

7 ELIZ. II. No. 11, 1958. *Liquor Acts Amendment Act.*

LIQUOR.

**An Act to Amend "The Liquor Acts, 1912 to 1954,"
in certain particulars.**

7 ELIZ. II.
No. 11.
THE
LIQUOR ACTS
AMENDMENT
ACT OF 1958.

[ASSENTED TO 28TH APRIL, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as "*The Liquor Acts Amendment Act of 1958.*" Short title.

(2.) *"*The Liquor Acts, 1912 to 1954,*" are in this Act referred to as the Principal Act. Principal Act.

(3.) The Principal Act and this Act may be collectively cited as "*The Liquor Acts, 1912 to 1958.*" Collective title.

2. Section one of the Principal Act is amended— Amendments of s. 1.

(a) By inserting, after the words and numerals "PART VII.—SALE OF LIQUOR BY UNLICENSED PERSONS ;", the words, numerals and letter "PART VIIA.—MAXIMUM PRICES FOR LIQUOR ;"; and

(b) By inserting, after the words and numerals "PART VIII.—PROHIBITION POLL ;", the words, numerals and letter "PART VIIIA.—LOCAL OPTION ;".

3. Section four of the Principal Act is amended— Amendments of s. 4.

(i.) By inserting after the definition of the term "Australasian Wine", the following definition:—

" "Bar"—A room or place in or on licensed premises set apart and used solely or principally for the sale of liquor to customers, stocked with liquor of various kinds, furnished with a counter or counters across which liquor is supplied direct to customers, and wherein or whereon customers may consume Bar.

then and there the liquor with which they are so supplied : The term does not include a room or place in or on licensed premises set aside and used solely as a servery from which liquor is supplied direct to, or carried by the licensee, his servants or agents to, customers who consume that liquor away from that servery in—

- (a) A beer garden ;
- (b) A lounge ;
- (c) A dining room ; or
- (d) Some other part of the licensed premises which is not such a servery or a bar within the meaning of this definition ;”;

(ii.) By inserting after the definition of the term “ Package ”, the following definition :—

Part.

“ “ Part ”—Part of this Act, including, where necessary, Orders in Council, regulations and rules, if any, made under this Act for the purposes of the Part in question ;”;

(iii.) By inserting, after the definition of the term “ This Act ”, the following definition :—

Tourist area.

“ “ Tourist area ”—Any area which, upon the recommendation of the Minister in charge of tourist services, the Governor in Council, by Order in Council published in the *Gazette*, declares to be a tourist area (the Governor in Council being hereby authorised to so declare any area at any time) ;”.

Amendments
of s. 6.

4. Section six of the Principal Act is amended—

(i.) By repealing subsection three thereof and inserting, in lieu of that repealed subsection, the following subsection :—

Deputy for
chairman
and
alternate
member.

“ (3.) (a) The Governor in Council may designate one of the other two members of the Commission to be the deputy for the chairman thereof.

Such designation, if of a fresh appointee, may be set out in the instrument appointing him, but in that case or in the case of a member in office, the designation may be notified in the *Gazette*.

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(b) The secretary to the Commission or any person appointed to act in the office of secretary to the Commission shall be, *ex officio*, the alternate member of the Commission.

(c) In the case of the illness, inability, or absence of the chairman, or of any vacancy in that office, the member designated to be the deputy for the chairman shall act as chairman of the Commission, and shall while he so acts have all the powers and perform all the duties, and may exercise all the jurisdiction and authority of the chairman.

(d) In the case of illness, inability, or absence of any member, other than the chairman, or of any vacancy in the office of such a member, or during any time when the deputy for the chairman is acting as chairman of the Commission, the alternate member shall act as a member of the Commission, and shall while he so acts have all the powers and perform all the duties and may exercise all the jurisdiction and authority of a member, other than the chairman.

(e) On any occasion when the member designated to be the deputy for the chairman acts as chairman or the alternate member acts as a member of the Commission he shall be presumed to have done so with due authority unless and until the contrary is proved.” ;

(ii.) By repealing in the second paragraph of subsection four thereof the words “two members or one member and the duly appointed deputy for another” and by inserting, in lieu of those repealed words, the words “two members one of whom shall be the chairman or deputy chairman and the other of whom may, if acting under due authority, be the alternate member” ;

(iii.) By adding thereto the following subsections :—

“(8.) The Commission shall not refuse to allow the public or any portion of the public to be present at any sittings of the Commission, so far as the room or place in which the sittings is held can conveniently contain them, unless in the opinion of the Commission it is in the public interest expedient so to do for reasons connected with the subject matter of the proceedings or the nature of the evidence to be given.

(9.) Upon the application of a person having, in the opinion of the Commission, a sufficient interest in the subject or result of proceedings before it, the Commission may order that all or any evidence given at such proceedings (including the contents of any book, document, or other writing produced at the proceedings) shall not be published.

(10.) Every person who publishes or permits or allows to be published any evidence given at any proceedings before the Commission or the contents of any book, document, or other writing produced at any such proceedings which the Commission has ordered not to be published commits an offence against this Act.

Penalty : One hundred pounds.”

New ss. 6A
and 6B
inserted.

Oath of
office.

5. The following sections are inserted after section six of the Principal Act :—

“ [6A.] Every member, and the alternate member of the Commission shall, before entering upon the exercise of his powers or the performance of his duties under this Act, take and subscribe the prescribed oath of office.

The oath of office of the chairman of the Commission shall be taken and subscribed before a Judge of the Supreme Court and the oath of office of the other members, the alternate member and deputy members shall be taken and subscribed before the said chairman.

The members of the Commission holding office at the date of the passing of **“ The Liquor Acts Amendment Act of 1958 ”* shall within thirty days thereafter take and subscribe the prescribed oath of office.

Declarations
of secrecy.

[6B.] (1.) Every member, the secretary and every other officer of the Commission exercising any power or performing any duty under this Act shall, before entering upon the exercise of his powers or the performance of his duties under this Act, sign a declaration of secrecy in accordance with the prescribed form.

The members, secretary and other officers of the Commission holding office at the date of the passing of **“ The Liquor Acts Amendment Act of 1958,”* shall within thirty days thereafter sign such a declaration of secrecy

* This Act.

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(2.) All declarations of secrecy under this Act shall be lodged with the secretary to the Commission, who shall cause all such declarations to be retained in his office.

(3.) For the purposes of this subsection "officer" means any person who is or has been appointed or employed by the State, and who by reason of that appointment or employment or in the course of that employment may acquire or has acquired information respecting the affairs of any other person, disclosed or obtained under the provisions of this Act.

(4.) Subject to this section, a person referred to in subsection one of this section shall not either directly or indirectly except in the performance of any duty as member, alternate member, secretary, or other officer of the Commission and either while he is or after he ceases to be a member, alternate member, secretary, deputy member or other officer of the Commission, as the case may be, make a record of, or divulge or communicate to any person any information concerning the affairs of any person disclosed or obtained under the provisions of this Act.

(5.) A member, or the secretary or any other officer of the Commission shall not be required to produce in court any document which has come into his custody or possession by virtue of this Act or divulge or communicate to any court any matter or thing coming under his notice in the performance of his duties under this Act, except when it is necessary to do so for the purpose of carrying into effect the provisions of this Act."

6. Subsection one of section eight of the Principal Act is amended— Amendment of s. 8 (1).

(a) By repealing in the first paragraph thereof the words "on any account whatever" and inserting, in lieu of those repealed words, the words "save on the ground that the Commission has exceeded, is exceeding or is about to exceed its jurisdiction under this Act"; and

(b) By repealing in the second paragraph thereof all words from and including the words "and/or jurisdiction or to any other matter" to the end of that paragraph and inserting, in lieu of those repealed words,

the words "save on the ground that the Commission has exceeded, is exceeding or is about to exceed its jurisdiction under this Act".

Amendments
of s. 18.

7. Section eighteen of the Principal Act is amended—

(a) By repealing in paragraph (i.) of subsection one thereof the words "and other charges whatsoever";

(b) By inserting in paragraph (iii.) thereof, after the words "under this Act", the words "or any Act or law of any other State or of any Territory of the Commonwealth";

(c) By repealing in paragraph (iv.) of subsection one thereof the words "and other charges whatsoever";

(d) By inserting in subsection two thereof, after the words "under this Act", the words "or any Act or law of any other State or of any Territory of the Commonwealth";

(e) By repealing subsection three thereof;

(f) By repealing in subsection four thereof the words "he belongs" and inserting, in lieu of those repealed words, the words "a licensee belongs, and in the case of every registered brewer";

(g) By inserting in subsection four thereof, after the words "under this Act", the words "or any Act or law of any other State or of any Territory of the Commonwealth"; and

(h) By adding to the last paragraph of subsection seven thereof the words "and for the purposes of such forfeiture section 47B of this Act, with all necessary adaptations thereof, shall extend accordingly."

Amendment
of s. 22 (4).

8. Subsection four of section twenty-two of the Principal Act is amended by inserting, after the word "wine-seller", the words "or spirit merchant".

New section
40A.

9. The following section 40A is inserted after section forty of the Principal Act:—

Conse-
quences of
resumption
of licensed
premises.

"[40A.] On and from the date of resumption, pursuant to the provisions of **The Public Works Land Resumption Acts, 1906 to 1952*," or any other Act thereunto enabling, of lands the whole or any part of which

* 6 E. 7 No. 14 and amending Acts.

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are licensed premises (other than a resumption by a Local Authority for the purpose of establishing and maintaining licensed premises as a function of local government), the license in respect of such premises shall be deemed to be a cancelled license and the provisions of section forty, section forty-eight and section forty-nine of this Act shall, with and subject to all necessary adaptations, apply to such premises and to the license thereof.

Nothing in this section shall be taken to confer any right to compensation under this Act upon the holder of the license or any other person in respect of any such resumed licensed premises or to derogate from or affect any right to compensation in any person under the Acts or Act under which such lands were so resumed."

10. (1.) Section forty-eight of the Principal Act is amended— Amendments
of s. 48.

(i.) By renumbering that section subsection one of section forty-eight; and

(ii.) By adding to that section as so renumbered the following subsections :—

“(2.) (a) Notice that it proposes to remove a license in accordance with this section shall be published by the Commission in the *Gazette* and at least twice in a newspaper circulating in the locality in which the premises to which the Commission proposes to remove the license are, or are to be, situated.

(b) That notice shall specify the aforesaid locality and a date before which objections as referred to in subsection one of this section may be made to the Commission and before which electors in that locality may petition for the taking of a local option vote.

The date so specified shall be not earlier than ninety days after the publication of the notice in the *Gazette*.

(3.) The Commission shall not determine to remove a license in accordance with this section—

(a) Until after the date specified in the notice published pursuant to subsection two of this section; or

- (b) If it upholds any objection, as referred to in subsection one of this section, made to it pursuant to, and before the date specified in, the notice published pursuant to subsection two of this section ; or
- (c) If, before the date specified in the notice published pursuant to subsection two of this section, electors have petitioned for the taking of a local option vote in accordance with the requirements of Part VIII A., until after the taking of the poll for that vote and not then unless a majority of the electors voting at that poll favour the removal of the license as proposed by the Commission.

(4.) For the purposes of subsections two and three of this section the term "locality" shall mean a locality as defined by subsection two of section 151A of this Act.

(5.) The provisions of this section and Part VIII A. do not apply to any description of licenses other than licensed victuallers' licenses and winesellers' licenses and, save with respect to objections as referred to in subsection one of this section, the provisions of subsections two and three of this section and of Part VIII A. do not apply to the removal of a licensed victualler's license or a wineseller's license in accordance with this section to premises situated, or to be situated, in a tourist area.

(6.) Nothing in this section shall be deemed to require a local option vote to be taken, and a local option vote shall not be taken, in any case where the Commission upholds an objection, as referred to in subsection one of this section, made to it pursuant to, and before the date specified in, the notice published pursuant to subsection two of this section.

(7.) Where the majority of the electors in any locality voting at the poll for the taking of a local option vote in accordance with the requirements of Part VIII A. did not favour the removal of a license as proposed by the Commission, the Commission shall not, in respect of that locality, again initiate action under this section until the expiration of at least five years from the date when the votes of electors at that poll were taken."

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(2.) This section and sections thirty-three, thirty-four, thirty-five, and thirty-six of this Act shall come into force on and from a date sixty days after the date of the passing of this Act.

Commencement of ss. 10, 33, 34, 35 and 36.

11. Section fifty-one of the Principal Act is amended by repealing subsection one thereof and inserting, in lieu of that repealed subsection, the following subsection :—

Amendment of s. 51.

“(1.) (a) This section applies with respect to all descriptions and kinds of licenses save packet licenses and railway refreshment room licenses.

Power to require repairs and improvements to licensed premises.

(b) An order as hereinafter in this section provided signed by the secretary of the Commission or by an inspector authorised in that behalf by the Commission may be served upon an owner or licensee, or both, where in the opinion of the Commission or of that inspector the licensed premises—

- (i.) Are by reason of the age or the destruction (complete or partial) of the buildings thereof, or any of them, or their ruinous, damaged or dilapidated condition, or the nature or condition of structural materials, or the structural design or formation thereof unfit for or unsuited or inadequate to their respective purposes under this Act ; or
- (ii.) Require cleansing, painting, repainting or repairing ; or
- (iii.) Are not in a satisfactory sanitary state or condition ; or
- (iv.) Do not contain the prescribed accommodation ; or
- (v.) Are not provided with necessary furniture, furnishings, fittings, fire alarm, fire fighting and fire escape equipment, in good order and condition ; or
- (vi.) Are not as respects the structural condition of the buildings thereof, or any thereof, or as respects furniture, furnishings, and fittings, and services, amenities, and standards of accommodation, or any of those things,

suitable and sufficient to meet the needs of the locality in which the licensed premises are situated ; or

(vii.) Otherwise do not comply with this Act.

(c) The aforementioned order, which may be in general or specific terms, shall require the owner or licensee, or both, to do in relation to the licensed premises within the time stated in that order, and to the satisfaction of the Commission or inspector, such acts, matters and things, including the lodging with the Commission of detailed plans and specifications, as are in the opinion of the Commission or the inspector necessary and are directed thereby.

In the case of an order under this section directed only to a licensee who is not the owner of the licensed premises, a duplicate of the order shall also be served upon the owner of those premises (or, if that owner cannot conveniently be found, shall, if practicable, be affixed, addressed to that owner, upon the front or principal door of those premises).

In the case of a licensed club, if the secretary or nominee thereof cannot conveniently be found, the order as aforesaid may be served by affixing it, if practicable, addressed to that club, upon the front or principal door of the licensed premises thereof.

In the case of an order as aforesaid requiring any building to be rebuilt or the accommodation of any licensed premises to be added to within the period stated in that order, that period shall be not less than three months.

(d) The provisions of this subsection shall be in addition to and not in diminution of or substitution for any other provisions of this Act."

Amendments
of s. 58 (1).

12. Subsection one of section fifty-eight of the Principal Act is amended—

(i.) By repealing in subparagraph (d) of the first paragraph thereof the words "or place where liquor is sold over the counter on any licensed victualler's premises";

(ii.) By repealing in subparagraph (d) of the first paragraph thereof the words "or place where liquor is sold over the counter on";

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(iii.) By repealing in the first paragraph thereof the word “five” and inserting, in lieu of that repealed word, the word “ten”; and

(iv.) By repealing in the first paragraph thereof the word “ten” and inserting, in lieu of that repealed word, the word “twenty”.

13. Section fifty-nine of the Principal Act is amended— Amendments of s. 59.

(a) By repealing in paragraph (e) thereof the words “or place where liquor is sold over the counter” wherever those words occur therein; and

(b) By repealing therein the words “not exceeding ten pounds” and inserting, in lieu of those repealed words, the words “not exceeding twenty pounds nor less than ten pounds”.

14. Section sixty of the Principal Act is amended— Amendment of s. 60.

(i.) By repealing in the second paragraph thereof the words “not exceeding ten pounds” and inserting, in lieu of those repealed words, the words “not exceeding twenty pounds nor less than ten pounds”;

(ii.) By repealing in the fourth paragraph thereof the word “apparently”;

(iii.) By repealing in the fourth paragraph thereof the words “not exceeding ten pounds”, and inserting, in lieu of those repealed words, the words “not exceeding twenty pounds nor less than ten pounds”; and

(iv.) By adding thereto the following paragraphs:—

“Any person under the age of twenty-one years who is found drinking or consuming liquor, or with liquor in his possession, on or in any licensed premises shall be liable to a penalty not exceeding twenty pounds nor less than ten pounds.

Any police officer may seize and take away, or cause to be seized and taken away, any liquor which is being drunk or consumed by, or which he reasonably suspects is about to be drunk or consumed by, or which is found in the possession of, any person in contravention of this section, together with the vessel, utensil or other package containing the same, and in the case of a conviction under this section in relation to any liquor

so seized, the Court shall, in addition to any other penalty declare such liquor and the vessel, utensil or package containing the same to be forfeited."

Amendment
of s. 62 (1).

15. Subsection one of section sixty-two is amended—

(a) By repealing in the first paragraph thereof the words "and any and every other place where liquor is sold over the counter"; and

(b) By repealing in the second paragraph thereof the words "or other place where liquor is sold over the counter".

New s. 68D
inserted.

16. The following section is inserted after section 68C of the Principal Act :—

Public bars.

"[68D.] (1). At least one bar on every licensed victualler's premises shall be a public bar.

(2.) Where there is one bar only on any licensed victualler's premises, that bar shall be a public bar for all purposes of this Act.

(3.) Where there are more bars than one on any licensed victualler's premises, the Commission may determine which of those bars shall be the public bar on those licensed victualler's premises.

The Commission may at any time revoke such a determination and substitute a fresh determination therefor.

(4.) Every licensed victualler shall cause the words "Public Bar" to be kept painted or affixed on or near to every entrance to any public bar on his licensed premises so as to be at all times clearly legible at a distance of not less than twenty feet to members of the public when in the act of entering that public bar by means of such entrance.

Penalty : One hundred pounds.

(5.) Every licensed victualler shall keep open for the sale of liquor the public bar or, if more than one, every public bar on his licensed premises at all times during which he is required by this Act to keep his licensed premises open for the sale of liquor.

Penalty : One hundred pounds."

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17. Section sixty-nine of the Principal Act is amended— Amendment of s. 69.

(i.) By repealing in subsection two thereof all words from and including the words “at a general election” to the end thereof; and

(ii.) By adding to subsection two thereof the following paragraph, namely:—

“In this subsection the term “polling day” means the day or adjourned day for taking in the electoral district or electoral division or, in the case of a local option vote under Part VIII.A. of this Act, locality in which the licensed premises in question are or are to be situated the poll at—

- (a) A general election of members to serve in the Legislative Assembly of this State or in the House of Representatives of the Parliament of the Commonwealth;
- (b) An election of senators for this State to serve in the Senate of the Parliament of the Commonwealth;
- (c) A by-election for the electoral district or electoral division in question of a member to serve in the Legislative Assembly of this State or in the House of Representatives of the Parliament of the Commonwealth;
- (d) A referendum under Part VIII. of this Act or under any other law of this State or under any law of the Commonwealth, including for voting upon any proposed law for the alteration of the Constitution of the Commonwealth; or
- (e) A local option vote under Part VIII.A. of this Act.”

18. Section seventy-five of the Principal Act is amended— Amendments of s. 75.

(a) By repealing, in subsection one thereof, the words “for more than two days” and by inserting, in lieu of those repealed words the words “in respect of a number of days extending over a period of one month”; and

(b) By repealing in the second paragraph of subsection two thereof the words and brackets “(but so that no liquor shall be consumed or be permitted to be consumed in such room or place between the hours of ten o’clock at night and ten o’clock of the next morning)” and by inserting, in lieu of those repealed words, the words “which has been actually procured from the licensed premises and actually stored in such room or place at a time when such licensed premises are by law permitted to be open.”

Amendment
of s. 114 (3).

19. Subsection three of section one hundred and fourteen of the Principal Act is amended—

(i.) By repealing paragraph (a) thereof and inserting, in lieu of that repealed paragraph, the following paragraph:—

“(a) A registered club license, an ex-servicemen’s club license, or a workers’ club license shall not be granted to, or continue to be held by, a club unless that club has a minimum membership (excluding honorary, temporary and associate members)—

- (i.) If situated within the Area of the City of Brisbane, of three hundred members ;
- (ii.) If situated within the Area of a Local Authority which is a City under and within the meaning of **“The Local Government Acts, 1936 to 1957,”* of two hundred members ; or
- (iii.) If situated elsewhere than as specified in subparagraphs (i.) and (ii.) of this paragraph, of one hundred members.

This paragraph (a) does not apply to any registered club existing at the passing of †*“The Liquor Acts Amendment Act of 1954,”* the certificate of registration whereof, having been continued in force pursuant to subsection one of section 125F of this Act, is in force on the date of the enactment of this paragraph (a) and the membership whereof is on that date less than the applicable minimum membership prescribed by this paragraph (a).” ; and

(ii.) By repealing paragraphs (c) and (d) thereof.

* 1 G. 6 No. 1 and amending Acts.

† 3 Eliz. 2 No. 55.

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20. The following section is inserted after section one hundred and nineteen of the Principal Act. New s. 119A inserted.

“ [119A.] (1.) Subject to this section the Commission may, upon application in that behalf made to it, convert a club license of any kind to a club license of another kind. Conversion of club licenses.

(2.) Such a conversion shall be effected by endorsing upon the license in question the kind of license to which it is converted, and thereupon and thereafter the license shall become and be the kind of license specified in the endorsement and no longer be or be deemed to be a license of the kind which it was prior to the endorsement.

(3.) This section does not apply to bowling club licenses and golf club licenses and accordingly—

(a) A bowling club license or a golf club license shall not be converted to any other kind of club license ; and

(b) A club license of any other kind shall not be converted to a bowling club license or a golf club license.

(4.) A club license of any kind shall not be converted under this section to another kind of club license unless and until the Commission is satisfied that, with respect to the club concerned, the provisions of this Act applicable to a club of that other kind have been complied with in every respect.”

21. Section one hundred and twenty of the Principal Act is amended— Amendments of s. 120.

(i.) By repealing in paragraph (g) of subsection one thereof the words “ subject to paragraph (h) of these requirements,” ;

(ii.) By repealing paragraph (h) of subsection one thereof ; and

(iii.) By repealing subsection three thereof.

22. Section one hundred and twenty-one of the Principal Act is amended by repealing, in subsection seven thereof, the word “ three ” and inserting, in lieu of that repealed word, the word “ nine ”. Amendment of s. 121.

23. Section 125F of the Principal Act is amended by repealing subsection two thereof. Amendment of s. 125F.

Amendment
of s. 128.

24. Section one hundred and twenty-eight of the Principal Act is amended by repealing the words “or during prohibited days or hours provided by section one hundred and twenty,” wherever those words occur therein and by inserting, in lieu of those repealed words wheresoever repealed, the words “or on or at any other day or time when a licensed victualler is prohibited by this Act from keeping his licensed premises open for the sale of liquor,”.

New
headnote
and s. 134A
inserted.

25. The following headnote and section are inserted after section one hundred and thirty-four of the Principal Act, namely :—

“PART VIIA.—MAXIMUM PRICES FOR LIQUOR.

When
Commission
may fix
maximum
prices of
liquor.

[134A.] (1.) Where the Commission is of the opinion that the price at which a particular licensed victualler or those licensed victuallers whose licensed premises are situated within any locality, or any two or more of them, or a holder of a booth license is or are selling or supplying liquor or any class, kind or description of liquor in his or their public bars or in containers or bottles for consumption off the licensed premises or, in the case of a holder of a booth license, at his booth is excessive, the Commission may by order fix the maximum price or prices at which the class, kind or description of liquor or the classes, kinds or descriptions respectively of liquor specified in the order may be sold or supplied by the licensed victualler whose licensed premises are specified in the order or by all licensed victuallers whose licensed premises are situated within the locality specified in the order, or by the holder of a booth license specified in the order—

- (i.) In any public bar ; or
- (ii.) In containers or bottles for consumption off the licensed premises ; or
- (iii.) Both in any public bar and in containers or bottles for consumption off the licensed premises ; or

in the case of a holder of a booth license, at his booth, irrespective of the manner of the sale or supply of the liquor thereat.

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(2.) For the purposes of this Part and of any order made under this Part the sale or supply of any class, kind or description of liquor shall be deemed to include the supply of any cordial supplied or sold for consumption therewith and accordingly the Commission, in the exercise of its powers under subsection one of this section, may fix—

- (a) An inclusive maximum price for the sale or supply of that class, kind or description of liquor together with the cordial in question ;
or
- (b) The maximum additional amount which may be added to the maximum price fixed by the Commission in respect of that class, kind or description of liquor when sold or supplied together with the cordial in question :

Provided that the maximum price fixed by the Commission in respect of the sale or supply of any class, kind or description of liquor shall be deemed to be so fixed in relation to that liquor when sold or supplied together with any cordial for consumption therewith unless, in respect of such a transaction, an inclusive maximum price or a maximum additional amount which may be added has been fixed by the Commission pursuant to this subsection and is applicable.

(3.) In particular, but without limiting the generality of subsection one of this section, the Commission, in the exercise of its powers under that subsection, may fix and declare maximum prices—

- (a) Differentially according to differences in quality or in class, kind or description of liquor sold or supplied, or according to whether the liquor is sold or supplied in a public bar or in containers or bottles for consumption off the licensed premises ;
- (b) Differentially in respect of different licensed premises or booths or in respect of licensed premises or booths situated in different localities ; and
- (c) Relative to such units of number, or weight, or measure as the Commission thinks proper, which units may differ in respect of different classes, kinds or descriptions of liquor.

(4.) An order under this section may contain such incidental and supplementary provisions as are necessary or expedient for the purposes of the order.

(5.) An order under this section may specify a locality by reference to a Local Authority Area, or division or part thereof, by reference to the names of the licensed premises in respect whereof the order is made, or otherwise as the Commission deems sufficient to identify the same.

(6.) Every order made under this section shall be published in the *Gazette* and shall take effect upon the date when it is so published unless a later date is specified in the order, in which event it shall take effect upon the date so specified.

Upon such publication the order shall be judicially noticed, and shall be deemed to be sufficiently served upon or notified to all persons bound or affected howsoever thereby.

(7.) The Commission may in an order made under this section specify the period during which the order shall remain in force unless sooner revoked by the Commission.

If no such period is specified therein, the order shall remain in force until it is revoked by the Commission.

(8.) The revocation of any order made under this section shall not prejudice the power of the Commission to make any fresh order under this section in respect of any licensed premises or booth to which the revoked order related.

(9.) The Commission may at any time by order amend, vary, or revoke any order made under this section.

(10.) The revocation, amendment, variation or expiration of an order made under this section shall not affect any liability, penalty, forfeiture or punishment incurred or imposed or liable to be incurred or imposed prior to such revocation, amendment, variation or expiration and any such liability, penalty, forfeiture or punishment may be imposed as if the order had not expired or been revoked, amended or varied."

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26. The following section is inserted after section 134A of the Principal Act, as previously inserted by this Act, namely:—

New s. 134B inserted.

“ [134B.] Where the Commission relates to a unit or units of number, or weight, or measure the maximum price at which any class, kind or description of liquor may be sold or supplied by any licensed victualler or holder of a booth license, that licensed victualler or holder of a booth license shall not sell in any public bar on, or in containers or bottles for consumption of, his licensed premises or, in the case of such a holder of a booth license, at his booth, any liquor of that class, kind or description otherwise than by that unit or, as the case may be, some one of those units of number, or weight or measurement.”

Liquor to be sold by unit of number, or weight, or measure to which maximum price is related.

27. The following section is inserted after section 134B of the Principal Act, as previously inserted by this Act, namely:—

New s. 134C inserted.

“ [134C.] For the purposes of this Part and of any order made by the Commission under this Part every maximum price, or inclusive maximum price, or maximum price increased by the maximum additional amount which may be added, shall be deemed to include the price, remuneration or charge for any service (including wrapping) supplied or carried out for any purpose of or connected with the sale or supply of any liquor, or of any liquor together with any cordial for consumption therewith, pursuant to a transaction whereto that maximum price or, as the case may be, inclusive maximum price, or maximum price increased by the maximum additional amount which may be added, applies and accordingly any and every amount demanded and received by a licensed victualler or holder of a booth license in respect of such a transaction shall be taken into account and be deemed to be included in the price received by him for the liquor the subject of the transaction.”

Sale of liquor and supply of service in one transaction

28. The following section is inserted after section 134C of the Principal Act, as previously inserted by this Act, namely:—

New s. 134D inserted.

“ [134D.] (1.) The Commission may require any licensed victualler or holder of a booth license to exhibit and to keep exhibited a printed price list showing the

maximum prices respectively of any and every class, kind or description of liquor the maximum price whereof is fixed for the time being under this Part.

Such requirement may be imposed by the order of the Commission fixing the maximum price or prices in question or by separate order and may include requirements specifying the size and form of the price list, the particulars to be set out therein, the letters in which those particulars are to be printed, the place or places in or on the licensed premises or booth where the same is to be exhibited, and all such other matters and things relating to such price list and the exhibition thereof as are in the opinion of the Commission necessary or desirable to ensure that all persons intended to be informed thereby will be at all times so informed.

The Commission may at any time and from time to time, by order, vary as in its opinion is necessary or desirable any matter or thing specified by it in a prior order with respect to a price list.

(2.) A licensed victualler or holder of a booth license thereunto required by order of the Commission shall keep exhibited in compliance in every respect with the requirements of that order a price list at all times during which the order remains in force.

(3.) The provisions of subsections four to ten, both inclusive, of section 134A of this Act shall, with and subject to all necessary adaptations thereof, apply with respect to an order made under this section."

New s. 134E
inserted.

29. The following section is inserted after section 134D of the Principal Act, as previously inserted by this Act, namely :—

Sale or
supply of
liquor at
price higher
than
maximum
price
prohibited.

" [134E.] (1.) A licensed victualler shall not, at any time when the maximum price at which any liquor or any class, kind or description of liquor may be sold or supplied by him in any bar or in containers or bottles for consumption off his licensed premises is fixed by order of the Commission sell or supply that liquor or any liquor of that class, kind or description—

- (a) In any public bar on his licensed premises ; or
- (b) In containers or bottles for consumption off his licensed premises,

at a price greater than the maximum price so fixed.

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(2.) A holder of a booth license shall not, at any time when the maximum price at which any liquor or any class, kind or description of liquor may be sold or supplied by him at his booth is fixed by order of the Commission sell or supply that liquor or liquor of that class, kind or description at a price greater than the maximum price so fixed.

(3.) For the purposes of this section the maximum price fixed by the Commission in respect of the sale or supply of any liquor or any class, kind or description of liquor which is sold or supplied together with any cordial for consumption therewith—

- (a) Shall, if an inclusive maximum price has been fixed by the Commission pursuant to subsection two of section 134A of this Act and applies to the transaction, be that inclusive maximum price ; or
- (b) Shall, if a maximum additional amount which may be added has been fixed by the Commission pursuant to subsection two of section 134A of this Act and applies to the transaction, be the maximum price fixed by the Commission in respect of the sale or supply of that liquor or liquor of that class, kind or description pursuant to the transaction increased by that maximum additional amount ; or
- (c) Shall, if neither such an inclusive maximum price nor such a maximum additional amount which may be added applies to the transaction, be the maximum price fixed by the Commission in respect of the sale or supply of liquor of the class, kind or description thereof the subject of the transaction.

(4.) For the purposes of this section, any licensee on whose behalf or on or in whose licensed premises any liquor is sold or supplied at a greater price than the maximum price fixed in relation thereto under this Part for the sale or supply of that liquor, whether the liquor is sold or supplied contrary to the instructions of the licensee or not, shall be deemed to have contravened the provisions of this section, unless the Court is satisfied

that the transaction took place without the knowledge of the licensee and that he has systematically used all due diligence to secure observance of this Part.”

New s. 134F
inserted.

30. The following section is inserted after section 134E of the Principal Act, as previously inserted by this Act, namely :—

Offences
and
penalties.

“ [134F.] (1.) Any licensed victualler or holder of a booth license who contravenes or fails to comply with any provision or requirement of this Part or of any order made by the Commission under this Part shall be guilty of an offence against this Part.

(2.) Any person guilty of an offence against this Part shall be liable, for the first such offence, to a penalty not exceeding fifty pounds nor less than twenty-five pounds, and for the second and every subsequent such offence (whether against the same or a different provision or requirement of this Part or of any order made by the Commission under this Part) to a penalty not exceeding one hundred pounds nor less than fifty pounds.

(3.) Where an offence against this Part of this Act is committed by a body corporate, every person who at the time of the commission of the offence was a director or a member of the governing body by whatever name called, or an officer of the body corporate who takes part in the management thereof, shall be deemed to have committed the like offence, and shall be liable accordingly, unless he proves that the offence was committed without his knowledge, and that he used all due diligence to prevent the commission of the offence.

(4.) A prosecution for an offence against this Part may, notwithstanding the provisions of **“ The Justices Acts, 1886 to 1956,”* be instituted at any time within twelve months after the commission of the offence or six months after the discovery of the offence by the complainant, whichever is the later.

(5.) Subject to the provisions of section 47B of this Act, the Commission may forfeit the license of any licensee who has been convicted of three or more offences against this Part committed within any period of two years.”

* 50 V. No. 17 and amending Acts.

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31. The following section is inserted after section ^{New s. 134G} 134F of the Principal Act, as previously inserted by this ^{inserted.} Act, namely :—

“ [134G.] Every transferee of a licensed victualler’s ^{Transfer of} license in respect whereof any order under this Part has ^{licensed} been made by the Commission before the transfer shall ^{victualler’s} be bound by that order in all respects as if he had been ^{license not} the licensee when that order was so made. ” ^{to affect} ^{order.}

32. The following sections are inserted after section ^{New ss. 134H} 134G of the Principal Act, as previously inserted by ^{and 134I} this Act, namely :— ^{inserted.}

“ [134H.] (1.) The Governor in Council may from ^{Power to} time to time, by Proclamation published in the *Gazette*, ^{extend} declare that this Part VIIA. shall extend and apply with ^{application} respect to the sale and supply of— ^{of this Part} ^{VIIA.}

- (a) Liquor of the classes, kinds and descriptions specified in the Proclamation sold or supplied by licensed victuallers for consumption anywhere on the licensed premises or on any part specified in the Proclamation of the licensed premises ;
- (b) Liquor of the classes, kinds and descriptions specified in the Proclamation sold or supplied by holders of licenses of the description or descriptions thereof specified in the Proclamation ; or
- (c) Beer by brewers,

and the provisions of this Part VIIA. shall, with and subject to all necessary adaptations, extend and apply accordingly.

(2.) Nothing in this section shall limit or affect howsoever the application of this Part VIIA. according to its provisions or be deemed to require the making of any Proclamation under this section precedent to applying any of the provisions of this Part VIIA. as the same are expressed to apply.

[134I.] (1.) The Governor in Council may, from ^{Power to} time to time, by Proclamation published in the *Gazette*, ^{suspend} suspend on and from a date fixed by the Proclamation, ^{operation} of this Part ^{or of any} provisions ^{hereof.}

the operation of this Part VIIA., or the provisions of this Part VIIA. specified in the Proclamation, in respect of—

- (a) The persons or any of the persons ;
- (b) The licensed premises, or any of the licensed premises, or parts of the licensed premises, or of any of the licensed premises ; or
- (c) Liquor, or any class, kind or description of liquor,

to whom or which the provisions of this Part VIIA. are expressed to apply or are applied, pursuant to section 134H of this Act, by Proclamation.

(2.) On and from the date fixed by a Proclamation under subsection one of this section and thereafter during the continuance in force of that Proclamation this Part VIIA. or, if the Proclamation is expressed so as to be limited to specified provisions of this Part VIIA., those provisions shall not apply to any persons, licensed premises, parts of licensed premises, liquor or class, kind or description of liquor in respect of whom or which the application of this Part VIIA. or, as the case may be, the provisions in question of this Part VIIA., are expressed by the Proclamation to be suspended.

(3.) The Governor in Council may by a further Proclamation published in the *Gazette* revoke any Proclamation made under subsection one of this section but such a revocation shall not prejudice the power of the Governor in Council to again make, with respect to the subject matter of the revoked Proclamation or any part thereof, any further Proclamation under subsection one of this section.

The revocation of a Proclamation made under subsection one of this section shall take effect on and from the date of the publication in the *Gazette* of the further Proclamation whereby it is revoked or, if a later date is specified in such further Proclamation, that later date, and the provisions of this Part VIIA. or, as the case may be, the provisions of this Part VIIA. specified in the revoked Proclamation shall, on and from the date of revocation, again apply to all persons, licensed premises, parts of licensed premises, liquor, or classes, kinds and descriptions of liquor the subject of the revoked Proclamation.

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(4.) Every order of the Commission shall operate subject to any Proclamation made under subsection one of this section but so that the order shall not be affected by the Proclamation save to the extent to which it is inconsistent with the Proclamation.

The revocation of a Proclamation shall not revive the application of an order of the Commission so as to again apply that order to any person, licensed premises, part of licensed premises, liquor, or class, kind or description of liquor to whom or which that order ceased to apply upon and by virtue of the making of the revoked Proclamation.

(5.) A Proclamation under subsection one of this section shall not affect any liability, penalty, forfeiture or punishment incurred or imposed, or liable to be incurred or imposed, before the date fixed by the Proclamation, and any such liability, penalty, forfeiture or punishment may be imposed and enforced as if the Proclamation had not been made."

33. The following headnote and sections are inserted after section one hundred and fifty-one of the Principal Act, namely :—

New head-note and ss. 151A, 151B and 151C inserted.

“ PART VIII A.—LOCAL OPTION.

[151A.] (1.) Excepting terms to which meanings are assigned by section four of this Act, any term used in this Part to which a meaning is assigned by **“ The Elections Acts, 1915 to 1952,”* shall in this Part have that meaning unless the context otherwise indicates or requires.

Interpretations.

(2.) For the purposes of this Part the locality in which the premises to which the Commission proposes to remove a license are, or are to be situated, shall comprise—

- (a) Unless otherwise determined by the Governor in Council, the electoral district under **“ The Elections Acts, 1915 to 1952,”* or in the case of such an electoral district which is divided into divisions, the division thereof wherein the premises hereinbefore mentioned in this subsection are, or are to be, situated; or
- (b) Such area as the Governor in Council (who is hereby thereunto authorised) may, by Order in Council published in the *Gazette*,

determine which area may be defined by reference to electoral districts, local authority areas, divisions or parts of any of the aforesaid, petty sessions districts or parts thereof or otherwise as the Governor in Council deems sufficient to identify the same.

Petition for
local option
vote.

[151B.] (1.) A local option vote shall not be taken in a locality unless not less than ten per centum of the electors in that locality have petitioned for that vote as prescribed by subsection two of this section.

(2.) Where the Commission publishes in respect of a locality notice as prescribed by subsection two of section forty-eight of this Act, a petition requesting a local option vote in that locality may be presented to the Commission not later than the date specified in that behalf in the notice.

(3.) Such a petition shall be in writing and each and every elector who is a party thereto shall sign the same and shall identify himself by stating the electoral district for which he is enrolled as an elector and his number on the electoral roll for that electoral district.

That statement shall precede and be set out opposite and relative to the signature.

(4.) For determining in relation to such a petition who are electors in the locality concerned the electoral roll for each and every electoral district which, or any division or part of which is comprised in that locality shall be the annual roll under and within the meaning of section fourteen of **"The Elections Acts, 1915 to 1952,"* containing the names of the electors in that electoral district or division or part of an electoral district registered up to the thirty-first day of December in the year preceding that in which the petition is presented to the Commission.

(5.) In calculating the number of electors who have petitioned it as aforesaid the Commission shall cause to be deleted any of those electors—

(a) Whose names have, pursuant to section thirty of **"The Elections Acts, 1915 to 1952,"* been struck off the relevant annual roll for that they are dead ;

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- (b) Who, in its opinion, are when that petition is presented to it disqualified under the aforesaid Act from voting at an election in the electoral district for which they are according to the petition enrolled as electors ;
or
- (c) (In any case where a division or part only of an electoral district is comprised in a locality) who, in its opinion, have, before that petition is presented to it, changed their places of living to places in the same electoral district but without the division or part thereof comprised in the locality.

(6.) Additionally to its powers under subsection five of this section the Commission, in respect of a petition as aforesaid, may make or cause to be made all such inquiries and investigations as it deems necessary to satisfy itself that (excluding those deleted under subsection five of this section) not less than ten per centum of the electors in the locality in question are parties to that petition and have duly signed the same.

If and when so satisfied the Commission shall certify accordingly to the Minister who shall thereupon publish in the *Gazette* a notification stating that the Commission has been presented with the petition in question, the date when it was so presented, the total number of electors in the locality in question, and the number of those electors by whom it was signed.

That notification shall be conclusive evidence of the matters stated therein, shall be judicially noticed, and shall not be questioned in any proceeding.

[151c.] (1.) Every elector who is a party to a petition under this Part shall sign that petition with his or her own hand.

Signatures to petition and offences in relation to those signatures.

(2.) It shall be unlawful—

- (a) For a person who is not an elector in a locality to sign a petition under this Part in respect of that locality ;
- (b) For a person, whether an elector in a locality or not, to sign a name other than his own to a petition under this Part in respect of that locality ; or

- (c) For a person, whether an elector or not, to identify himself in a petition under this Part by a statement therein with respect to an electoral district and a number on an electoral roll which is not in relation to him correct in every respect.

(3.) A person who does anything which is unlawful under this section shall be guilty of an offence against this Act.

Penalty : One hundred pounds.”

New ss. 151D
and 151E
inserted.

34. The following sections are inserted after section 151C of the Principal Act, as previously inserted by this Act, namely :—

Writ for
referendum
poll.

“ [151D.] (1.) Subject to the Minister advising that a petition under this Part has been presented to the Commission in respect of a locality, that the Commission has certified to him that it is satisfied that the petition has been duly signed by not less than ten per centum of the electors in that locality, and that he has published in the *Gazette* the prescribed notification in respect of that petition, the Governor in Council may issue a writ for a local option vote poll in that locality.

(2.) That writ shall be in or to the effect of the prescribed form, shall be directed to the returning officer for the locality in question, and shall appoint dates—

(a) Subject to subsection three of this section, for taking the votes of the electors at the poll ; and

(b) For the return of the writ.

(3.) The day for taking the votes of the electors at a local option vote poll shall be a Saturday.

That day shall be not earlier than twenty-eight days after the date of the issue of the writ.

(4.) A copy of a writ under this Part shall be published in the *Gazette*.

“ *The
Elections
Acts, 1915 to
1952,*”
applied.

[151E.] (1.) Subject to this Part, all of the provisions of **“ The Elections Acts, 1915 to 1952,”* and the regulations thereunder with respect to the holding and conducting of elections and the proceedings before,

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at, and subsequent to elections and all incidental matters including, but without limit to the generality of the foregoing, with respect to—

- (a) The appointment and exercise of their powers, duties and functions by presiding officers and poll clerks ;
- (b) The electoral rolls, including the annual rolls, supplemental rolls to the annual rolls, addenda to the supplemental rolls, and the existing roll and alterations of rolls ;
- (c) Polling places and polling booths therein, including the appointment, alteration and abolition of polling places and the provision in polling places of polling booths ;
- (d) The printing, supplying and distribution of ballot papers and the accounting for unused and spoilt ballot papers ; and
- (e) Mode of voting, including voting on and before polling day, voting by persons not named as electors on the electoral rolls, and postal voting,

shall, as far as applicable thereto, apply and extend to and with respect to a local option vote poll to be taken under this Part as if that local option vote poll were an election and accordingly—

- (i.) In respect of the application and extension as aforesaid of section twenty-eight of **“ The Elections Acts, 1915 to 1952,”* the writ for such a local option vote poll shall be deemed to have been issued at six o'clock in the afternoon of the day on which it was issued ; and
- (ii.) Otherwise that section twenty-eight and every other provision of **“ The Elections Acts, 1915 to 1952,”* and the regulations thereunder shall be read with all such adaptations as are necessary for the application and extension thereof as aforesaid.

(2.) In respect of any electoral district a division or part whereof only is comprised in the locality, the person appointed to be the returning officer for taking the votes of electors at a local option vote poll taken

under this Part may, for the purpose of the use in taking that poll of the existing roll for that electoral district, make or cause to be made from and in the electoral roll (including the annual roll, supplemental roll to the annual roll, and any addendum to that supplemental roll) for that electoral district such eliminations and corrections as are in his opinion necessary in consequence of a division or part only of that electoral district being comprised in the locality.

(3.) (a) In respect of any locality comprised of more electoral districts (including divisions or parts of electoral districts) than one, the person appointed to be the returning officer for taking the votes of electors at a local option vote poll taken under this Part, may, in lieu of using the existing rolls for the electoral districts respectively which or divisions or parts of which are comprised in the locality, compile for use in taking that poll an existing roll for the locality, but if he does so he shall compile the same in accordance with the form prescribed by the regulations under **"The Elections Acts, 1915 to 1952,"* for annual and supplemental rolls and so that, subject to subsection two of section twenty-seven of **"The Elections Acts, 1915 to 1952,"* and to paragraph (b) of this subsection it shall be a correct alphabetical roll showing the names, numbered in regular arithmetical order, beginning with the figure "1", of all electors in the locality entitled to vote at the taking of the local option vote poll.

(b) An existing roll compiled under the authority of this subsection may comprise separate rolls compiled respectively from the annual rolls and from the supplemental rolls for the electoral districts which, or divisions or parts of which, are comprised in the locality.

(4.) Every act or omission which would be punishable by law, if the same had occurred in connection with the holding of an election under **"The Elections Acts, 1915 to 1952,"* shall, if the same occurs in connection with a local option vote poll under this Part, be held to constitute the like offence, cognisable in the like manner, and punishable by the like punishment, and for that purpose any enactment which would be contravened if the local option vote poll were such an election shall apply, with all necessary adaptations thereof, accordingly.

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(5.) A local option vote poll under this Part shall be deemed to be an election for the purposes of Chapter XIV. of **"The Criminal Code."* "

Ch. XIV.
of "*The Criminal Code*"
applied.

35. The following sections are inserted after section 151E of the Principal Act, as previously inserted by this Act, namely:—

New ss. 151F
151G and
151H
inserted.

" [151F.] Voting at a local option vote poll under this Part shall be compulsory and accordingly section sixty-three of †*"The Elections Acts, 1915 to 1952,"* shall extend and apply as if a local option vote poll under this Part were an election.

Voting
compulsory.

[151G.] (1.) The question upon which a local option vote poll under this Part is taken shall be submitted to the electors entitled to vote thereon in the following form:—

Question for
taking vote
at
referendum
poll.

" Do you favour the proposal to remove a (here state description of license) license to the locality in which this local option vote is being taken ? "

That question shall be printed on all ballot papers of the several descriptions used for voting at the local option vote poll and the words " Yes " and " No " shall be printed, the one above the other, immediately under and relative to that question.

Each of those words shall be preceded by a square printed opposite thereto.

(2.) The several descriptions of ballot papers in the forms respectively prescribed by the regulations under †*"The Elections Acts, 1915 to 1952,"* may be used for taking a local option vote poll under this Part, but for use for that purpose the same shall be printed with such adaptations as are necessary both to give effect to subsection one of this section and to instruct voters with respect to the marking thereof.

[151H.] (1.) The returning officer for a local option vote poll under this Part shall endorse on the writ the numbers respectively of votes for and against the removal of the license in question and shall return the writ to the Governor within the time specified therein.

Endorse-
ment and
return of
writ.

* 63 V. No. 9 Sch. 1.

† 6 G. 5 No. 13 and amending Acts.

(2.) The Minister shall, within twenty-eight days after the return of the writ, notify in the *Gazette* the result, according to the endorsement on the writ, of the local option vote poll.

That notification shall be judicially noticed, shall be conclusive evidence of the result of the local option vote poll, and shall not be questioned in any proceeding whatsoever."

New ss. 151I.
151J, 151K
and 151L.

36. The following sections are inserted after section 151H of the Principal Act, as previously inserted by this Act, namely:—

Returning
officer.

“[151I.] (1.) The Governor in Council may from time to time appoint, by commission under his hand and seal, a fit person who is not under the age of twenty-one years to be a returning officer for the purposes of this Part.

(2.) Such an appointment may be made generally or may be limited in respect of localities and local option vote polls, or both, as specified in the commission.

(3.) If such an appointment is made generally, the appointee shall be the returning officer for taking the votes of electors at any and every local option vote poll held under this Part during the continuance in force of his commission.

(4.) If such an appointment is made subject to limitations as aforesaid, the appointee shall be the returning officer for taking the votes of electors at the local option vote poll or local option vote polls under this Part in respect whereof his commission so appoints him but not otherwise.

(5.) A commission under this section shall continue in force at the pleasure of the Governor in Council.

(6.) In case of sickness or other cause preventing a returning officer from acting in respect of any local option vote poll, the Governor in Council may appoint some fit person who is not under the age of twenty-one years to act as deputy returning officer in his stead.

Powers, &c.,
of returning
officer.

(7.) Additionally to the powers, functions and duties conferred or imposed by this Part on a returning officer appointed hereunder, that returning officer shall have,

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exercise and perform, in respect of any local option vote poll in respect whereof he is appointed as such, such of the powers, functions and duties conferred or imposed by **“ The Elections Acts, 1915 to 1952,”* upon a returning officer appointed thereunder as will enable and ensure the taking according to law of the votes of electors in a locality at a local option vote poll under this Part in that locality.

This section applies so as not to limit the exercise and performance, in respect of such a local option vote poll, by assistant returning officers of their powers, functions and duties.

[151J.] Each and every person holding under **“ The Elections Acts, 1915 to 1952,”* for the time being the office of returning officer for an electoral district shall (by virtue of his commission of appointment as that returning officer and without further or other appointment whatsoever) be, in respect of that electoral district, an assistant returning officer for the purposes of any local option vote poll under this Part in the locality in which that electoral district or any division or part thereof is comprised and accordingly, subject to the returning officer appointed under this Act, shall exercise and perform in respect of the electoral district or division or part thereof in question such of the powers, functions and duties conferred or imposed by **“ The Elections Acts, 1915 to 1952,”* upon a returning officer appointed under that Act as will enable and ensure the taking according to law of the votes of electors at a local option vote poll under this Part in the locality in which that electoral district or division or part thereof is comprised.

Assistant
returning
officers.

[151K.] (1.) Upon application in that behalf made to him by a body, association or group of persons representative to his satisfaction of public opinion either in favour of or against the removal of a license to premises situated or to be situated in a locality, the Minister may, in respect of a local option vote poll under this Part in that locality, permit a representative of that body, association or group named in the application to appoint, by writing under his hand, a scrutineer or scrutineers, at each polling place or, where there are two or more polling booths, at a polling place, at each of those polling booths.

Scrutineers.

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(2.) Permission under this section shall, in relation to any one and the same locality, be given in respect of one only body, association or group of persons representative of public opinion in favour or, as the case may be, against the removal of the license in question.

Regulations.

[151L.] The power under this Act of the Governor in Council to make regulations shall include power to make from time to time, regulations providing for all or any purposes, whether general or to meet particular cases, necessary or convenient in his opinion for carrying out the objects of this Part including, but without limiting, the generality of the foregoing, prescribing the form of writs, ballot papers, and any other forms necessary in his opinion to be prescribed, and generally for directing, assisting, regulating and safeguarding the taking of any local option vote poll under this Part."

Amendment
of s. 166A.

37. Section 166A of the Principal Act is amended—

(a) By repealing, in the third paragraph of subsection three thereof (being the paragraph commencing with the words "No special permission under subsection two of section seventy-five"), the words "or under the proviso to subsection one of section one hundred and twenty";

(b) By repealing paragraph (i.) of subsection four thereof and inserting, in lieu of that repealed paragraph, the following paragraph:—

"(i.) To any liquor in or on any licensed premises during any day or time during which the sale or consumption of that liquor in or on those licensed premises is permitted;"; and

(c) By repealing paragraph (iii.) of subsection four thereof and by inserting, in lieu of that repealed paragraph, the following paragraph:—

"(iii.) To any liquor kept for sale or stored by any licensee on his or its licensed premises."