

Queensland



ANNO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 28

An Act to Amend "The Liquor Acts, 1912 to 1959," in certain particulars

[ASSENTED TO 16TH NOVEMBER, 1961]

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 1961.*" Short title

(2) "*The Liquor Acts, 1912 to 1959,*" 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 1961.*" Collective title

(4) Save as otherwise expressly provided in this Act, this Act shall come into operation on the first day of December, one thousand nine hundred and sixty-one. Commencement of Act

Amendment
of s. 1

2. Section one of the Principal Act is amended by inserting after the words "PART VI.—LICENSED CLUBS;" the words "PART VIA.—RESTAURANT LICENSES;".

Amendments
of s. 4

3. Section four of the Principal Act is amended—

(a) by inserting after the definition "Bar" the following definition :—

Beer
garden

““Beer garden”—The part or parts of the licensed premises of a licensed victualler or a licensed club which have been declared by the Commission pursuant to section 60A of this Act to be a beer garden and in respect of which the declaration remains in force ;” ;

(b) by omitting from the definition "Court" the words "which court shall be held at the principal place" and inserting in their stead the words "which court may be held at any place appointed" ;

(c) by omitting the definition "Lodger" and inserting in its stead the following definitions :—

Lodger

““Lodger”—in relation to licensed premises, a person—

(a) to whom has been allotted in the premises a room (the number or description whereof appears in the register of lodgers with respect to the lodger and the day in question) ;

(b) whose true name and address appears in the register of lodgers (with respect to the day in question) ; and

(c) who is a *bona fide* resident in the premises ;

Lounge bar

“Lounge bar”—A bar in the licensed premises of a licensed victualler approved by the Commission pursuant to section 59A of this Act and in respect of which the approval remains in force ;” ;

(d) by omitting from the definition "Minister" the words "The Attorney-General" and inserting in their stead the words "The Minister for Justice" ; and

(e) by inserting after the definition “ Prescribed ” the following definitions :—

“ “ Public bar ”—Any bar which is not—

Public bar

(a) a lounge bar ;

(b) a bar of the type or class commonly known as a “ Private bar,” “ Saloon bar,” or by any other name of similar import ; or

(c) a bar, howsoever called, at or in respect of which there is any restriction, limitation or special provision, whether as to the price of liquor sold or as to the persons admitted thereto, or otherwise howsoever not applicable in relation to all bars in the licensed premises ;”.

4. Section five of the Principal Act is amended by inserting in paragraph (e), after the words “ sells any spirits ”, the words “ or wine ”. ^{Amendment of s. 5}

5. Section six of the Principal Act is amended by omitting from subsection (6) the words “ “ *The Official Inquiries Evidence Acts, 1910 to 1929* ” ” and inserting in their stead the words “ “ *The Commissions of Inquiry Acts, 1950 to 1954* ” ”. ^{Amendment of s. 6 (6)}

6. Section eleven of the Principal Act is amended— ^{Amendments of s. 11}

(a) by inserting in subsection (2), after the words “ removal, transfer, transmission,”, the words “ cancellation, surrender, suspension,” ; and

(b) by omitting subsection (3) and inserting in its stead the following subsection :—

“ (3.) The secretary of the Commission and the clerk of petty sessions at any place appointed for the holding of courts of petty sessions in a district other than the principal place shall furnish from time to time to the clerk of petty sessions at the principal place appointed for the holding of courts of petty sessions in the district the information necessary to keep the register of licenses in the prescribed form.”

Amendments
of s. 15 (1)

7. Section fifteen of the Principal Act is amended—

(a) by adding to paragraph (a) of subsection (1) at the end thereof the words “and a body corporate in the application shall nominate a fit and proper person who is not disqualified under this Act from holding a license, to represent it directly in the conduct of the licensed premises” ; and

(b) by omitting from paragraph (b) of that subsection the words “1902 to 1912” and inserting in their stead the words “1942 to 1958”.

Amendment
of s. 16 (1)

8. Section sixteen of the Principal Act is amended by adding to subsection (1) at the end thereof the following paragraph :—

“(j) A restaurant license.”

Amendments
of s. 18

9. (1) Section eighteen of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting from paragraph (i.) the word “four” and inserting in its stead the word “six” ;

(ii) omitting from paragraph (ii.) the word “ten” and inserting in its stead the word “fifteen” and omitting from that paragraph the word “forty” and inserting in its stead the word “sixty” ;

(iii) omitting from paragraph (iii.) the words “one hundred and twenty-five” and inserting in their stead the words “two hundred” and omitting from that paragraph the word “four” and inserting in its stead the word “six” ;

(iv) omitting from paragraph (iv.) the word “four” and inserting in its stead the word “six” ;

(v) omitting from paragraph (v.) the words “seven pounds ten shillings” and inserting in their stead the words “ten pounds” ;

(vi) omitting from paragraph (vi.) the word “ten” and inserting in its stead the word “fifteen” ; and

(vii) adding at the end thereof the following paragraph :—

“ ; (vii.) For a restaurant license—a sum equal to six per centum of the gross amount (including all duties thereon) paid or payable for or in respect of all liquor which during the twelve months ended on the last day of June in the preceding year was purchased or otherwise obtained for the licensed premises.” ; and

(b) omitting from subsection (2) the word “ four ” and inserting in its stead the word “ six ”.

(2) Section eighteen of the Principal Act is further amended—

(a) by inserting after subsection (4) the following subsection :—

“ (4A.) Notwithstanding anything contained in subsection (4) of this section, where any person fails to duly make or furnish as and when required by that subsection any return or information in relation to any matter affecting either his liability to payment of fees or the amount of those fees, the Commission may if it thinks fit impose on him a fine not exceeding ten pounds.

The amount of any fine so imposed may be recovered in the same manner as fees are recoverable under this Act.

The Commission may in any case, for reasons which it thinks sufficient, remit the whole or any part of a fine imposed by it under this subsection.

Where a person has been dealt with under this subsection in respect of any matter and the return and information required by subsection (4) of this section has been made or furnished, no further proceedings for the recovery of a penalty shall be instituted under that subsection in respect of that matter.” ;

(b) by adding to subsection (5) at the end thereof the following paragraphs :—

“ (iv.) The Commission may, at any time within two years after the issue of an assessment and notwithstanding that fees may have been paid in respect

of the assessment, amend the assessment by making such alterations therein or additions thereto as it thinks necessary in any case—

(a) where a person has not given to the Commission full and true information concerning all material facts necessary for the Commission to determine the gross amount paid or payable for liquor purchased or otherwise obtained, sold or disposed of otherwise as the case may be ;

(b) where a license has been cancelled or the surrender of a license accepted during the period in respect whereof the assessment is made ; or

(c) where it is necessary to correct an error in calculation or a mistake of fact.” ; and

(c) by omitting subsection (7) and inserting in its stead the following subsections :—

“ (7.) Payment of the assessment shall be demanded within such time as the Commission considers reasonable and the notice of assessment shall specify the due date of payment of the assessment.

(7A.) Where a fixed annual fee is payable in respect of any license, that fee shall be paid in each year on or before the prescribed date.

(7B.) Any payment in respect of an assessment demanded under this section or a fixed annual fee may be made to the Commission at Brisbane or to the clerk of petty sessions at a place appointed for holding courts of petty sessions in the district in which the premises to which the license refers are situated.

(7C.) If payment is not made on or before—

(a) in the case of an assessment, the due date of payment specified in the notice thereof ;

(b) in the case of a fixed annual fee, the prescribed date in the year in question,

of the amount of the assessment or fixed annual fee, the amount of the assessment or fixed annual fee unpaid together with any additional fee payable pursuant to subsection (7E) of this section may be recovered as a debt due to the Crown in the Magistrates Court constituted under "*The Magistrates Courts Acts, 1921 to 1954*," for the district in which the premises to which the license refers are situated and notwithstanding that the amount sought to be recovered exceeds six hundred pounds.

(7D.) The Commission may in any case grant such extension of time for payment of an assessment or fixed annual fee or permit payment to be made by such instalments and on or before such date as it considers the circumstances warrant; and in such case the assessment or fee shall be due and payable accordingly.

(7E.) If any amount due under an assessment or as a fixed annual fee remains unpaid after the due date of payment an additional fee shall, if so ordered by the Commission (which the Commission is hereby authorised to do), be due and payable at the rate of ten per centum per annum on the amount unpaid, computed from that time, or, where an extension of time has been granted under this section from such date as the Commission determines, not being a date prior to the original due date of payment of the assessment or fixed fee, but the Commission may in any case, for reasons which it thinks sufficient, remit the additional fee or any part thereof.

(7F.) Notwithstanding anything contained in this section the Commission may at any time forfeit any license in respect of which any fee, fine or additional fee charged and levied or imposed under this section has not been duly paid and for the purpose of any such forfeiture the provisions of section 47B of this Act, with all necessary adaptations, shall apply and extend."

(3) Subsection (1) of this section shall come into operation on the first day of January, one thousand nine hundred and sixty-two.

s. 18A
renumbered
and new
s. 18A

10. The Principal Act is amended—

(a) by inserting after section eighteen the following section:—

Fees payable
for year
commencing
1/7/61

“ [18A.] Notwithstanding the provisions of section eighteen of this Act the fees which shall be charged, levied, collected and paid for the year which commenced on the first day of July, one thousand nine hundred and sixty-one—

(a) for the licenses set forth in subsection (1) of the said section eighteen ; and

(b) from and by a registered brewer referred to in subsection (2) of the said section eighteen,
shall be the sum of—

(i) one-half of the amount of the fee (if any) which would have been payable pursuant to the said section eighteen of this Act for the license or by the registered brewer, as the case may be, as if “ *The Liquor Acts Amendment Act of 1961* ” had not been passed (which said one-half of the amount of the fee shall be deemed to be apportioned to the period commencing on the first day of July, one thousand nine hundred and sixty-one, and ending on the thirty-first day of December, one thousand nine hundred and sixty-one) ; and

(ii) one-half of the amount of the fee payable for the license or by the registered brewer as the case may be pursuant to the said section eighteen as amended by “ *The Liquor Acts Amendment Act of 1961* ” as if subsections (1) and (2) of section nine of that Act had come into operation on and from the first day of July, one thousand nine hundred and sixty-one, (which said one-half of the amount of the fee shall be deemed to be apportioned to the period commencing on the first day

of January, one thousand nine hundred and sixty-two, and ending on the thirtieth day of June, one thousand nine hundred and sixty-two).

Otherwise the provisions of section eighteen of this Act with all necessary adaptations shall apply in respect of the fees which shall be charged, levied, collected and paid under this section.” ;

(b) by renumbering section 18A of the Principal Act as section 18B.

11. Section twenty-one of the Principal Act is repealed and the following section is inserted in its stead :—

“ [21.] (1.) If the premises or part of the premises of any licensed victualler or wine-seller are, by fire, tempest or other calamity, or through alterations, demolition for rebuilding or other cause, rendered wholly or partially unfit for the carrying on of his business, the Commission may at any time and from time to time, upon application by or on behalf of the licensee and if it sees fit so to do, by order in the prescribed form authorise the licensee to carry on his business temporarily under his existing license in some parts of the premises or in some neighbouring premises although they have not all the accommodation prescribed by this Act, for such period as the Commission may think reasonable in the circumstances.

(2.) The provisions of subsection (1) of this section shall with such adaptations as are necessary extend and apply to the premises of any licensed spirit merchant or licensed club or licensed restaurant.”

12. Section twenty-two of the Principal Act is amended by inserting after subsection (1) the following subsection :—

“ (1a.) Notwithstanding any other provision of this Act, the Commission shall not grant a license to and no license shall continue to be held by any person unless the Commission is satisfied that the proposed licensee or the licensee, as the case may be, is a fit and proper person to hold the license.”

Repeal of
and new
s. 21

Temporary
license where
premises
destroyed
49 Vic.
No. 18 s. 37
[21]
[Principal
Act, s. 43]
Sch. II.,
s. 23

Amendment
of s. 22

Amendment
of s. 23

13. (1) Section twenty-three of the Principal Act is amended by omitting paragraph (b) of subsection (6) and inserting in its stead the following paragraphs :—

“(b) In addition to the fees payable under paragraph (a) of this subsection, there shall be charged, levied, collected and paid fees in respect of every booth license granted under this section as follows :—

- (i) in respect of a booth license at any racecourse licensed under “*The Racing and Betting Acts, 1954 to 1960*,” which is situated within a radius of twenty miles from the General Post Office in Queen Street in the City of Brisbane in the State of Queensland—ten pounds for each day during which the license will be in force in respect of each booth, stall, bar or place from which liquor will be sold or disposed of under the license ;
- (ii) in respect of a booth license at any ground or place situated within a radius of twenty miles from the General Post Office in Queen Street in the City of Brisbane in the State of Queensland other than a licensed racecourse referred to in subparagraph (i) of this paragraph—five pounds for each day during which the license will be in force in respect of each booth, stall, bar or place from which liquor will be sold or disposed of under the license not exceeding three, and ten pounds for each such day for each such booth, stall, bar or place in excess of three ;
- (iii) in respect of a booth license at any racecourse licensed under “*The Racing and Betting Acts 1954 to 1960*,” which is situated outside the radius specified in subparagraph (i) of this paragraph—three pounds for each day during which the license will be in force in respect of each booth, stall, bar or place from which liquor will be sold or disposed of under the license ;
- (iv) in the case of a booth license at any ground or place situated outside the radius specified in subparagraph (i) of this paragraph other than a racecourse referred to in subparagraph (iii) of this paragraph—three pounds for

each day during which the license will be in force in respect of each booth, stall, bar or place from which liquor will be sold or disposed of under the license not exceeding three, and five pounds for each such day for each such booth, stall, bar or place in excess of three.

(c) A booth license shall not be issued unless the fees payable under this subsection in respect thereof are first paid to the clerk of petty sessions at the place whereat the court that grants the license is held."

(2) Subsection (1) of this section shall come into operation on the first day of January, one thousand nine hundred and sixty-two.

14. The Principal Act is amended by omitting the headnote to section twenty-seven and inserting in its stead the following headnote :—" *Spirit Merchant's License*." New headnote to s. 27

15. Section twenty-seven of the Principal Act is amended— Amendments of s. 27

(a) by omitting the marginal note and inserting in its stead the following marginal note :—" Spirit merchant's license " ; and

(b) by adding at the end thereof the following subsections :—

" (3.) The Commission shall not grant or transfer a spirit merchant's license unless it is satisfied—

(a) that the business proposed to be carried on under the license if granted or transferred will consist wholly or principally of the sale of liquor to persons licensed to sell liquor by retail ;

(b) that there is a demand in the locality in which it is proposed that the business be carried on under the license if granted or transferred for liquor in quantities of two gallons and upwards and that demand is of such magnitude that having regard to existing facilities both wholesale and retail for the supply of liquor in the locality the granting of the application is warranted ;

(c) that the premises to which the application relates are suitable for the purpose of carrying on the business proposed to be carried on under the license, if granted or transferred, and without limiting the generality hereof that such premises are so constructed that access between those premises and any other premises, wherein or whereon any retail business whatsoever is conducted cannot be gained directly.

(4.) The provisions of subsection (3) of this section shall not derogate from the power of the Commission to refuse to grant or transfer any spirit merchant's license on any ground which appears to the Commission to be sufficient.

(5.) The holder of a spirit merchant's license shall at all times maintain the premises in respect whereof he holds the license so that access cannot be gained directly between those premises and any other premises wherein or whereon any retail business whatsoever is conducted.

(6.) The provisions of subsection (3) of this section shall not apply or extend to any application for a spirit merchant's license or a transfer of such a license made on or before the twenty-sixth day of September, one thousand nine hundred and sixty-one, and every such application shall be dealt with in all respects as if that subsection had not been enacted."

Amendment
of s. 29 (6)

16. Section twenty-nine of the Principal Act is amended by adding to subsection (6) at the end thereof the words "unless upon the consideration of the exceptional circumstances of any case involving hardship to any person the Commission sees fit to transfer the same".

Amendments
of s. 30

17. Section thirty of the Principal Act is amended—

(a) by inserting therein after the words "The Commission may" the words "at any time and from time to time";

(b) by adding at the end of the second paragraph (being the paragraph commencing with the words "Where the owner or a qualified nominee") the words "but no transfer of the license under this section shall

be made until after the expiration of three months from the time of the granting or previous transfer of the license unless upon the consideration of the exceptional circumstances of any case involving hardship to any person the Commission sees fit to transfer the same.” ; and

(c) by adding at the end of that section as amended by this section the following paragraph :—

“ The Commission shall not hear or determine any application under this section unless it is satisfied that at least three days’ notice of the application has been given to the licensee or that all reasonable steps necessary for giving the notice have been taken by or on behalf of the applicant, and that the failure to give the notice is not due to any neglect or default of the applicant or of any person employed by him for the purpose of giving the notice, or that the giving of the notice is in the circumstances not reasonably practicable.”

18. Section thirty-one of the Principal Act is amended by inserting, after the words “ or has his license forfeited”, the words “ or when a licensed victualler’s or wine-seller’s license has been forfeited by the Commission ”. Amendment of s. 31

19. Section thirty-three of the Principal Act is amended by omitting from subsection (4) the words “ the license shall be forfeited ” and by inserting in their stead the words “ the Commission may forfeit the license ”. Amendment of s. 33 (4)

20. Section forty of the Principal Act is amended by omitting from the proviso the word “ such ” where that word occurs after the word “ subsisting ”. Amendment of s. 40

21. Section forty-three of the Principal Act is amended— Amendments of s. 43 (2)

(a) by omitting from the second subparagraph of paragraph (a) of subsection (2) (being the subparagraph commencing with the words “ Where a license is cancelled”) the words “ a part of that premium proportionate to the term of that lease unexpired at the lastmentioned date ” and inserting in their stead the words “ such part of the premium as the Commission considers reasonable having regard to the amount of the premium and the unexpired term of the lease ” ; and

(b) by omitting paragraph (b) of subsection (2) and inserting in its stead the following paragraphs :—

“(b) In making the valuation pursuant to subsection (1) of this section with respect to the holder of a licensed victualler’s or wine-seller’s license, the amount of compensation payable to the licensee shall, in the first instance, be deemed to be the fair value of the lease or leases. In arriving at the fair value, the Commission shall take into consideration the annual fees paid by licensees, and net profit earned by licensees as shown by their income tax returns, and for the purposes of this paragraph the licensee or licensees shall authorise the Deputy Commissioner of Taxation to furnish the Commission with any particulars it may require from those income tax returns, together with any assessments and particulars of taxes paid thereon.

(c) Where the licensee has paid a cash premium for the lease in addition to an annual rental, a sum equal to such part of the premium as the Commission considers reasonable having regard to the amount of the premium and the unexpired term of the lease shall be added to the amount of compensation determined by the Commission to be the fair and equitable compensation payable to the licensee.”

Amendment
of s. 45 (2)

22. Section forty-five of the Principal Act is amended by omitting from paragraph (b) of subsection (2) the words “fourteen days after the service” and inserting in their stead the words “twenty-one days after the sending”.

Amendment
of s. 47

23. Section forty-seven of the Principal Act is amended by inserting after subsection (2) the following subsection :—

“(2A.) There shall be paid from the Trust Fund established at the Treasury under this Act such sums not exceeding thirty thousand pounds in any one year as the Governor in Council, upon the recommendation of the Minister, by Order in Council may authorise for the purposes of—

- (a) assisting in an educational programme to discourage intemperance ; and
- (b) assisting in a health programme in relation to the problem of alcoholism.

All sums allocated for a purpose specified in paragraph (a) of this subsection shall be under the direction of the Minister for Education and all sums allocated for a purpose specified in paragraph (b) of this subsection shall be under the direction of the Minister for Health and Home Affairs who may direct the payment of such part (if any) thereof to such bodies or institutions carrying out work for the prevention or treatment of alcoholism and for the care and rehabilitation of alcoholics, as he deems fit."

24. Section 47A of the Principal Act is amended— Amendments of s. 47A

(a) by omitting the marginal note and inserting in its stead the following marginal note :—" Forfeiture of licenses for cause " ;

(b) by in subsection (1)—

(i) omitting from paragraph (a) the words " (i.) to (vii.), both inclusive " and inserting in their stead the words " (a) to (k), both inclusive, specified " ;

(ii) omitting from paragraph (b) the words " (vi.) and (vii.) " and inserting in their stead the words " (a), (d), (g), (h), (k) and (l) " ;

(iii) omitting from paragraph (c) the words " (i.), (ii.), (iii.), (iv.) and (viii.) " and inserting in their stead the words " (a) to (h) both inclusive, and (m) " ; and

(iv) adding at the end thereof the following paragraph :—

" (d) Forfeit any railway refreshment room license upon any one or more of the grounds (a) to (h), both inclusive, and (k) specified in subsection (2) of this section." ; and

(c) by omitting subsection (2) and inserting in its stead the following subsection :—

" (2.) Subject to subsection (1) of this section, the grounds of forfeiture of a licensed victualler's license, a wine-seller's license, a spirit merchant's license, a billiard license, a bagatelle license or a railway refreshment room license shall be—

(a) that the licensee is not a fit and proper person to hold a license ;

- (b) that the licensee is a person of drunken or dissolute habits or of immoral character ;
- (c) that the licensed premises have been the resort of prostitutes or of persons under the surveillance of the police ;
- (d) that the licensed premises have been conducted in an improper manner ;
- (e) that drunkenness has been permitted on the licensed premises ;
- (f) that the licensed premises have been used for purposes of betting or gambling, or of any games prohibited by law, or that the licensee or any person has been convicted for any offence committed on the licensed premises with respect to betting, gambling, or any other game prohibited by law ;
- (g) that the licensee has failed to comply with any order or direction of the Commission given or made pursuant to this Act ;
- (h) that the licensee has become a disqualified person within the meaning of section twenty-two of this Act ;
- (i) that the licensed victualler has failed to provide at or on his licensed premises board and meals or board or meals for the public ;
- (j) that the licensee does not keep in stock and supply or does not keep in stock or supply in reasonable quantities, all classes, kinds and descriptions of liquor which are usually consumed or demanded by the general public in the locality in which the licensed premises are situated and supplies of which are reasonably obtainable by the licensee in Queensland, excepting that if a registered brewer is entitled to an estate of freehold in possession or to an estate of leasehold from the Crown of the land upon which the licensed premises are situated or is the mortgagee in possession of that land, it shall be a sufficient answer to this ground for the licensee to show that he is bound by agreement with the brewer

not to stock and supply or not to stock or supply any class, kind, or description of liquor brewed or made by a person other than the brewer and similar to a class, kind, or description of liquor brewed or made by the brewer and that, subject to that agreement, he does in fact stock and supply, in reasonable quantities, all classes, kinds and descriptions of liquor usually consumed or demanded by the general public in the locality in which the licensed premises are situated ;

- (k) that the licensee has been convicted under section one hundred and sixty-one of this Act for wilfully making, in any written application, notice or document made to or produced before the Commission or court for any purpose under this Act, a statement which is false ;
- (l) that the holder of the spirit merchant's license has not, in the opinion of the Commission, maintained his premises in which liquor is stored in a secure and proper manner or that his licensed premises are out of repair ;
- (m) that the holder of a billiard license or bagatelle license has not, in the opinion of the Commission, maintained the premises in respect of which he holds that license in a secure and proper manner or that those premises have fallen into disrepair."

25. Section 47B of the Principal Act is amended by omitting from the third paragraph of subsection (2) (being the paragraph commencing with the words "Where the Commission has suspended") the word "cancel" and inserting in its stead the word "forfeit". Amendment of s. 47B (2)

26. Section forty-eight of the Principal Act is amended by omitting from subsection (7) the word "five" and inserting in its stead the word "seven". Amendment of s. 48 (7)

New s. 48A

27. The following section is inserted after section forty-eight of the Principal Act :—

No further wine-seller's licenses to be granted

“ [48A.] (1.) Notwithstanding any other provision of this Act no wine-seller's license shall after the commencement of “ *The Liquor Acts Amendment Act of 1961* ” be granted or removed to another locality under this Act.

Cancellation of wine-seller's licenses as from 1-7-63

(2.) Every wine-seller's license granted under this Act or any Act repealed by this Act and in force immediately prior to midnight on the thirtieth day of June, one thousand nine hundred and sixty-three, shall be and is hereby cancelled on and from the first day of July in that year, and the same consequences shall ensue and the same rights to compensation shall accrue as if the license had been cancelled on and from the said first day of July upon a determination of the Commission.

(3.) For the purpose of giving effect to the rights to compensation conferred by subsection (2) of this section, the provisions of sections forty-one to forty-seven (both inclusive) of this Act as in force immediately prior to the coming into operation of subsection (1) of section sixty-four of “ *The Liquor Acts Amendment Act of 1961* ” shall, with all necessary adaptations, apply and extend to any claim for, notice in respect of, award and payment of such compensation in the same manner and with the same incidence as if section sixty-four of “ *The Liquor Acts Amendment Act of 1961* ” had not been enacted.”

Amendment of s. 49

28. Section forty-nine of the Principal Act is amended by inserting after subsection (4) the following subsections :—

“ (4A.) Where pursuant to subsection (4) of this section security in a stipulated sum is required by the Commission from a person whose tender for the sale of a license pursuant to this section has been accepted by the Commission binding that person to erect hotel premises in accordance with such tender and as such security a bond is entered into by the person whose tender has been so accepted, or by a guarantor on his behalf, conditioned for the payment to Her Majesty in the sum

in which the security is required by the Commission, then in and for the purposes of any proceeding to recover that sum under the bond or any amount thereof—

- (a) the sum in which the bond is conditioned for payment to Her Majesty shall be a genuine pre-estimate of the damage suffered and recoverable by the Crown by reason of any failure to fulfil the conditions of the bond proved in the proceeding ;
- (b) it shall not be competent for the defence to plead that the damage suffered and recoverable by the Crown was less than the sum in which the bond is so conditioned or that that sum or any amount thereof is a penalty or penal damages ;
- (c) evidence proving or tending to prove any of the matters set out in paragraph (b) of this subsection shall not be led or admitted.

(4B.) Without derogating from any other provision of this section, the Commission may, in any case of hardship or other special circumstances and on such terms and conditions as it thinks fit, forgive, release, discharge or waive the enforcement of, either wholly or in part, any security given or taken pursuant to subsection (4) of this section and notwithstanding that the Commission is not the obligee under the security.”

29. Section fifty of the Principal Act is amended— Amendments of s. 50

(a) by inserting in subsection (1)—

(i) after the words “ Every licensed victualler ” the words “ and holder of a restaurant license ” ; and

(ii) after the words “ “ licensed victualler, ” ” the words “ or “ licensed restaurant ” ” ; and

(b) by inserting in subsection (2), after the words “ licensed victualler’s license, ”, the words “ or restaurant license, ”.

Amendments
of s. 51 (1)

30. Section fifty-one of the Principal Act is amended—

(a) by inserting in subsection (1) after subparagraph (vi.) of paragraph (b) the following subparagraph :—

“(vii.) Require any work to be carried out thereon or in relation thereto or any act, step or thing to be done or taken with respect thereto which, in the opinion of the Commission or of the inspector, is necessary to better serve the convenience of the public or is required in the interests of public health, safety or hygiene ;” ; and

(b) by renumbering subparagraph (vii.) of paragraph (b) of subsection (1) as subparagraph (viii.) thereof.

New section
51A

31. The following section is inserted after section fifty-one of the Principal Act :—

Machines,
&c., capable
of use for
gaming, &c.,
not to be
brought or
kept on
licensed
premises

“ [51A.] (1.) A licensee shall not bring or keep, or permit to be brought or kept, upon his licensed premises any machine, mechanical contrivance, apparatus or device capable of being used for the purpose of betting or gaming including but without limiting the generality hereof any machine, mechanical contrivance, apparatus or device known as a crane machine, fruit machine, poker machine, golf ball machine, roll machine, flag machine or pin ball machine or any other machine of a similar nature and having a similar purpose.

(2.) The Commission may by order direct a licensee to remove and keep removed from his licensed premises any machine, mechanical contrivance, apparatus or device of a kind referred to in subsection (1) of this section.

(3.) The Commission may make an order restraining a licensee from contravening or continuing to contravene in relation to his licensed premises the provisions of subsection (1) of this section.

(4.) An order may be made pursuant to subsection (3) of this section whether or not the licensee has been proceeded against as for an offence against subsection (1) of this section in respect of the matter and a person may be proceeded against as for an offence against subsection (1) of this section notwithstanding that an order has been made pursuant to subsection (3) of this section in respect of the matter.”

32. Section fifty-eight of the Principal Act is amended— Amendments of s. 58

- (a) by omitting subsection (2) ; and
- (b) by renumbering subsection (3) as subsection (2) of that section.

33. The following section is inserted after section fifty-nine of the Principal Act— : New section 59A

“ [59A.] (1.) The provisions of paragraph (d) of subsection (1) of section fifty-eight of this Act and paragraph (e) of section fifty-nine of this Act shall not apply— When sale, supply to and consumption by female of liquor at bar permitted

- (a) to the sale, supply or treating to, or the consumption by, a female of liquor in the licensed premises of any licensed club ; or
- (b) to the sale, supply or treating to, or the consumption by, a female of liquor at a lounge bar in the licensed premises of a licensed victualler which has been approved by the Commission (which the Commission is hereby authorised to do) as a lounge bar for those purposes upon application by the licensee as prescribed and in respect of which the approval remains in force.

(2.) The Commission shall not approve a bar as a lounge bar for the sale, supply or treating to, or consumption by, a female of liquor unless—

- (a) the bar is situated in or adjacent or in proximity to a part of the licensed premises which is used as a dining room or lounge ;
- (b) seating accommodation as prescribed and in so far as not prescribed to the satisfaction of the Commission is provided at the bar and at tables in the vicinity of the bar whereat liquor may be consumed ;
- (c) the bar and the part of the licensed premises adjacent or in proximity to the bar is constructed, furnished and appointed as prescribed and in so far as not prescribed to the satisfaction of the Commission.

(3.) The provisions of subsection (2) of this section shall not derogate from the power of the Commission to refuse to approve of any bar as a lounge bar for the purposes specified in that subsection on any ground which appears to the Commission to be sufficient.

(4.) The Commission may at any time in its absolute discretion, upon notice to the licensee and affording the licensee an opportunity to be heard, revoke an approval of a bar as a lounge bar for the sale, supply or treating to, or the consumption by, a female of liquor.

(5.) Every licensed victualler shall cause the words "Lounge Bar" to be kept painted or affixed on, over or near to every entrance to any lounge bar on his licensed premises approved as such pursuant to this section and in respect of which the approval remains in force 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 lounge bar by means of such entrance.

(6.) No licensed victualler shall—

(a) paint, affix, display or exhibit ;

(b) permit to be painted, affixed, displayed or exhibited ; or

(c) keep painted, affixed, displayed or exhibited, the words "Lounge Bar" on, over or near to any bar on his licensed premises unless that bar has been approved by the Commission pursuant to this section to be a lounge bar and the approval remains in force."

New s. 60A

34. The Principal Act is amended by inserting, after section sixty, the following section :—

Beer
gardens on
licensed
premises

" [60A.] (1.) The Commission may from time to time in its absolute discretion, declare on application by a licensee or of its own motion such part or parts, as it deems fit, of the licensed premises of a licensed victualler or a licensed club to be a beer garden but nothing in this subsection shall authorise the Commission to include in the part or parts of the licensed premises declared by it pursuant to this subsection to be a beer garden, any room on the licensed premises set apart and used solely or principally for the consumption of meals by, in the case of the premises of a licensed victualler,

bona fide lodgers and other persons desirous of partaking of meals on the premises or, in the case of a licensed club, members of the club or guests of members.

(2.) Without limiting the grounds upon which the Commission may declare or refuse to declare any part or parts of the licensed premises of a licensed victualler or licensed club to be a beer garden, the Commission in the exercise of its powers under this section shall have regard to—

- (a) whether entertainment is being provided in any part or parts of the licensed premises for members of the public resorting thereto or members of the licensed club and guests of members as the case may be, by way of—
 - (i) theatrical representations ;
 - (ii) musical performances ; or
 - (iii) performances of whatever kind or description by any person or persons (including but without limiting the generality hereof any athletic or sporting performance) ;
- (b) the location of a part or parts of the licensed premises in relation to other parts of the premises ; and
- (c) the facilities available on the licensed premises for lodgers and persons lawfully resorting to the premises for purposes other than entertainment or the consumption of liquor and the children of such lodgers and such persons.

(3.) Every licensed victualler and licensed club shall cause the words “ Beer Garden ” to be kept painted or affixed on, over or near to every entrance to any part or parts of his or its licensed premises which pursuant to this section has or have been declared to be a beer garden and in respect of which the declaration remains in force 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 beer garden by means of such entrance.

(4.) No licensed victualler or licensed club shall—

(a) paint, affix, display or exhibit ;

(b) permit to be painted, affixed, displayed or exhibited ; or

(c) keep painted, affixed, displayed or exhibited, the words “ Beer Garden ” or any words, signs or symbols of similar import on over or near to his or its licensed premises unless a part or parts of those premises has or have been declared by the Commission pursuant to this section to be a beer garden and the declaration remains in force.

(5.) No licensed victualler or licensed club shall advertise or exhibit or permit or suffer to be advertised or exhibited any advertisement, circular, handbill, placard or other notice which may be construed to imply that he or it keeps or uses, any part of his or its licensed premises as a beer garden or that there is upon any part of those premises a beer garden unless a part or parts of those premises has or have been declared by the Commission pursuant to this section to be a beer garden and the declaration remains in force.

(6.) Every licensed victualler and licensed club shall exhibit and keep exhibited in a prominent place on his or its licensed premises a plan of the premises drawn to such a scale and with such materials as to be clearly legible and showing the part or parts of the premises declared for the time being pursuant to this section to be a beer garden.

(7.) If any person under the age of twenty-one years is in any part or parts of the licensed premises of a licensed victualler or a licensed club which has or have been declared pursuant to this section to be a beer garden and in respect of which the declaration remains in force, at any time when liquor is being sold, supplied or consumed in that beer garden the licensee shall forthwith remove or cause to be removed, that person from the beer garden.

If a licensee fails to comply with this subsection, he or it shall be liable to a penalty not exceeding twenty pounds and not less than ten pounds.

This subsection shall not apply to any member of the family of, or employees of, the licensee or to any professional entertainer attending for the purpose of fulfilling an engagement as such an entertainer who are under the age of twenty-one years.

(8.) Any person (excepting a member of the family of, or employees of, the licensee or any professional entertainer attending for the purpose of fulfilling an engagement as such an entertainer) under the age of twenty-one years who is found in any part or parts of the licensed premises of a licensed victualler or a licensed club which has or have been declared for the time being pursuant to this section to be a beer garden and in respect of which the declaration remains in force, at any time when liquor is being sold, supplied or consumed in that beer garden shall be liable to a penalty not exceeding twenty pounds.

(9.) The Commission may at any time revoke a declaration made pursuant to this section and, if it deems fit, make a fresh declaration in respect of the licensed premises in question."

35. Section sixty of the Principal Act is amended by omitting from the fourth paragraph (being the paragraph commencing with the words "Any person (excepting a member of the family)") the words "nor less than ten pounds". Amendment
of s. 60

36. Section sixty-two of the Principal Act is amended by omitting subparagraph (ii.) of subsection (5A) and inserting in its stead the following subparagraphs :— Amendments
of s. 62

"(ii.) let or sublet any part or portion of the licensed premises ; or

(iii.) carry on or permit to be carried on or supply or permit to be supplied on any part or portion of the licensed premises any business or service to the public other than the business of a licensed victualler or wine-seller."

and by adding to subsection (8) at the end thereof the following words :—" or otherwise pursuant to section sixty-nine of this Act ".

Amendment
of s. 65

37. Section sixty-five of the Principal Act is amended by inserting in the proviso the following paragraph :—

“; (c) Any person who at the time of being supplied with meals or accommodation on licensed premises, on demand of payment made by the licensee or by his servant or agent, fails or refuses to pay a reasonable sum therefor or by his actions avoids such demand or renders the demand impossible and fails to pay a reasonable sum for the meals or accommodation shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds ; and in addition thereto, the court may order the offender to pay to the licensee such sum as it deems reasonable in respect of the meals or accommodation supplied to the offender.”

New ss. 67A,
67B, 67C

38. The following new sections are inserted in the Principal Act after section sixty-seven :—

Holder of
license to
sell liquor
to stock
and supply
aerated
waters, &c.

“ [67A.] A holder of a license under this Act authorising the holder thereof to sell liquor (other than a spirit merchant or a brewer) shall keep in stock on the licensed premises and have available for sale or supply in any part of those premises set apart for the sale or supply of liquor for immediate consumption upon the premises aerated waters and fruit drinks in reasonable quantities and upon demand by any person at any time when liquor is being sold or supplied upon the licensed premises shall sell or supply those aerated waters and fruit drinks according to the demand for immediate consumption upon those premises.

Foods other
than
specified
foods not
to be sold
in bars on
licensed
premises of
licensed
victualler

[67B.] (1.) A licensed victualler or other person shall not sell or supply, or permit to be sold or supplied, in any bar, or in any room having direct access to a bar, on the licensed premises of the licensed victualler any food other than liquor, cordials, mineral waters and prescribed foods.

(2.) For the purposes of subsection (1) of this section the prescribed foods shall be—

(a) all foods used in the compounding or mixing of cocktails, liqueurs, bonox, beef-tea, coffee, milk or other drinks ;

- (b) gherkins, olives, cherries, pickled onions, chewing gum and medicinal foods ;
- (c) processed and packaged potato flakes or chips, peanuts, other nuts and cheese ; and
- (d) biscuits and sandwiches in sealed packages.

(3.) Subsection (1) of this section does not apply to food sold or supplied for consumption by persons seated at a table in a lounge bar or in any room having direct access to such a bar.

[67C.] A holder of a license under this Act authorising the holder thereof to sell liquor (other than a spirit merchant or a brewer) shall keep in stock on the licensed premises and have available for sale or supply in any part of those premises set apart for the sale or supply of liquor for immediate consumption upon the premises reasonable quantities of biscuits in sealed packages and of at least one other foodstuff of a kind or class specified in subsection (2) of section 67B of this Act and upon demand by any person at any time when liquor is being sold or supplied upon the licensed premises shall sell or supply those foodstuffs according to the demand for immediate consumption upon the licensed premises.”

Licensed
victualler
to stock and
supply
certain
foodstuffs

39. Section 68B of the Principal Act is amended—

Amendments
of s. 68B

(a) by inserting in subsection (1), after the words “ time when every ”, the word “ public ” ;

(b) by inserting in subsection (2), after the words “ not being a ”, the word “ public ” and by inserting in that subsection, after the words “ sale in every ”, the word “ public ” ; and

(c) by adding to subsection (3) at the end thereof the words “ or with the provisions of subsections (8D), (8E), (8F), (8K), (8L), (8M) of that section.”.

40. Section 68C of the Principal Act is amended by inserting after subsection (2) the following subsections :—

Amendment
of s. 68C

“(2A.) Upon application by a licensed victualler in that behalf to the Commission, the Commission may, subject to this section, by order vary the hours between which pursuant to subsection (2) of this section the licensed victualler is required daily to keep his

licensed premises open for the sale of liquor (hereinafter in this section referred to as "ordinary trading hours," and those hours as so varied shall be the hours during which the licensed victualler in question is required to keep his licensed premises open for the sale of liquor pursuant to this section.

(2B.) In the exercise of its powers under subsection (2A) of this section the Commission shall not vary the ordinary trading hours so as to require or permit a licensed victualler to keep his licensed premises open for the sale of liquor—

- (a) before ten o'clock in the morning ;
- (b) after ten o'clock in the evening ; or
- (c) for broken periods in any one day.

(2C.) The Commission may, upon application made in that behalf or of its own motion, cancel or modify as it deems fit any variation made by it under subsection (2A) of this section of the ordinary trading hours."

Amendment
of s. 69

41. Section sixty-nine of the Principal Act is amended—

(a) by inserting after subsection (8) the following subsections :—

"(8A.) The provisions of subsections (4), (5), (6), (8) and the proviso to paragraph (b) of subsection (10) of this section shall apply within that part of the State which is comprised within a radius of forty miles from the General Post Office in Queen Street in the City of Brisbane, and shall not apply in any other part of the State.

(8B.) For the purposes of this section the term "permitted area" in respect of the licensed premises of a licensed victualler means all that part of the State which is not comprised within a radius of forty miles from the General Post Office in Queen Street in the City of Brisbane.

(8C.) For the purposes of this section but subject to subsection (8I) of this section the term "permitted hours on any Sunday" in respect of the licensed premises of a licensed victualler situated in the permitted area, means

the periods between the hours of eleven o'clock in the morning and one o'clock in the afternoon and between the hours of four o'clock and six o'clock in the evening.

(8D.) Nothing in subsections (1), (2) and (9) of this section shall relate to—

- (a) liquor authorised or permitted by this section to be—
 - (i) drunk or consumed during the permitted hours on any Sunday on any part (not being a bar) of the licensed premises of a licensed victualler which are situated in the permitted area ;
 - (ii) sold or supplied during the permitted hours on any Sunday for the purpose of being drunk or consumed during those hours in such a part ; and
- (b) the keeping open of the licensed premises of a licensed victualler situated in the permitted area during the permitted hours on any Sunday for the sale or supply during the permitted hours on any Sunday of liquor for the purpose of being drunk or consumed during those hours on a part of the licensed premises which is not a bar.

(8E.) Where the licensed premises of a licensed victualler are situated in the permitted area, the licensed victualler may—

- (a) permit liquor to be drunk or consumed by persons during the permitted hours on any Sunday on any part of those premises which is not a bar ;
- (b) sell and supply to persons during the permitted hours on any Sunday liquor for consumption during those hours on any part of the premises which is not a bar ; and
- (c) keep his licensed premises open during the permitted hours on any Sunday for the sale and supply during the permitted hours on any Sunday of liquor for the purpose of being drunk or consumed by persons during those hours on any part of the premises which is not a bar.

(8F.) Where the licensed premises of a licensed victualler are situated in the permitted area, persons may drink or consume, during the permitted hours on any Sunday on any part of those premises which is not a bar, liquor sold or supplied during those permitted hours by the licensed victualler for the purpose of being so drunk or consumed.

(8G.) Where having regard to the size and location of the licensed premises situated in the permitted area and the special circumstances of the case the Commission in its absolute discretion deems it fit so to do, the Commission, upon application by a licensed victualler, may, from time to time by order, authorise the drinking and consumption of liquor by persons during the permitted hours on any Sunday in a bar on those premises and so long as an order under this subsection remains in force subsections (8D), (8E) and (8F) of this section shall be read as if the words “(not being a bar)” and “which is not a bar” were deleted therefrom. The Commission at any time may vary or revoke any order made pursuant to this subsection.

(8H.) The Commission may by order impose conditions and limitations in respect of the sale, supplying, drinking and consumption of liquor during the permitted hours on any Sunday either generally or in relation to a particular locality or particular premises and may at any time vary or revoke an order made pursuant to this subsection.

(8I.) In the event of—

- (a) non-compliance by a licensed victualler with any condition or limitation imposed by the Commission pursuant to subsection (8H) of this section ; or
- (b) the sale or supply by a licensed victualler or the drinking or consumption on his licensed premises of liquor on any Sunday at a time when or place where the sale, supply, drinking or consumption thereof is not authorised or permitted by subsection (8D), (8E) or (8F) of this section,

the Commission may upon notice to the licensed victualler and affording that person the opportunity to be heard and whether or not proceedings as for an offence have been taken against the licensed victualler

with respect to the matter, by order prohibit, either for a specified period or until further order, the sale, supplying, drinking and consumption of liquor on the licensed premises of the licensed victualler, or any specified part of those premises, during the permitted hours on any Sunday.

(8J.) Where there is in force in respect of the licensed premises of a licensed victualler, or part of those licensed premises, an order of the Commission made pursuant to subsection (8I) of this section prohibiting the sale, supplying, drinking and consumption of liquor during the permitted hours on any Sunday the licensed victualler shall not at any time during those permitted hours keep the licensed premises, or the part thereof to which the order relates, open for the sale of liquor, or sell or supply liquor, or permit liquor to be drunk or consumed on the licensed premises or the part thereof, as the case may be, to which the order relates.

(8K.) Nothing in subsections (1), (2) and (9) of this section shall relate to liquor authorised or permitted by this section to be drunk or consumed during the hours specified in subsection (8L) of this section on the licensed premises of a licensed victualler by persons seated at a table and *bona fide* partaking of a meal in a dining room on those premises and sold or supplied during those hours to those persons for the purpose of being so drunk or consumed.

(8L.) A licensed victualler may—

(a) permit liquor to be drunk or consumed in a dining room on his licensed premises by persons seated at a table and *bona fide* partaking of a meal in that dining room ; and

(b) sell or supply liquor to those persons for the purpose of being so drunk or consumed,

between the hours of twelve o'clock noon and two o'clock in the afternoon and between the hours of five o'clock and seven o'clock in the evening on any Sunday or on Christmas Day or, where the licensed premises are situated in the permitted area, Anzac Day or Good Friday.

(8M.) Persons seated at a table and *bona fide* partaking of a meal in a dining room on the licensed premises of a licensed victualler between the hours of twelve o'clock noon and two o'clock in the afternoon and between the hours of five o'clock and seven o'clock in the evening on any Sunday or on Christmas Day or, where the premises are situated in the permitted area, Anzac Day or Good Friday, may drink or consume with the meal liquor sold or supplied by the licensed victualler for the purpose of being so drunk or consumed during those hours.

(8N.) In this section—

“Meal” means a substantial meal, at which the persons partaking thereof are seated at a table, of at least two courses one of which consists of fish or meats other than in sandwich form ;

“Dining room” means a room on the licensed premises of a licensed victualler set apart and used solely or principally for the consumption of meals therein by *bona fide* lodgers and other persons desirous of partaking of meals on those premises : The term does not include any lounge, bar, beer garden or other place on the licensed premises wherein liquor is sold or supplied or consumed at any time other than between the hours specified in subsection (8L) of this section.

(8O.) A licensed victualler may permit between the hours of ten o'clock and eleven o'clock in the evening of any day except Sunday, Good Friday, Anzac Day or Christmas Day to be drunk or consumed in a dining room on his licensed premises by persons seated at a table and *bona fide* partaking of a meal in that dining room, liquor sold or supplied and served at that table by the licensed victualler before the hour of ten o'clock in the evening of the day in question.

(8P.) Persons seated at a table and *bona fide* partaking of a meal in the dining room on the licensed premises of a licensed victualler between the hours of ten o'clock and eleven o'clock in the evening of

any day except Sunday, Good Friday, Anzac Day or Christmas Day may drink or consume with the meal liquor sold or supplied and served at that table by the licensed victualler before the hour of ten o'clock in the evening of the day in question.

(8Q.) Nothing in this section shall require a licensed victualler unless he thinks fit to permit liquor to be drunk or consumed on his licensed premises by any person during the permitted hours on any Sunday or by any person seated at a table in a dining room on those premises and *bona fide* partaking of a meal in that dining room during the hours specified in subsection (8L) of this section on the days mentioned in that subsection or to sell or supply liquor for the purpose of its being so drunk or consumed.

(8R.) Nothing in this section shall derogate from ^{Savings} or otherwise affect the provisions of sections fifty-eight, fifty-nine, sixty, sixty-four and eighty of this Act.” ;

(b) by inserting in subsection (9), after the words “ sale of liquor is prohibited ”, the words “ by this section or by an order of the Commission made pursuant to subsection (8I) of this section ” ;

(c) by inserting after subsection (9) the following subsections :—

“ (9A.) Any person found leaving the licensed premises of a licensed victualler with liquor in his possession during any Sunday or on Good Friday, Anzac Day or Christmas Day shall be guilty of an offence.

(9B.) Any person found drinking or consuming liquor during the permitted hours on any Sunday in a bar (save a bar in respect whereof an order made pursuant to subsection (8G) of this section is in force) on the licensed premises of a licensed victualler situated in the permitted area shall be guilty of an offence.

(9C.) A licensed victualler who permits liquor to be drunk or consumed during the permitted hours on any Sunday by any person in a bar (save a bar in respect whereof an order made pursuant to subsection (8G) of this section is in force) on his licensed premises situated in the permitted area shall be guilty of an offence.

(9D.) Any person who on the licensed premises of a licensed victualler obtains or attempts to obtain liquor by falsely representing that he intends at the same time to partake of a meal in a dining room on those premises shall be guilty of an offence.” ;

(d) by omitting from subsection (4) the words “ the hours of twelve o’clock noon and two o’clock in the afternoon and between the hours of five o’clock in the afternoon and seven o’clock in the evening ” and inserting in their stead the words “ the hours of eleven o’clock in the morning and one o’clock in the afternoon and between the hours of four o’clock and six o’clock in the evening ” ; and

(e) by omitting from subsection (6) wheresoever occurring the words “ the hours of twelve o’clock noon and two o’clock in the afternoon or between the hours of five o’clock in the afternoon and seven o’clock in the evening ” and inserting in their stead wheresoever omitted the words “ the hours of eleven o’clock in the morning and one o’clock in the afternoon or between the hours of four o’clock and six o’clock in the evening ”.

Amendments
of s. 75

42. Section seventy-five of the Principal Act is amended.—

(a) by inserting in subsection (1), after the words “ public musical performances ”, the words “ or performances by any person or persons for entertainment purposes of whatever kind or description (including but without limiting the generality hereof any athletic or sporting performance) ” ;

(b) by inserting in subsection (1) after the second paragraph (being the paragraph commencing with the words “ Such permission may be revoked ”), the following paragraphs :—

“ Permission pursuant to this subsection shall be granted subject to such restrictions, terms and conditions (if any) as the Commission shall by order specify for the purposes of this subsection in relation to the licensed premises in respect whereof the permission is granted.

The Commission may at any time by notice in writing forwarded by prepaid post to the licensee vary or revoke any of the restrictions, terms and conditions subject to which the permission is granted and any

reference in this subsection to the restrictions, terms and conditions subject to which a permission is granted shall be read as including a reference to the restrictions, terms and conditions as so varied.

The notice shall be deemed to be included in and form part of the permission.

A copy of any such order or notice shall be forwarded to the court.

If a licensee fails to comply in any respect with the restrictions, terms and conditions subject to which a permission is granted pursuant to this subsection he shall be guilty of an offence against this Act.

The court or officer shall in the granting of any permission pursuant to this subsection observe the provisions of this subsection.

The provisions of this subsection do not apply—

- (a) to music for dancing where such dancing is permitted pursuant to subsection (3) of this section ;
- (b) to music broadcast by radio or television or produced by any mechanical means approved by the Commission ; or
- (c) to the playing of music by lodgers, the licensee or members of his family on any part of licensed premises other than a bar.” ;

(c) by inserting in the second paragraph of subsection (2) (being the paragraph commencing with the words “An application for such special permission”), after the words “applicant, include”, the words “an application for” ;

(d) by omitting from the last paragraph of subsection (2) (being the paragraph commencing with the words “The special permission), the words “in that liquor is consumed in the room or place in question between the hours of ten o’clock at night and ten o’clock of the next morning” ; and

(e) by omitting from subsection (3) paragraph (c) thereof.

43. Section 75A of the Principal Act is amended— Amendments
of s. 75A

(a) by omitting the word “ten” and inserting in its stead the word “eleven” ;

(b) by inserting after the words “after noon” the words “on any day except a Sunday, Good Friday, Anzac Day or Christmas Day”;

(c) by omitting from paragraph (a) the words “of at least three courses”; and

(d) by adding at the end thereof the following paragraph :—

“For the purposes of this section the term “meal” means a “meal” within the meaning of subsection (8N) of section sixty-nine of this Act.”

Amendments
of s. 78A

44. Section 78A of the Principal Act is amended—

(a) by inserting in subparagraph (d) of subsection (1), after the words “consumption of liquor in any”, the words “licensed restaurant or”; and

(b) by inserting in paragraph (ii.) of subsection (2), after the words “drunk or consumed in a”, the words “licensed restaurant or”.

Amendment
of s. 81

45. Section eighty-one of the Principal Act is amended by omitting the words “three pounds” and inserting in their stead the words “ten pounds”.

Amendment
of s. 83

46. Section eighty-three of the Principal Act is amended by inserting in paragraph (c), before the words “Knowingly permits”, the words “Save with the consent of the Commission in writing”.

Amendment
of s. 88 (2)

47. Section eighty-eight of the Principal Act is amended by omitting subsection (2) and inserting in its stead the following subsection :—

“(2.) Where the licensee is convicted of a second or subsequent offence referred to in subsection (1) of this section, the Commission may forfeit his license and disqualify the licensee from holding a license for such period not exceeding three years as the Commission thinks fit, and if the owner was privy to or a consenting party to the offences the Commission may declare that the licensed premises shall cease to be licensed premises for such period of not less than two years and not exceeding five years as the Commission thinks fit and for the purposes of any such forfeiture or declaration the provisions of section 47B of this Act, with all necessary adaptations, shall apply and extend.”

48. Section one hundred and one of the Principal Act is amended— Amendment
of s. 101

(a) by omitting from subsection (1) all words occurring after the words “against the same person” and inserting in their stead the words “the Commission may forfeit that person’s license and a person whose license is forfeited pursuant to this subsection shall be disqualified from holding a license for such period not exceeding ten years after the date of the forfeiture as the Commission may determine.” ;

(b) by omitting from subsection (2) all words occurring after the words “(where the convictions were of the same licensee)” and inserting in their stead the words “the Commission may forfeit the license in respect of those premises” ;

(c) by omitting from subsection (3) the words “or forfeiture of a license” ;

(d) by adding at the end thereof the following subsection :—

“(4.) For the purposes of any forfeiture of a license pursuant to this section, the provisions of section 47B of this Act, with all necessary adaptations, shall apply and extend.”

49. Section one hundred and nine of the Principal Act is amended— Amendments
of s. 109

(a) by renumbering that section as subsection (1) thereof ; and

(b) by adding at the end thereof as so renumbered the following subsection :—

“(2.) A licensed spirit merchant shall not—

(a) sell or otherwise dispose of liquor to a person other than a licensed victualler in quantities at any one time of less than two gallons of one and the same description of liquor ;

(b) sell or otherwise dispose of liquor to a licensed victualler in quantities at any one time of less than two gallons of whatever kind or description of liquor ;

(c) sell or otherwise dispose of liquor at any premises other than the premises specified in the spirit merchant’s license held by him ;

- (d) deliver to any person at or from, or permit any person to take away from, the premises specified in the license in quantities at one and the same time—
- (i) of less than two gallons of one and the same description of liquor ; or
 - (ii) where the person is a licensed victualler, of less than two gallons of whatever kind or description of liquor,
liquor sold or otherwise disposed of by the licensed spirit merchant.”

New s. 112

50. The following section is inserted after section one hundred and eleven of the Principal Act :—

Times when
licensed
spirit
merchant's
premises
not to be
open for
sale of
liquor

“ [112.] A holder of a spirit merchant's license shall not keep his licensed premises open for the sale of liquor or sell or otherwise dispose of liquor on those premises—

- (a) on any Sunday ;
- (b) on Good Friday, Anzac Day or Christmas Day ; or
- (c) during polling hours on any polling day within the meaning of subsection (2) of section sixty-nine of this Act.”

Amendments
of s. 121

51. Section one hundred and twenty-one of the Principal Act is amended—

(a) by inserting after subsection (6) the following subsections :—

“(6A.) For the purposes of this section the term “permitted area” in respect of the licensed premises of a licensed club (not being a licensed bowling club or licensed golf club) means all that part of the State which is not comprised within a radius of forty miles from the General Post Office in Queen Street in the City of Brisbane.

(6B.) For the purposes of this section but subject to subsections (6F) and (6H) of this section the term “permitted hours on any Sunday” in respect of the licensed premises of a licensed club (not being a licensed bowling club or licensed golf club) means the periods between the hours of eleven o'clock in the morning and one o'clock in the afternoon and between the hours of

four o'clock and six o'clock in the evening and in respect of the licensed premises of a licensed bowling club or a licensed golf club means the periods between the hours of twelve o'clock noon and two o'clock in the afternoon and between the hours of five o'clock and seven o'clock in the evening.

(6C.) Nothing in subsection (2) of this section shall relate to—

(a) liquor which by this section a licensed club may—

(i) Permit or suffer to be consumed during the permitted hours on any Sunday on the licensed premises of the licensed club (not being a licensed bowling club or a licensed golf club) situated in the permitted area by members of the club or guests of members ;

(ii) Permit or suffer to be consumed during the permitted hours on any Sunday on the licensed premises of the licensed club (being a licensed bowling club or a licensed golf club) wheresoever situated by members of the club, guests of members and members of another licensed bowling club or licensed golf club ;

(iii) Sell or supply during the permitted hours on any Sunday for the purpose of being consumed during those hours on the licensed premises of the club in question.

(6D.) Where the licensed premises of a licensed club (not being a licensed bowling club or a licensed golf club) are situated in the permitted area the licensed club may—

(a) Permit or suffer liquor to be consumed by members of the club and guests of members during the permitted hours on any Sunday on those premises ;

(b) Sell and supply to members of the club and guests of members during the permitted hours on any Sunday liquor for consumption by members and guests of members during those hours on those premises.

(6E.) A licensed bowling club or a licensed golf club may—

- (a) Permit or suffer liquor to be consumed by members of the club, guests of members and members of another licensed bowling club or licensed golf club during the permitted hours on any Sunday on the licensed premises of the club ;
- (b) Sell and supply to members of the club, guests of members and members of another licensed bowling club or licensed golf club during the permitted hours on any Sunday liquor for consumption by those persons during those hours on the licensed premises of the club.

(6F.) Upon application in that behalf by a licensed bowling club or licensed bowling clubs or by a licensed golf club or licensed golf clubs the Commission may from time to time by order vary the permitted hours on any Sunday with respect to a particular licensed bowling club or licensed golf club or the licensed bowling clubs or licensed golf clubs in a particular locality either for a specified period or until further order but so that the permitted hours as so varied shall not exceed four hours and shall not include any period before twelve o'clock noon or after seven o'clock in the evening and any reference in this section to the permitted hours on any Sunday in respect of the licensed premises of the club or clubs to which the order relates shall be read as a reference to the permitted hours on any Sunday as so varied from time to time.

(6G.) The Commission may by order impose conditions and limitations in respect of the sale, supplying and the permitting or suffering the consumption of liquor by a licensed club during the permitted hours on any Sunday either generally or in relation to a particular locality or particular premises and may at any time vary or revoke an order made pursuant to this subsection.

(6H.) In the event of—

- (a) Non-compliance by a licensed club with any condition or limitation imposed by the Commission pursuant to subsection (6G) of this section ; or

- (b) The sale, supply or permitting or suffering the consumption of liquor by a licensed club on its licensed premises on any Sunday at a time when the sale, supply and the permitting or suffering the consumption thereof is not authorised or permitted by subsection (6D) or (6E) of this section,

the Commission may upon notice to the licensed club and affording the club the opportunity to be heard and whether or not proceedings as for an offence have been taken against the licensed club with respect to the matter, by order prohibit, either for a specified period or until further order, the sale, supplying and the permitting or suffering the consumption of liquor on the licensed premises of the licensed club, or any specified part of those premises, during the permitted hours on any Sunday.

(6I.) Where there is in force in respect of the licensed premises of a licensed club or part of those premises an order of the Commission made pursuant to subsection (6H) of this section prohibiting the sale, supplying and the permitting or suffering the consumption of liquor during the permitted hours on any Sunday, the licensed club shall not at any time during those permitted hours sell or supply liquor, or permit or suffer liquor to be consumed on its licensed premises or the part thereof, as the case may be, to which the order relates.

(6J.) Subsections (6C), (6D) and (6E) shall not authorise or permit a licensed bowling club or a licensed golf club to sell or supply liquor, or permit or suffer liquor to be consumed on its licensed premises on a day on which the premises of that club are not used for the purpose of playing or carrying on the game of bowls, or as the case may be, golf.

(6K.) Nothing in subsection (2) of this section shall relate to liquor which by this section a licensed club (not being a licensed bowling club or a licensed golf club) may—

- (a) permit or suffer to be consumed in a dining room on its licensed premises by members of the club or guests of members seated at a table and *bona fide* partaking of a meal in that dining room during the hours specified in subsection (6L) of this section ;

(b) sell or supply during those hours for the purpose of being so consumed during those hours.

(6L.) A licensed club (not being a licensed bowling club or a licensed golf club) may—

(a) permit or suffer liquor to be consumed in a dining room on its licensed premises by members of the club or guests of members seated at a table and *bona fide* partaking of a meal in that dining room ; and

(b) sell or supply liquor to those persons for the purpose of being so consumed, between the hours of twelve o'clock noon and two o'clock in the afternoon and between the hours of five o'clock and seven o'clock in the evening on any Sunday or on Christmas Day.

(6M.) In this section—

Meal “ Meal ” means a substantial meal, at which the persons partaking thereof are seated at a table, of at least two courses one of which consists of fish or meats other than in sandwich form ;

Dining room “ Dining room ” means a room on the licensed premises of the licensed club set apart and used solely or principally for the consumption of meals by members of the licensed club or guests of members : The term does not include any lounge, bar, beer garden or other place on the licensed premises wherein liquor is sold or supplied or consumed at any time other than between the hours specified in subsection (6L) of this section.

(6N.) Nothing in this section shall require a licensed club unless it thinks fit to permit or suffer liquor to be consumed on its licensed premises by any person during the permitted hours on any Sunday or by any person seated at a table in a dining room on those premises and *bona fide* partaking of a meal in that dining room

during the hours specified in subsection (6L) of this section on the days mentioned in that subsection or to sell or supply liquor for the purpose of its being so consumed.” ; and

(b) by inserting after subsection (7) the following subsections :—

“(7A.) Notwithstanding subsection (3) of this section the Commission may by permit in writing authorise a club (not being a licensed bowling club or licensed golf club) to sell and supply liquor and to permit or suffer liquor to be consumed by members of the club and guests of members on its licensed premises between the hours specified in the permit at a special function of that club, but not more than three permits under this subsection shall be issued to any one club in respect of a period of twelve months.

(7B.) A person shall not carry away liquor from the licensed premises of a licensed club during any Sunday or Christmas Day.

(7C.) A person shall not on the licensed premises of any club (not being a licensed bowling club or a licensed golf club), situated within a radius of forty miles of the General Post Office in Queen Street in the City of Brisbane obtain or attempt to obtain any liquor by falsely representing that he intends at the same time to partake of a meal in a dining room on those premises.”

52. Section one hundred and twenty-five of the Principal Act is amended by adding at the end thereof the following paragraph :—

“The secretary of a licensed club shall, within fourteen days after the receipt of a notice in writing from the Commission requiring him so to do, furnish to the Commission a certificate verified by statutory declaration as to the number of financial members of the club as at the date specified in the notice and stated in the certificate.”

53. Section 125B of the Principal Act is amended by inserting in paragraph (k), after the words “ kind are committed”, the words “, or any ground not hereinbefore specified in this section is established,”.

Insertion of
new heading
and
ss. 125AA,
125AB and
125AC

54. The following headnote and sections are inserted after section 125F, and before the headnote to section one hundred and twenty-six of the Principal Act, namely :—

“ PART VIA.—RESTAURANT LICENSES

Meanings of
terms

[125AA.] In this Part the following terms shall, unless the context otherwise indicates or requires, have the meanings respectively assigned to them, that is to say—

Light wines

“ Light wines ”—Any wine, cider, or perry which does not contain more than twenty-five per centum of proof spirit by volume, but does not include fortified wine, cider, or perry ;

Meal

“ Meal ”—A substantial meal, at which the persons partaking thereof are seated at a table, of at least two courses one of which consists of fish or meats other than in sandwich form ;

Restaurant

“ Restaurant ”—Premises in which meals are regularly supplied on sale to the public for consumption on the premises.

Power to
grant
restaurant
licenses

[125AB.] (1.) The Commission from time to time may under, subject to, and in accordance with this Part, grant restaurant licenses.

(2.) A restaurant license shall, subject to this Part, authorise the licensee to sell and supply light wines and malted liquors in the restaurant in respect of which the license is granted and the premises in respect of which the license is granted shall be licensed premises.

(3.) A restaurant license shall not be granted to any brewer or spirit merchant or in respect of any premises whereof any brewer or spirit merchant is the owner.

(4.) Up to and including the thirtieth day of June, one thousand nine hundred and sixty-two, the aggregate of the numbers of restaurant licenses and wine-seller's licenses in force at any one and the same time throughout the State shall not exceed thirty-two.

(5.) On and after the first day of July, one thousand nine hundred and sixty-two, and until the thirtieth day of June, one thousand nine hundred and sixty-three, the aggregate of the numbers of restaurant licenses and wine-seller's licenses in force at any one and the same time throughout the State shall not exceed thirty-two or such number not less than thirty-two and not more

than thirty-four as the Governor in Council, by Order in Council published in the *Government Gazette*, may from time to time fix (which the Governor in Council is hereby authorised to do).

(6.) The Commission shall observe subsections (4) and (5) of this section with respect to the grant of restaurant licenses.

(7.) Subject to subsections (8) and (9) of this section, on and after the first day of July, one thousand nine hundred and sixty-three, the Governor in Council may from time to time, by Order in Council published in the *Government Gazette*, fix the maximum number of restaurant licenses which may be in force at any one time within the State.

(8.) The maximum number referred to in subsection (7) of this section shall be deemed to be fixed by the Governor in Council at and remain until some other maximum number is fixed pursuant to this section the number which comprises on the thirtieth day of June, one thousand nine hundred and sixty-three, the aggregate pursuant to subsection (5) of this section.

(9.) The Governor in Council shall not, during the year to commence on the first day of July, one thousand nine hundred and sixty-three, or during any succeeding year increase by more than two the maximum number which comprises for the time being the maximum number of restaurant licenses which may be in force under this section.

(10.) The Governor in Council shall not reduce the maximum number of restaurant licenses fixed for the time being under this section.

(11.) The Commission shall not grant restaurant licenses in excess of the maximum number fixed for the time being under this section.

[125AC.] (1.) A person who desires to obtain a restaurant license shall make application in the prescribed form to the Commission. Application for restaurant license

Every application shall set out the name, calling, and place of abode of the applicant, the place at which the restaurant is or is to be situated, and shall include or be accompanied by such plans and further information and particulars as may be prescribed and shall be accompanied by the prescribed fee.

(2.) The regulations may require such notice of the application to be given to the public at such times and in such manner as may be prescribed.”

New
ss. 125AD
and 125AE
inserted

55. The following sections are inserted after section 125AC of the Principal Act, as previously inserted by this Act, namely :—

Restrictions
on the
granting
of the
restaurant
licenses

“ [125AD.] (1.) The provisions of this section shall not derogate from the power of the Commission to refuse to grant any restaurant license on any ground which appears to the Commission to be sufficient.

Objections

(2.) The Commission before granting any restaurant license shall hear and determine all objections thereto made personally or by petition to the Commission by—

- (a) the Local Authority of the city, town, or shire in which the restaurant in question is or is to be situated ;
- (b) any elector of the district in which the restaurant in question is or is to be situated ;
- (c) the owner of the premises in which the restaurant is or is to be situated ;
- (d) the owner or licensee of licensed victualler’s premises in the immediate vicinity of the site whereon the restaurant is or is to be situated.

(3.) An objection to the granting of a restaurant license may be upon any one or more of the grounds which might have been taken pursuant to section one hundred and twenty-two of this Act if the application were an application for a registered club license under Part VI. of this Act.

(4.) An application for a restaurant license shall not be granted unless the Commission is satisfied—

- (a) that the restaurant provides accommodation of not less than the prescribed minimum standard of accommodation, for not less than forty persons seated at tables on such seating accommodation as the Commission may approve ;
- (b) that having regard to the prescribed minimum standard of accommodation and to the number of persons for whom dining accommodation is or is to be provided in the restaurant at one and the same time the premises are of

adequate floor space and are provided with staff, fittings, furniture and equipment adequate for the preparation, service and consumption of meals and that the premises are otherwise suitable for the purposes of a licensed restaurant ;

- (c) that having regard to the prescribed minimum standard of accommodation and to the number of persons for whom dining accommodation is or is to be provided in the restaurant at one and the same time the premises are adequately provided with sanitary accommodation ;
- (d) that the applicant is not a disqualified person and is a fit and proper person to hold a restaurant license.

[125AE.] (1.) The authority given by a restaurant license to the licensee to sell and supply light wines and malted liquors in the restaurant specified in the license shall be subject to the provisions of this section. Restrictions on sale and supply under restaurant license of liquor

(2.) All light wines and malted liquors sold or supplied in the licensed restaurant shall be sold or supplied for consumption by persons *bona fide* partaking of a meal in a dining room in that restaurant and not otherwise.

(3.) Light wine and malted liquor sold or supplied in the licensed restaurant shall be served, in every case, in an unopened bottle or other approved container bearing a label showing thereon the name and class, kind or description of the liquor contained in the bottle or other approved container, the name and address of the person responsible for the bottling of, or the filling with, the contents thereof, and such further particulars as may be prescribed, at the table at which the purchaser is seated, and the bottle or other approved container shall be opened at that table in his presence.

(4.) Light wine or malted liquor shall not be sold, supplied or served in the licensed restaurant—

- (a) on any Sunday or on Good Friday or Anzac Day ; or
- (b) except between the hours of twelve o'clock noon and two o'clock in the afternoon and between the hours of six o'clock and ten

- o'clock in the evening on any day other than Christmas Day or a day specified in paragraph (a) of this subsection ; or
- (c) except between the hours of twelve o'clock noon and two o'clock in the afternoon and between the hours of five o'clock and seven o'clock in the evening on Christmas Day ; or
- (d) notwithstanding the provisions of paragraph (b) of this subsection, during polling hours on any day which is a polling day within the meaning assigned to that term by section sixty-nine of this Act.

(5.) If any liquor (other than light wines or malted liquor) is sold or supplied in any licensed restaurant, or if any light wine or malted liquor is, contrary to the provisions of this section, sold, supplied or served in any licensed restaurant, the licensee shall be guilty of an offence against this Act and liable, according to whether the offence is the first, the second, or the third or a subsequent offence under this subsection committed in relation to the licensed restaurant, to be punished as prescribed by subsection three of section one hundred and twenty-nine of this Act."

56. The following sections are inserted after section 125AE of the Principal Act, as previously inserted by this Act, namely :—

New
ss. 125AF,
125AG,
125AH,
125AI,
125AJ,
125AK,
125AL,
125AM,
125AN and
125AO
inserted

Removal of
bottles from
tables

“ [125AF.] (1.) All bottles or other approved containers in which light wine or malted liquor is sold or supplied in a licensed restaurant and all drinking vessels used in the consumption thereof shall be removed from every dining room of the restaurant in accordance with the following provisions :—

- (a) where light wine or malted liquor is served between the hours of twelve o'clock noon and two o'clock in the afternoon of any day, the removal shall be completed before two o'clock in the afternoon of the same day ;

- (b) where light wine or malted liquor is served between the hours of six o'clock and ten o'clock in the evening of any day the removal shall be completed before eleven o'clock in the evening of the same day ;
- (c) where light wine or malted liquor is served between the hours of five o'clock and seven o'clock in the evening of Christmas Day, the removal shall be completed before seven o'clock in the evening of the same day.

(2.) In every case in which any of the provisions of this section are contravened in relation to a restaurant license the licensee shall be guilty of an offence against this Act.

[125AG.] Any person who carries away liquor of any kind from a licensed restaurant shall, unless he proves that the liquor was in his possession before he entered the restaurant, be guilty of an offence against this Act.

Carrying liquor away from licensed restaurant

[125AH.] Where liquor of any description or kind is sold, disposed of, supplied, or served in contravention of any of the provisions of this Act in a licensed restaurant and that liquor is sold, disposed of, supplied, or served by any agent, employee, or servant of the licensee, or by any person acting or purporting to act on behalf of such licensee, the licensee shall be deemed guilty of the contravention and may be proceeded against and punished accordingly.

Licensee responsible for servants

[125AI.] Any person who in any licensed restaurant obtains or attempts to obtain light wine or malted liquor by falsely representing that he intends at the same time to partake of a meal in a dining room in the restaurant shall be guilty of an offence against this Act.

Obtaining liquor by false representation

[125AJ.] (1.) The holder of a restaurant license shall not—

Singing, &c., prohibited on licensed restaurant without permission

- (a) permit public singing on any part of his licensed premises open to public resort ; or
- (b) permit any part of those premises to be used—
- (i) for theatrical representations ;
- (ii) for public musical performances ;

- (iii) for performances of whatever kind or description for entertainment purposes by any person or persons, (including but without limiting the generality hereof any athletic or sporting performance) ; or
- (iv) as a place of common resort to which persons are admitted by ticket or special payment,

without first obtaining the permission in writing of the court or, in the absence of the stipendiary magistrate constituting the court, the principal officer of police stationed in the locality.

(2.) Permission pursuant to subsection (1) of this section may be revoked by the court or officer by whom it was granted at any time and shall not be granted in respect of a number of days extending over a period of one month.

(3.) Permission pursuant to subsection (1) of this section shall be granted subject to such restrictions, terms and conditions (if any) as the Commission shall by order specify for the purposes of this section in relation to the licensed premises in respect whereof the permission is granted.

The Commission may at any time by notice in writing, forwarded by prepaid post to the licensee, vary or revoke any of the restrictions, terms and conditions subject to which the permission is granted and any reference in this section to the restrictions, terms and conditions subject to which a permission is granted shall be read as including a reference to the restrictions, terms and conditions as so varied.

The notice shall be deemed to be included in and form part of the permission.

A copy of any such order or notice shall be forwarded to the court.

A licensee shall comply in every respect with the restrictions, terms and conditions subject to which a permission is granted pursuant to this section.

The court or officer in the granting of any permission pursuant to this section shall observe the provisions of this subsection.

(4.) Any licensee who contravenes this section shall be liable to a penalty not exceeding ten pounds.

[125AK.] (1.) Subject to subsection (2) of this section, the holder of a restaurant license shall not permit dancing on any part of his licensed premises open to the public at any time when liquor may be lawfully sold, supplied or consumed pursuant to this Part on the licensed premises.

Dancing prohibited on licensed restaurant during hours when liquor may be consumed

(2.) Subsection (1) of this section and section 166A of this Act do not apply with respect to dancing by diners between the hours of six o'clock and eleven o'clock in the evening on any day except a Sunday, Good Friday, Anzac Day or Christmas Day—

Exemption

- (a) in a dining room on the licensed premises of the holder of a restaurant license wherein an evening meal is supplied to the public ; and
- (b) in the course of those diners partaking of that evening meal.

[125AL.] The holder of a restaurant license shall not permit or suffer liquor to be consumed on the licensed premises in respect whereof he holds the license and a person shall not consume liquor on the licensed premises of a licensed restaurant—

Liquor not to be consumed on licensed restaurant save during specified hours

- (a) on any Sunday or on Good Friday or Anzac Day ;
- (b) except between the hours of twelve o'clock noon and two o'clock in the afternoon and between the hours of six o'clock and eleven o'clock in the evening on any day other than Christmas Day or a day specified in paragraph (a) of this section ;
- (c) except between the hours of twelve o'clock noon and two o'clock in the afternoon and between the hours of five o'clock and seven o'clock in the evening on Christmas Day ; or
- (d) notwithstanding the provisions of paragraph (b) of this section, during polling hours on any day which is a polling day within the meaning assigned to that term by section sixty-nine of this Act.

Penalty for
con-
travention
of sections
125AK and
125AL

[125AM.] (1.) If a holder of a restaurant license contravenes the provisions of section 125AK or 125AL of this Act he shall be guilty of an offence against this Act and liable, according to whether the offence is the first, the second, or the third or a subsequent offence under this section committed in relation to the licensed restaurant, to be punished as prescribed by subsection (3) of section one hundred and twenty-nine of this Act.

(2.) If a person other than a holder of a restaurant license contravenes the provisions of section 125AL of this Act he shall be guilty of an offence against this Act and liable to a penalty of not less than one pound and not more than ten pounds, and for a second or subsequent offence to a penalty of not less than five pounds and not more than twenty pounds.

Application
of certain
provisions

[125AN.] Without prejudice to any provision of this Act not contained in this Part, the provisions respectively of sections eighteen (excepting subsections (1) and (2) of that section), nineteen, 20A, twenty-one, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, 47A (excepting paragraphs (i), (l) and (m) of subsection (2) of that section), 47B, fifty-one, fifty-six, fifty-eight (excepting subparagraph (d) of the first paragraph of subsection (1) of that section), fifty-nine (excepting paragraph (e) of that section), sixty-four, sixty-five, sixty-six, sixty-seven, seventy-one, 72A, seventy-eight, seventy-nine, eighty, eighty-one, eighty-six, eighty-seven, and ninety-five to ninety-nine, both inclusive, and one hundred to one hundred and seven, both inclusive, of this Act (in so far as those provisions apply and extend to a licensed victualler's license, licensed victualler's premises and the holder of a licensed victualler's license) shall, with all necessary adaptations thereof, apply and extend to and in respect of every restaurant license, licensed restaurant, and holder of a restaurant license, according to the tenor thereof.

Regulations

[125AO.] Without limiting the power to make under this Act regulations, the regulations thereunder may prescribe all such matters and things as are necessary or expedient with respect to the granting, holding,

transfer, forfeiture, and surrender of restaurant licenses, with respect to the regulation and control of licensed restaurants and holders of restaurant licenses, and all matters and things which by this Part of this Act are required or permitted to be prescribed or which are necessary or expedient for carrying out or giving effect to this Part.”

57. Section one hundred and twenty-nine of the Principal Act is amended by omitting from subsection (3) the third paragraph (being the paragraph commencing with the words “In addition to”) and inserting in its stead the following paragraph :—

Amendment
of s. 129

“In addition to any other penalty imposed under this section, the Commission may forfeit any license held by a person convicted of a second or subsequent offence referred to in this subsection and for the purposes of any such forfeiture, the provisions of section 47B of this Act, with all necessary adaptations, shall apply and extend.”

58. Section one hundred and thirty-five of the Principal Act is amended by omitting the definition “Minister”.

Amendment
of s. 135

59. Section 151B of the Principal Act is amended by omitting subsection (3) and inserting in its stead the following subsection :—

Amendment
of s. 151B

“(3.) The petition shall be in writing and each and every elector who is a party to the petition shall sign the same and there shall be set out opposite and relative to the signature of the elector the electoral district for which he is enrolled and his number on the electoral roll for that electoral district.”

60. Section 151c of the Principal Act is amended—

Amendments
of s. 151c

(a) by omitting from paragraph (c) of subsection (2) the words “, 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” and inserting in their stead the words “to set out opposite and relative to the signature of a party to a petition under this Part an electoral district or” ; and

(b) by omitting from that paragraph (c) the word “him” and inserting in its stead the words “that party”.

Amendments
of s. 151E

61. Section 151E of the Principal Act is amended—
(a) by inserting in subsection (1) thereof after subparagraph (i) the following subparagraph :—

“(ii.) in respect of the application and extension as aforesaid of sections seventy, 70A, seventy-one and 71C of “*The Elections Acts, 1915 to 1959*,” those sections shall authorise applications thereunder to an Assistant Returning Officer for the locality in which the local option vote poll is being taken under this Part and not otherwise ;” ;

(b) by renumbering subparagraph (ii) of subsection (1) thereof as subparagraph (iii) and by omitting from that subparagraph as so renumbered the words “ that section twenty-eight ” and inserting in their stead the words “ those sections twenty-eight, seventy, 70A, seventy-one and 71C ” ; and

(c) by omitting from paragraph (a) of subsection (3) thereof the words “ comprised of more electoral districts (including divisions or parts of electoral districts) than one ” and inserting in their stead the words “ including a locality referred to in subsection (2) of this section ”.

Amendments
of s. 163

62. Section one hundred and sixty-three of the Principal Act is amended—

(a) by omitting the word “ registration ” ;

(b) by omitting from paragraph (b) the words “ or registered ” ; and

(c) adding at the end thereof the following paragraph :—

“ or (d) in the case of the holder of a club license, by delivering the same to the person who appears from the current notice or list given or delivered to the Commission pursuant to section one hundred and twenty-four or section 125A of this Act to be the president or secretary of the club and if no such person can be found by affixing the same upon the licensed premises in question and by sending through the post a copy addressed to the club.”

63. Section one hundred and sixty-four of the Principal Act is amended by adding at the end thereof the following subsections :—

Amendment
of s. 164

“(11.) The Commission may with the consent of the Commissioner for Railways accept the surrender of any railway refreshment room license upon application in the prescribed manner by the holder of the license.

(12.) No right to compensation shall accrue and no compensation shall be payable under this Act in respect of the cancellation of a license pursuant to subsection (10) of this section or the surrender thereof pursuant to subsection (11) of this section.

(13.) Where the Commissioner for Railways by the exercise of reasonable diligence is unable to discover the whereabouts of the holder of a railway refreshment room license, the Commission may upon a fresh nomination as prescribed by this section transfer the license in question to a fresh nominee.”

64. (1) The provisions, other than section 48A, of “*The Liquor Acts, 1912 to 1961*,” are amended—

Omission
of references
to wine-
sellers
and wine-
seller’s
licenses, &c.

(a) by omitting, wherever occurring, the words set out hereunder :—

- (a) “ A wine-seller’s license ” ;
- (b) “ wine-sellers’ licenses ” ;
- (c) “ and every wine-seller ” ;
- (d) “ wine-seller’s license ” ;
- (e) “ a wine-seller’s license ” ;
- (f) “ or wine-seller’s license ” ;
- (g) “ and wine-seller’s license ” ;
- (h) “ and wine-sellers ” ;
- (i) “ and wine-sellers’ licenses ” ;
- (j) “ and wine-sellers ” ;
- (k) “ or wine-seller’s ” ;
- (l) “ or wine-seller ” ;
- (m) “ wine-seller ” ;
- (n) “ and wine-seller ” ;
- (o) “ and licensed wine-sellers’ ” ;
- (p) “ or in the refreshment room of a wine-seller ” ;

(b) by omitting from section four the definition "Australian Wine" and the definition "Wine-seller";

(c) by omitting section fifty-seven;

(d) by omitting from section sixty-two, subsection (6) thereof;

(e) by omitting sections seventy-six and seventy-seven;

(f) by omitting from section eighty-four the second paragraph thereof (being the paragraph commencing with the words "If any wine-seller" and ending with the words "forfeit his license"); and

(g) by omitting from subsection (3) of section one hundred and twenty-seven the words "(not being a wine-seller)".

(2) Subsection (1) of this section shall come into operation on the first day of July, one thousand nine hundred and sixty-three.
