxion of time.
(b) In any other case, the lessee may within fourteen days after the license ceases to be in force give to the lessor written notice that he desires to have the rent of the premises fixed by arbitration.

15 On such notice being given, the said rent shall be fixed under the Arbitration Act, 1902, by two arbitrators appointed by the lessor and lessee respectively, who may appoint an umpire, and shall, from the date when the license ceases to be in force, and during the currency of the lease, be the rent

20 payable thereunder in respect of the premises.

(2) In this section—

“Lessee” includes an assignee of a lease and a sub-lessee;

“Lessor” includes the person for the time being entitled to the rent of the premises.

25 *Manner of taking the vote.*

77. The following provisions shall apply to the taking of a vote under this Part :—

Provisions for voting.

(a) The vote shall in each electorate be taken at the polling-places appointed for the general election.

30 (b) Every elector is qualified to vote, but may vote for one resolution only.

(c) The electoral officer appointed for a polling-booth shall conduct the taking of the vote therein.

35 (d) The manner of voting shall be similar to that followed in the election of members to serve in the Legislative Assembly, but the voting paper shall be marked as prescribed thereon.

(e) Sections eighty-nine, ninety, ninety-one, one hundred and two, one hundred and seven, one hundred and eight, and one hundred and nine of the Parliamentary Electorates and Elections Act, 1902, shall mutatis mutandis apply to the

40 taking of a vote under this Part.

(f) The votes given shall be placed in a separate box, and shall be counted by the officer presiding at the booth in the presence of the poll-clerks (if any). (g)

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(g) a voting paper is invalid if—

- (i) the elector has voted for more than one resolution; or
- (ii) the voting paper is not endorsed with the initials of the officer presiding at the polling-booth.

5 (h) The result of the voting shall be notified by the returning officer in the Gazette.

78. If in any electorate a vote of electors under this Part is for any reason void, the Governor may appoint a day and places for taking the vote in such electorate, and may appoint officers and make necessary arrangements for the purpose of such vote being taken. Provisions where vote is void.

10 79. If it is proved to the Governor that a club is used bonâ fide for residential purposes, or mainly for the purpose of playing any athletic game or sport approved by the Minister, and is carried on during the day time in the open air, he may by proclamation, exempt such club, and any building used in connection therewith from all the provisions of the Principal Act, and this Act, other than those relating to the payment of an annual registration fee. Governor may exempt residential and athletic clubs.

Regulations.

80. The Governor may make regulations for carrying out the provisions of this Part, and may in such regulations impose any penalty not exceeding twenty pounds for the breach of the same. Governor's regulations.

Any such penalty may be recovered before two justices.

Liquor (Amendment).

SCHEDULES.

SCHEDULE ONE.

- 5 Subsection eleven of section five.
 Subsection five of section thirteen.
 Section twenty-two.
 Paragraph (a) of subsection one of section twenty-one.
 Section thirty-five.
 Subsection five of section thirty-nine.
 10 Section forty-eight.
 Section sixty-three.
 Sections eighty-four, eighty-five, eighty-six, and eighty-seven.
 Seventh Schedule.

SCHEDULE TWO.

LIQUOR (AMENDMENT) ACT, 1905.

LOCAL OPTION VOTE.

15

I vote that the number of licenses existing in the electorate continue.

I vote that the number of licenses existing in the electorate be reduced.

I vote that no licenses be granted in the electorate.

20

Indicate your vote by making a cross in the square opposite the resolution for which you vote.

SCHEDULE THREE.

LIQUOR (AMENDMENT) ACT, 1905.

LOCAL OPTION VOTE.

I vote that licenses be restored in the electorate.

25

I vote that licenses be not restored in the electorate.

Indicate your vote by making a cross in the square opposite the resolution for which you vote.