

**LIQUOR (AMENDMENT) ACT.**

**New South Wales**



ANNO VICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 29, 1972.**

**An Act to make further provision with respect to the sale and supply of liquor and with respect to licensed premises, restaurants and registered clubs; to enable an appeal against the conditional grant of an application made to the licensing court to be determined before the final grant of the application; for these and other purposes to amend the Liquor Act, 1912; and for purposes connected therewith. [Assented to, 11th April, 1972.]**

**BE**

*Liquor (Amendment).*

**No. 29, 1972** **BE** it enacted by the Queen'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:—

Short title  
and com-  
mencement.

**1.** (1) This Act may be cited as the "Liquor (Amendment) Act, 1972".

(2) The Liquor Act, 1912, is in this Act referred to as the Principal Act.

(3) This section commences on the day on which this Act receives the Royal assent and the other provisions of this Act commence upon such day or days as may be appointed and notified pursuant to subsection four of this section.

(4) The Governor may, from time to time appoint and notify by proclamation published in the Gazette the day upon which any provision of this Act specified in the proclamation, other than this section, shall commence and may appoint different days for different provisions (whether contained in the same or different sections) and the provisions so specified shall commence accordingly.

Amendment  
of Part I  
of Principal  
Act.  
Sec. 3.  
(Interpre-  
tation.)

**2.** Part I of the Principal Act is amended by inserting in the definition of "Liquor" in section three after the word "perry," the word "mead".

Amendment  
of Part II  
of Principal  
Act.

Sec. 11.  
(Holding of  
licensing  
courts.)

**3.** Part II of the Principal Act is amended—

(a) by omitting from subsection one of section eleven the words "on the outer door or front of the court-house or building in which the court is to be held:"

and

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and by inserting in lieu thereof the words "to a notice-board inside the office of the clerk of the court or outside that office on some part of the court-house or building in which the court is to be held.";

- (b) by omitting from the same subsection the words "Provided that notice of the holding of the licensing court for the Metropolitan licensing district may be given by affixing the same to a notice board in the office of the clerk of the said court."

4. Part III of the Principal Act is amended—

Amendment  
of Part III  
of Principal  
Act.

- (a) (i) by inserting in paragraph (1) of section thirteen after the word "cider" wherever occurring the word ", mead"; Sec. 13.  
(Exemptions from  
this Part.)
- (ii) by inserting in subparagraph (a) of the same paragraph after the word "grown" the words "or honey produced";
- (iii) by inserting in subparagraph (c) of the same paragraph after the word "liquor" the words "and between the hours of twelve noon and six o'clock in the evening upon any Sunday, not being Christmas Day";
- (iv) by omitting from subparagraph (f) of the same paragraph the words "five gallons" and by inserting in lieu thereof the words "ten gallons";
- (b) (i) by omitting from subsection one of section fourteen the words "and general" and by inserting in lieu thereof the word ", general"; Sec. 14.  
(Descriptions of  
liquor  
licenses.)

(ii)

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- (ii) by inserting in the same subsection after the words "public hall licenses" the words "and tourist hotel licenses";

Sec. 18.  
(Australian  
wine  
licenses.)

- (c) (i) by inserting in section eighteen after the word "cider," the word "mead";
- (ii) by omitting from the same section the words "within any Australasian Colony" and by inserting in lieu thereof the words "or honey produced within Australia";

Sec. 20c.  
(Prohibited  
days for  
sale of  
liquor.)

- (d) (i) by omitting from section 20c the words "a public hall license" and by inserting in lieu thereof the words "a limited public hall license";

- (ii) by inserting at the end of the same section the following new subsection :—

(2) A general public hall license shall not authorise the licensee to sell and dispose of liquor on any of the days referred to in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act and the time before noon on any day, not being a Sunday, on which Anzac Day is observed, except—

- (a) between the hours of twelve noon and three o'clock in the afternoon and between the hours of six o'clock in the evening and ten o'clock in the evening; and
- (b) in so far as the times specified in the license extend beyond midnight on any preceding day on which the sale or disposal of liquor is authorised by the license.

(e)

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- (e) by inserting next after the same section the following new sections :—

New  
sections  
20D-20F.

20D. (1) A tourist hotel license for premises may be granted by the licensing court or a licensing magistrate if the court or magistrate is satisfied—

Tourist  
hotel  
licenses.

- (a) that meals are regularly supplied on sale to the public for consumption on the premises ;
- (b) that there is available on the premises public accommodation of at least thirty good and substantial sleeping rooms each with separate private bathing and sanitary facilities of a good standard;
- (c) that proper facilities are available on the premises for the sale, disposal and consumption of meals and liquor ; and
- (d) that the applicant has the immediate supervision and control of the premises.

(2) Notwithstanding paragraph (b) of subsection one of this section, the licensing court or a licensing magistrate may in respect of premises which were in existence, or in the course of erection, at the commencement of paragraph (e) of section four of the Liquor (Amendment) Act, 1972, grant a tourist hotel license for premises having public accommodation of fewer than thirty good and substantial sleeping rooms, each with separate private bathing and sanitary facilities of a good standard.

(3) Nothing in this Act authorises the sale or disposal or supply of liquor on any premises in respect of which a license is in force under this section except in accordance with subsection four of this section.

(4)

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(4) A tourist hotel license may be in the form prescribed and shall authorise the licensee to sell, dispose of or supply liquor on premises referred to in subsection three of this section—

- (a) to persons bona fide in attendance at a dinner, reception, convention, seminar or the like held in a function room on the premises or at a ball conducted in such a room bona fide on behalf of a body or association of persons—
  - (i) at any time on any day that is not the day on which Anzac Day is observed and is not a day referred to in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act;
  - (ii) at any time after the hour of twelve noon on the day on which Anzac Day is observed, except where Anzac Day is observed on a Sunday;
  - (iii) between the hours of twelve noon and three o'clock in the afternoon, and between the hours of six o'clock in the evening and twelve midnight, on any Sunday on which the thirty-first day of December falls;
  - (iv) between the hours of twelve noon and three o'clock in the afternoon, and between the hours of six o'clock in the evening and ten o'clock in the evening, on any other Sunday and on any day referred to in paragraph (b) of subsection one of section fifty-seven of this Act; and

(v)

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(v) between the hours of midnight on No. 29, 1972 any day that is not a day referred to in subparagraph (iv) of this paragraph and three o'clock in the morning on the following day, where that following day is a day referred to in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act or the day on which Anzac Day is observed,

for consumption on the premises;

(b) for consumption in a dining room, restaurant or reception area, with or as ancillary to a meal—

(i) between the hours of twelve noon and three o'clock in the afternoon, and between the hours of six o'clock in the evening and ten o'clock in the evening, on any of the days specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act; and

(ii) between the hours of twelve noon and three o'clock in the afternoon, and between the hours of six o'clock in the evening and twelve midnight on any other day and, notwithstanding subparagraph (i) of this paragraph, on any Sunday on which the thirty-first day of December falls;

(c) at any time to a bona fide lodger or inmate, or the guest of a bona fide lodger or inmate—

(i) in the sleeping room set aside for the accommodation of the bona fide lodger or inmate; or

(ii)

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- (ii) in any other portion of the premises set aside for the exclusive occupation and use of bona fide lodgers and inmates and the guests of bona fide lodgers and inmates, for consumption on the premises; and
- (d) at any time to a servant of the licensee for consumption on the premises.

(5) If any person carries away liquor of any kind from premises licensed under this section, he shall be liable to a penalty not exceeding one hundred dollars unless he proves that the liquor was in his possession before he entered the premises.

(6) Where the provisions of this Act (subsection five of this section excepted) with respect of the sale or disposal or supply of liquor are contravened with respect to premises licensed under this section, the holder of the license shall be liable to a penalty not exceeding four hundred dollars.

Obtaining  
liquor by  
false  
pretences.

20E. A person who in any premises licensed under section 20D of this Act obtains or attempts to obtain liquor by falsely representing—

- (a) that he is bona fide in attendance at a dinner, reception, convention, seminar or the like held, or at a ball conducted, on those premises;
- (b) that he intends to partake of a meal on those premises;
- (c) that he is a bona fide lodger or inmate, or the guest of a bona fide lodger or inmate; or
- (d) that he is a servant of the licensee,

shall be liable to a penalty not exceeding one hundred dollars.

20F.



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20F. The provisions of subsections (2A), (3A), No. 29, 1972 (4D) and five of section 78K, and the provisions of section 78L, of this Act extend and apply to and in respect of the licensee and that portion of premises licensed as a tourist hotel in which meals are supplied to the public in like manner to that in which they apply to the holder of a permit granted under Part IIIA of this Act and the restaurant in respect of which the permit is held.

- (f) (i) by omitting from paragraph (f) of subsection one of section twenty-one the words “forty dollars” and by inserting in lieu thereof the words “one hundred dollars”;
- (ii) by omitting from paragraph (g) of the same subsection the words “four per centum” and by inserting in lieu thereof the words “six per centum”;
- (iii) by inserting next after paragraph (o) of the same subsection the following new paragraphs:—
- (p) For a new tourist hotel license such sum not exceeding five thousand dollars as may be fixed by the licensing court granting the license.
- (q) For the renewal of a tourist hotel license, a sum equal to six per centum of the gross amount paid or payable by the licensee for all liquor which, during the twelve months ended on the thirty-first day of December next preceding the date of the application for the renewal of the license, was delivered upon or purchased for the premises in respect of which the renewal is sought, whether or not a license under this Act (other than a tourist hotel license) or

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a permit under Part IIIA of this Act was held during the period for the same premises, or part of the same premises.

Sec. 22.  
(Particulars  
to be  
furnished  
by  
licensees.)

- (g) (i) by inserting in subsection one of section twenty-two after the words "general public hall license," the words "or of a tourist hotel license,";
- (ii) by inserting in subsection three of the same section after the words "general public hall license" the words ", or of a tourist hotel license";
- (iii) by inserting next after subsection four of the same section the following new subsection :—

(5) Where an application for a tourist hotel license is granted for premises in respect of which for any period between the grant of the license and the preceding thirty-first day of December the applicant was the holder of a license (other than a tourist hotel license) or a permit under Part IIIA of this Act, the applicant shall, as required by the court, lodge with the clerk of the court at the place where the application was made a statutory declaration setting forth in respect of that period the particulars required by subsection one of this section and the clerk shall forthwith transmit the declaration to the board.

Sec. 24.  
(Application  
for certain  
licenses.)

- (h) (i) by inserting in subsection one of section twenty-four after the word "license" where firstly occurring the words "or a tourist hotel license";
- (ii) by omitting from the same subsection the words "in triplicate" and by inserting in lieu thereof the words "in duplicate";
- (iii) by omitting from the same subsection the words "one of such notices inside, and another outside, on some conspicuous part of the courthouse

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courthouse or building in which the court is to be held:" and by inserting in lieu thereof the words "one of such notices on a notice-board inside the office of the clerk of the licensing court or outside that office on some conspicuous part of the court-house or building in which the court is to be held.";

- (iv) by omitting from the same subsection the words "Provided that where any such notice is delivered to the clerk of the licensing court for the Metropolitan licensing district it shall be sufficient compliance with the provisions of this subsection relating to the posting of notices by the clerk of the said court if one of such notices is posted on a notice board in the office of the said clerk.";
- (i) (i) by omitting from subsection one of section 26B the words "grant or conditional grant of his application for";
- (ii) by inserting in the same subsection after the word "tavern" where secondly occurring the words "or for an order conditionally granting such an endorsement or removal";
- (iii) by omitting subsection three of the same section;
- (iv) by inserting next after the same subsection the following new subsection :—

(4) Upon application made by the holder of a publican's license endorsed in accordance with this section the court may order that the endorsement shall cease to be of any force or effect and the license shall thereafter have effect as if the endorsement had never been made.

- (j) (i) by omitting from subsection one of section 26c the words "grant or conditional grant of his application for";

(ii)

Sec. 26c.  
(Accommodation  
hotels.)

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- (ii) by inserting in the same subsection after the word "hotel" where secondly occurring the words "or for an order conditionally granting such an endorsement or removal";
- (iii) by omitting subsection three of the same section;
- (iv) by inserting next after subsection six of the same section the following new subsection :—

(7) Upon application made by the holder of a publican's license endorsed in accordance with this section the court may order that the endorsement shall cease to be of any force or effect and the license shall thereafter have effect as if the endorsement had never been made.

Sec. 27.  
(Conditional  
license  
may be  
granted.)

- (k) by inserting in subsection one of section twenty-seven after the word "license" where firstly occurring the words "or a tourist hotel license";

Sec. 30.  
(Qualifica-  
tion of  
section  
twenty-  
nine.)

- (l) by inserting in subsection (1A) of section thirty after the word "license" where secondly occurring the words "or tourist hotel license";

Sec. 39.  
(Removal of  
licenses.)

- (m) by inserting in subsection one of section thirty-nine after the word "license" where fifthly occurring the words "or of a tourist hotel license";

Sec. 39A.  
(Conditional  
applications  
for removal  
of licenses.)

- (n) (i) by inserting in subsection one of section 39A after the word "license" where fifthly occurring the words "or of a tourist hotel license";
- (ii) by inserting in subsection (1A) of the same section after the word "license" where fifthly occurring the words "or a tourist hotel license";

(iii)

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- (iii) by inserting in subsection two of the same section after the word "license" where thirdly occurring the words "or tourist hotel license";
- (o) (i) by omitting from subsection one of section fifty-one the word "If" and by inserting in lieu thereof the words "Subject to section 51B of this Act, if"; Sec. 51. (Person under age of eighteen not allowed in bar.)
- (ii) by omitting from the same subsection the word "Every" and by inserting in lieu thereof the words "Subject to section 51B of this Act, a";
- (p) by inserting next after section 51A the following new section :— New sec. 51B.

51B. (1) On the application of a licensee the licensing court may, if it thinks fit and subject to such conditions as it may impose, grant permission to use a specified part or specified parts of the licensed premises as a dining area.

(2) An applicant for permission under subsection one of this section shall, with notice of his application, deposit with the clerk of the licensing court a plan showing the position of the part or parts of the licensed premises in respect of which the application is made.

(3) The court may, at any time on the application of the licensee or the district inspector, revoke any permission granted by it under this section.

(4) Subsection one of section fifty-one of this Act does not apply in respect of a person under the age of eighteen years who is in the company and immediate presence of a person over that age while, for the purpose of partaking of a meal, he is

in

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in a part of licensed premises in respect of which permission has been granted under subsection one of this section.

Sec. 57.  
(Times when premises may not be open for sale of liquor.)

- (q) (i) by inserting in paragraph (a) of subsection two of section fifty-seven after the word "liquor" where firstly occurring the words ", on premises for which a publican's license is held,";
- (ii) by inserting in paragraph (c) of the same subsection after the word, figures and letter "section 57B" the words ", or a permit granted under section 57C";

Sec. 57A.  
(Supply of liquor with bona fide meals or suppers in licensed or club premises.)

- (r) (i) by omitting from section 57A the words "nine o'clock" wherever occurring and by inserting in lieu thereof the words "ten o'clock";
- (ii) by omitting from subsection two of the same section the word "specified" where secondly occurring and by inserting in lieu thereof the words "(whether or not that other part is a bar within the meaning of section sixty-four of this Act) specified";
- (iii) by omitting from the same subsection the words "notwithstanding that such room or part may be a bar within section sixty-four of this Act";
- (iv) by omitting from the same subsection the words "two dollars" and by inserting in lieu thereof the words "ten dollars";
- (v) by inserting in the same subsection after the words "dining room" where secondly occurring the words "or any part of the premises specified as a dining area in accordance with section 51B of this Act";

Sec. 57B.  
(Late permit with entertainment.)

- (s) by omitting from subsection seven of section 57B the words "nine o'clock" and by inserting in lieu thereof the words "ten o'clock";

(t)

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(t) by inserting next after the same section the following new section :—

New sec.  
57c.

57c. (1) Where, in any premises for which an Australian wine license has been granted, bona fide meals at which the persons partaking thereof are seated at tables are supplied to the public, the licensing court for the district may, on the application of the licensee and on payment of a fee of one hundred dollars or, where some other fee is prescribed, on payment of that other fee, grant to the licensee with respect to the licensed premises a permit for the sale, disposal or supply of liquor for consumption on the premises with or as ancillary to a bona fide meal in accordance with the provisions of this section and may, at any time, revoke the permit if satisfied on complaint made by the licensing inspector that the purposes for which the permit was granted are not being properly observed.

Liquor with  
meals—  
Australian  
wine  
license.

(2) A permit granted in accordance with this section shall, subject to this Act, be in force from the day on which the permit is issued until the next succeeding thirtieth day of June, both days inclusive, but may be renewed from time to time by a further grant.

(3) Nothing in this Act shall prevent the sale or disposal or supply of liquor on any premises for which an Australian wine license has been granted and in respect of which a permit under this section is in force to any person other than a person referred to in section forty-nine of this Act, for consumption upon those premises with or as ancillary to a bona fide meal between the hours of twelve noon and three o'clock in the afternoon and between the hours of six o'clock in the evening and ten o'clock in the evening of the days specified in paragraphs (a) and (b) of subsection one of section fifty-seven

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fifty-seven of this Act and between the hours of ten o'clock in the evening and twelve o'clock midnight on any other day.

(4) On application to the licensing court for a special occasion on a specified day and on payment of a fee of ten dollars, the licensing court may extend a permit granted under this section to a specified hour that is not—

- (a) between three o'clock in the afternoon and six o'clock in the evening on any day specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act; or
- (b) later than ten o'clock in the evening on such a day.

(5) Any person (other than a person then lawfully entitled to be supplied with liquor under the provisions of this Act) who, upon licensed premises in respect of which a permit under this section is in force, obtains or attempts to obtain liquor between the hours of twelve noon and three o'clock in the afternoon, or between the hours of six o'clock in the evening and ten o'clock in the evening, of any day specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act, or between the hours of ten o'clock in the evening and twelve o'clock midnight on any other day, by falsely representing that he intends to partake of a meal or supper on those premises shall be liable to a penalty not exceeding one hundred dollars.

(6) Notwithstanding the foregoing provisions of this section, where the thirty-first day of December is a Sunday this section shall operate with respect to the hours between ten o'clock in the evening and twelve o'clock midnight on that day, and with respect to the extension of a permit, in the same manner and to the same extent as it operates with respect to the hours between ten o'clock



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o'clock in the evening and twelve o'clock midnight, No. 29, 1972  
and with respect to the extension of permits, on  
any day other than a day specified in paragraphs  
(a) and (b) of subsection one of section fifty-seven  
of this Act.

(7) In the foregoing provisions of this  
section "liquor" means liquor that may be sold or  
disposed of pursuant to the authority conferred by  
section eighteen of this Act and does not include  
any other liquor.

- (u) by inserting in subsection one of section 58A after Sec. 58A.  
the figures and letter "57B," the words "or pursuant (Carrying  
to a permit or extension thereof under section away  
57C,;" liquor from  
licensed  
premises.)
- (v) by inserting in paragraph (d) of subsection three Sec. 64.  
of section sixty-four after the word "premises" the (Bars.)  
words ", or to premises the subject of a tourist hotel  
license";
- (w) by inserting in subsection two of section 64A after Sec. 64A.  
the word "liquor" where firstly occurring the words (Closing of  
"either pursuant to the license or, in the case of the bars, etc.)  
holder of a permit under section 57C of this Act,  
pursuant to the permit or any extension thereof";
- (x) by inserting in section 78B after the word Sec. 78B.  
"purposes" the words "of Part IX". (Recording  
of convic-  
tions against  
licensee.)

5. Part IIIA of the Principal Act is amended—

- (a) by inserting at the end of section 78J the following Sec. 78J.  
new subsections :— (Holder of  
permit.)

(5) Where the court is satisfied with respect to  
premises to which a permit relates that the business  
of a restaurant has ceased to be conducted on those  
premises, the court may—

- (a) on the application of the holder of the per-  
mit, accept a surrender of the permit; or  
(b)

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(b) on the application of the district inspector, order that the permit cease to have any force or effect.

(6) Where the court has accepted a surrender, or made an order, pursuant to subsection five of this section, the permit to which the surrender or order relates ceases to have any force or effect.

Sec. 78K.  
(Effect of  
permit.)

- (b) (i) by omitting from subsection four of section 78K the words "nine o'clock" and by inserting in lieu thereof the words "ten o'clock";
- (ii) by omitting from paragraph (b) of subsection (4A) of the same section the words "nine o'clock" and by inserting in lieu thereof the words "ten o'clock";
- (iii) by omitting from paragraph (a) of subsection (4C) of the same section the word "thirty" and by inserting in lieu thereof the word "one";
- (iv) by omitting from the same paragraph the word "three-thirty" and by inserting in lieu thereof the word "four";
- (v) by omitting from paragraph (b) of subsection (4D) of the same section the words "under this Act" and by inserting in lieu thereof the words "by the district inspector";

Sec. 78L.  
(Removal of  
bottles  
from  
tables.)

- (c) (i) by omitting from paragraph (a) of subsection one of section 78L the word "three-thirty" and by inserting in lieu thereof the word "four";
- (ii) by omitting from subparagraph (i) of paragraph (b) of the same subsection the word "nine-thirty" and by inserting in lieu thereof the word "eleven";
- (iii) by omitting from subparagraph (ii) of the same paragraph the word "twelve-thirty" and by inserting in lieu thereof the word "one";

(iv)

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(iv) by inserting next after the same paragraph the No. 29, 1972 following new paragraph :—

- (c) Where liquor is served during an hour or hours extended in accordance with subsection (4D) of section 78K of this Act, the removal shall be completed before the expiration of the period of one hour that next succeeds the time at which the extension expires.

6. Part IX of the Principal Act is amended by inserting in section one hundred and thirty-one after the words "interested therein" the words "made before the thirtieth day of June next succeeding the lapse, expiry or non-renewal of the license".

Amendment  
of Part IX  
of Principal  
Act.  
Sec. 131.  
(Renewal of  
licenses  
which have  
lapsed or  
expired.)

7. Part X of the Principal Act is amended—

Amendment  
of Part X  
of Principal  
Act.

- (a) (i) by inserting in section one hundred and thirty-three after the word "premises" where secondly occurring the words "and for premises for which a publican's license is held";
- (ii) by inserting at the end of the same section the following new subsections :—

Sec. 133.  
(Application  
of certain  
sections to  
registered  
clubs.)

(2) Where an application under section 139A of this Act is granted in respect of the premises of a registered club, section fifty-one of this Act does not—

- (a) on the days and during the hours specified by the court, magistrate or clerk pursuant to paragraph (c) of subsection two of that section when granting the application; and

(b)

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- (b) while any conditions imposed on the grant of the application, and the provisions of subsection three of that section, are complied with,

apply to or in respect of the part or parts of the club premises specified by the court, magistrate or clerk pursuant to paragraphs (a) and (b) of subsection one of that section.

(3) In applying the provisions of section 51B of this Act to a registered club, that section shall be deemed to be amended by inserting at the end thereof the following new subsection :—

(5) The secretary of a registered club is guilty of an offence and liable to a penalty not exceeding two hundred dollars if, at a time when a poker machine is located in—

- (a) a part of the club premises in respect of which permission has been granted under subsection one of this section; or
- (b) a part of the club premises through or by means of which a person under the age of eighteen years is permitted or obliged to obtain entry to, or to depart from, the part of the club premises in respect of which that permission has been granted,

a person under the age of eighteen years is in that part of the premises.

(b)

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- (b) (i) by omitting from paragraph (h) of subsection one of section one hundred and thirty-five the words "certain qualifications" and by inserting in lieu thereof the words "qualifications that are requisite and appropriate for the purposes of the club and are"; No. 29, 1972  
Sec. 135.  
(Provisions to be made in rules of clubs.)
- (ii) by omitting from the same subsection the words "the last preceding section" and by inserting in lieu thereof the words "section one hundred and thirty-four of this Act";
- (iii) by inserting next after the same subsection the following new subsection :—

(1A) The provisions of paragraph (g) of section one of this section do not apply to or in respect of the Sydney Cricket Ground Club, the Australian Jockey Club, the Newcastle International Sports Centre Club and any club that the Minister declares by order published in the Gazette to be exempted from the operation of those provisions.

- (c) by inserting next after section one hundred and thirty-nine the following new section :— New sec.  
139A.

139A. (1) Where the secretary of a registered club applies for permission for persons under the age of eighteen years to attend a function associated with the celebration of Christmas in a part or parts of the club premises in which, but for that permission and the provisions of subsection two of section one hundred and thirty-three of this Act, they could not lawfully be, the licensing court, a licensing magistrate or, where no objection is taken by the district inspector, the clerk of the licensing court may, subject to subsection two of this section, grant the application subject to such conditions as are imposed by the court, magistrate or clerk in granting the application. Persons under eighteen years of age at functions on club premises.

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(2) The court that, or the magistrate or clerk who, grants an application under subsection one of this section shall, in granting the application, specify—

- (a) the part or parts of the club premises in which the persons to whom the application relates will be permitted to remain for the purpose of attending the function to which the application relates;
- (b) the part or parts of the club premises through or by means of which those persons will be permitted to obtain entry to, or depart from, the part or parts of the premises referred to in paragraph (a) of this subsection; and
- (c) the day or days, and the period or periods during that day or those days, in respect of which the permission is granted.

(3) Where an application under subsection one of this section is granted, the secretary of the club to which the application relates is guilty of an offence and liable to a penalty not exceeding two hundred dollars if, on the day or days specified pursuant to paragraph (c) of subsection two of this section in granting the application—

- (a) liquor is, during the period or periods so specified in respect of that day or those days, sold, supplied or consumed; or
- (b) a poker machine is, during that period or those periods, located,

in the part or parts of the club premises specified under paragraph (a) or (b) of subsection two of this section in granting the application.

*Liquor (Amendment).*

8. Part XI of the Principal Act is amended by inserting in section one hundred and fifty-six after the word "goods." the words "And where a licensee or a person authorised by him has, pursuant to this section, refused to admit a person into his licensed premises or has turned a person out of those premises or caused a person to be turned out of those premises he, or a person authorised by him, may subsequently at any time, or from time to time, again refuse to admit that person into those premises or turn that person out of those premises or cause that person to be turned out of those premises."

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Amendment  
of Part XI  
of Principal  
Act.Sec. 156.  
(Exclusion  
of inebriates  
and others  
from  
licensed  
premises.)

9. Part XII of the Principal Act is amended—

Amendment  
of Part XII  
of Principal  
Act.

(a) by inserting in paragraph (a) of subsection five of section one hundred and seventy after the word "Act" where thirdly occurring the words ", or an application for a permit under section 57C of this Act";

Sec. 170.  
(Appeals.)

(b) by inserting in section one hundred and seventy-four after the word "license" wherever occurring the words ", permit or certificate of registration".

Sec. 174.  
(Proof of  
license.)

10. The Principal Act is further amended—

Further  
amendment  
of Principal  
Act.

(a) (i) by omitting from subsection one of section twenty-seven the words "affirmative a license" and by inserting in lieu thereof the words "affirmative the court";

Sec. 27.  
(Conditional  
license  
may be  
granted.)

(ii) by omitting from the same subsection the words "be issued by the court at its next sitting, unless the court is then satisfied" and by inserting in lieu thereof the words ", but subject to section 170A of this Act, order the issue of a license unless the court is satisfied";

(b)

*Liquor (Amendment).*

No. 29, 1972

Sec. 39A.  
(Conditional applications for removal of licenses.)

(b) by omitting from subsection one of section 39A the words "and at its next sitting" and by inserting in lieu thereof the words "but subject to section 170A of this Act";

Sec. 136A.  
(Conditional registration may be granted.)

(c) by omitting from subsection five of section 136A the words "a certificate of registration shall be issued by the court at its next sitting" and by inserting in lieu thereof the words "the court shall, subject to section 170A of this Act, order the issue of a certificate of registration";

Sec. 145.  
(Removals of club premises.)

(d) by omitting from subsection two of section one hundred and forty-five the words "at its next sitting" and by inserting in lieu thereof the words "subject to section 170A of this Act";

New sec. 170A.

(e) by inserting next after section one hundred and seventy the following new section:—

Conditional grant not to be made final during pendency of appeal.

170A. (1) In this section—

"prescribed adjudication" in relation to the court means an adjudication of the court given after the commencement of section ten of the Liquor (Amendment) Act, 1972, whereby—

(a) an application under section 26B, 26C, 39A or 78EA, or under subsection two of section one hundred and forty-five, of this Act is conditionally granted; or

(b) a conditional application under section twenty-seven or 136A of this Act is granted;

"prescribed order" in relation to a prescribed adjudication of the court means the order that, by this Act, the court is required to make with respect to the subject-matter of that adjudication after the district inspector has



*Liquor (Amendment).*

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has given a certificate affirming compliance with the conditions subject to which the adjudication was given. **No 29, 1972**

(2) The court shall not make a prescribed order in relation to a prescribed adjudication of the court—

- (a) before the expiration of the period during which a person aggrieved by that prescribed adjudication may, pursuant to paragraph (b) of subsection five of section one hundred and seventy of this Act, appeal from that adjudication; or
  - (b) where such a person so appeals—
    - (i) before the appeal is heard and determined or otherwise disposed of; or
    - (ii) if the appeal is upheld.
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