



ANNO VICESIMO PRIMO

**ELIZABETHAE II REGINAE**

A.D. 1972

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**No. 44 of 1972**

An Act to amend the Licensing Act, 1967-1971.

[Assented to 20th April, 1972]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Licensing Act Amendment Act, 1972". Short titles.

(2) The Licensing Act, 1967-1971, as amended by this Act, may be cited as the "Licensing Act, 1967-1972".

(3) The Licensing Act, 1967-1971, is hereinafter referred to as "the principal Act".

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

3. Section 2 of the principal Act is amended by inserting after the item:— Amendment of principal Act, s. 2—  
Arrangement of Act.

**PART VII—HISTORIC INNS**

the item:—

**PART VIIA—PRESCRIBED TOURIST HOTELS.**

4. Section 4 of the principal Act is amended—

(a) by striking out from the definition of "liquor" in subsection (1) the passage "more than two per centum of proof spirit" and inserting in lieu thereof the passage "more than 1.15 per cent alcohol by volume at twenty degrees Celsius";

Amendment of principal Act, s. 4—  
Interpretation.

(b) by inserting after the definition of “owner of licensed premises” in subsection (1) the following definition:—

“prescribed tourist hotel” means any premises, or proposed premises, declared to be a prescribed tourist hotel pursuant to the provisions of this Act;;

(c) by striking out from subsection (1) the definition of “proof spirit”;

(d) by striking out from the definition of “Superintendent of Licensed Premises” in subsection (1) the passage “appointed under section 178 of this Act” and inserting in lieu thereof the passage “or an Assistant Superintendent of Licensed Premises appointed under section 178 of this Act”;

and

(e) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) For the purposes of this Act—

(a) one dozen containers each containing not less than seven hundred and forty millilitres or two dozen containers each containing not less than three hundred and seventy millilitres, shall be deemed to contain a total quantity of nine litres;

and

(b) six containers each containing not less than seven hundred and forty millilitres or one dozen containers each containing not less than three hundred and seventy millilitres shall be deemed to contain a total quantity of four and one-half litres.

Amendment of  
principal Act,  
s. 13—  
Exceptions to  
application of  
Act.

5. Section 13 of the principal Act is amended by striking out subsections (2) and (3).

Amendment of  
principal Act,  
s. 14—  
Licences.

6. Section 14 of the principal Act is amended by striking out paragraph (p) of subsection (1) and inserting in lieu thereof the following paragraph:—

(p) Twenty litre licence.

## 7. Section 15 of the principal Act is amended—

- (a) by striking out subsection (1) and inserting in lieu thereof the following subsections:—

(1) Notwithstanding the provisions of any other Act, the court may grant to the lessee of the chalet at the Wilpena National Pleasure Resort a licence authorizing him to sell and supply liquor in accordance with such terms and conditions as the court thinks fit and includes in the licence.

(1a) The provisions of section 168 of this Act shall apply *mutatis mutandis* to the holder of a licence under subsection (1) of this section in the same manner as they apply to the holder of a limited publican's licence.

(1b) The fee for a licence under subsection (1) of this section shall be determined in accordance with the rules of the court.

(1c) Notwithstanding the provisions of any other Act, the court may grant a full publican's licence, a limited publican's licence or a restaurant licence to the proprietor or lessee of premises situated upon the national pleasure resort at Windy Point, or, with the approval of the Minister of Lands, to the proprietor or lessee of any premises situated upon any other lands that constitute a national pleasure resort or a national park.;

and

- (b) by striking out from subsection (2) the passage "subsection (1)" and inserting in lieu thereof the passage "subsection (1c)".

## 8. The following sections are enacted and inserted in the principal Act immediately after section 16 thereof:—

16a. (1) Notwithstanding any other provision of this Act, a licence may be granted to the Commonwealth Railways Commissioner authorizing him to sell and supply liquor to persons engaged in the construction, maintenance, repair or operation of works connected with railways under the management or control of the Commissioner.

(2) A licence may be granted under this section subject to conditions—

- (a) stipulating the places at which and the manner in which liquor to be sold or supplied in pursuance of the licence is to be stored;

Amendment of principal Act, s. 15—  
Licences for national pleasure resorts and national parks.

Enactment of ss. 16a and 16b of principal Act—

Commonwealth Railways Commissioner may hold licence.

(b) stipulating the kinds of liquor that may be sold or supplied in pursuance of the licence and the manner in which it is to be supplied;

(c) restricting the places at which liquor may be sold or supplied in pursuance of the licence,

and to such other conditions as the court thinks fit.

(3) A licence under this section shall not authorize the sale or supply of liquor within six kilometres, by the shortest practicable route, from premises in respect of which a full publican's licence is in force.

(4) A licence under this section must be subject to such conditions as will ensure, in the opinion of the court that—

(a) the class of persons to whom liquor may be sold or supplied in pursuance of the licence consists wholly or substantially of persons who, if it were not for the sale or supply of liquor in pursuance of the licence, could not, without undue inconvenience obtain adequate supplies of liquor;

and

(b) the sale or supply of liquor in pursuance of the licence will not unduly impair the business of any person conducted in pursuance of a full publican's licence under this Act.

(5) The fee for a licence under this section shall be determined in accordance with the rules of the court.

Licence for  
prescribed  
authority.

16b. (1) Where in the opinion of the court the location and nature of any works that are being or are to be, carried out by a prescribed authority are such that the grant of a licence under this section is justified, the court may grant to the authority a licence authorizing it to sell and supply liquor to persons engaged in the performance of those works at such times as may be specified in the licence.

(2) Subject to subsection (3) of this section the licence shall authorize the sale and supply of liquor in such canteens or other premises as may be specified in the licence.

(3) Any such canteen or premises must be situated at least six kilometres by the shortest practicable route from premises in respect of which a full publican's licence is in force.

(4) A licence may be subject to—

(a) conditions requiring the licensee to purchase the liquor or a proportion of the liquor to be disposed of in pursuance of the licence from the holder of a full publican's licence, under this Act;

and

(b) such other conditions as the court thinks fit and specifies in the licence.

(5) The fee for a licence under this section shall be determined in accordance with the rules of the court.

(6) In this section—

“prescribed authority” means any person, body or authority engaged in works of mining, excavation, building or construction of a substantial character.

9. Section 18 of the principal Act is amended by inserting after subsection (2c) the following subsection:—

Amendment of  
principal Act,  
s. 18—  
Special  
licences.

(2d) Notwithstanding any other provision of this Act, but subject to this section, a licence may be granted in each year by the court to any body or authority administering the Cornish Festival authorizing it subject to such conditions as the court thinks fit and specifies in the licence, to sell or supply liquor of any kind and in any quantities to the public during the continuance of the Cornish Festival at such times over a period not exceeding three days (which may include a Sunday) and at such places, as the court thinks fit and specifies in the licence.

10. Section 19 of the principal Act is amended—

Amendment of  
principal Act,  
s. 19—  
Full publican's  
licence.

(a) by striking out from paragraph (c) of subsection (1) the passage “half past eleven o'clock in the evening” wherever it occurs and inserting in lieu thereof, in each case, the passage “half past one o'clock in the following morning”;

(b) by striking out from paragraph (e) of subsection (1) the passage “half past eleven o'clock in the evening” and inserting in lieu thereof the passage “half past one o'clock in the following morning”;

and

(c) by inserting after subsection (1a) the following subsection:—

(1b) In the case of a prescribed tourist hotel the court may, by order, authorize the licensee to sell and dispose of liquor for consumption in portions of the licensed premises specified by the court between the hours of nine o'clock in the morning and three o'clock in the following morning on any day except Good Friday.

Amendment of  
principal Act,  
s. 20—  
Limited  
publican's  
licence.

**11. Section 20 of the principal Act is amended—**

(a) by striking out from paragraph (a) of subsection (1) the passage “half past eleven o'clock in the evening” and inserting in lieu thereof the passage “half past one o'clock in the following morning”;

and

(b) by striking out from paragraph (b) of subsection (1) the passage “half past eleven o'clock in the evening” and inserting in lieu thereof the passage “half past one o'clock in the following morning”.

Amendment of  
principal Act,  
s. 21—  
Wholesale  
storekeeper's  
licence.

**12. Section 21 of the principal Act is amended—**

(a) by striking out from subsection (1) the passage “one gallon of spirits, or two gallons of wine” and inserting in lieu thereof the passage “four and a half litres of spirits or nine litres of wine”;

and

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

(5) In determining whether the trade conducted in pursuance of a licence is in accordance with subsection (2) or subsection (4) of this section, the sale and disposal of liquor to persons who are genuinely employees of the licensee shall not be taken into account.

Amendment of  
principal Act,  
s. 23—  
Wine licence.

**13. Section 23 of the principal Act is amended—**

(a) by inserting after paragraph (a) of subsection (1b) the following paragraph:—

(ab) on any day (other than Sunday, Good Friday and Christmas Day) between the hours of nine o'clock in the morning and half past one o'clock in the following morning for consumption by persons taking *bona fide* meals in the premises, with or ancillary to such meals;

(b) by striking out from paragraph (c) of subsection (1b) the passage “half past eleven o'clock in the evening” and inserting in lieu thereof the passage “half past one o'clock in the following morning”;

and

(c) by striking out from paragraph (c) of subsection (1e) the passage “paragraph (b) or (c)” and inserting in lieu thereof the passage “paragraph (ab), (b), or (c)”.

Amendment of  
principal Act,  
s. 24—  
Brewer's  
Australian ale  
licence.

**14. Section 24 of the principal Act is amended by striking out from subsection (1) the passage “two gallons of spirits or two gallons of wine” and inserting in lieu thereof the passage “nine litres of spirits or nine litres of wine”.**

15. Section 25 of the principal Act is amended—

Amendment of  
principal Act,  
s. 25—  
Distiller's  
storekeeper's  
licence.

- (a) by striking out from subsection (1) the word "Every" and inserting in lieu thereof the passage "Subject to subsection (1a) of this section, every";
- (b) by striking out from subsection (1) the passage "in quantities of not less at one time than one gallon of spirits, or two gallons of wine or other fermented liquor to be taken away at one time by one person" and inserting in lieu thereof the passage "to be taken away";

and

(c) by inserting after subsection (1) the following subsections:—

(1a) The aggregate quantity of liquor sold and disposed of to any one person on any one occasion—

- (a) where the liquor consists of wine or brandy, or wine and brandy—must be not less than two litres;
- (b) where the liquor consists of spirits (other than brandy)—must be not less than four and a half litres;

and

(c) in any other case—must be not less than nine litres.

(1b) In this section—

"wine" includes mead, cider, perry and any other fermented liquor derived from fruit or vegetables.

16. Section 26 of the principal Act is amended—

Amendment of  
principal Act,  
s. 26—  
Vigneron's  
licence.

(a) by striking out subsection (1) and inserting in lieu thereof the following subsections:—

(1) Subject to this section, a vigneron's licence shall authorize the person thereby licensed to sell or supply wine or brandy on any day (except Sunday, Good Friday and Christmas Day) between the hours of five o'clock in the morning and six o'clock in the evening to any person.

(1a) Where the wine or brandy is sold or supplied otherwise than to a licensed person the aggregate quantity of liquor sold or supplied on any one occasion must be not less than two litres.

(1b) The wine or brandy sold or supplied in pursuance of the licence—

(a) must be the produce of honey, fruit or vegetables produced or grown in Australia;

and

(b) must be sold or supplied in the premises in which the licensee makes wine or brandy or where the wine or brandy is sold or supplied to a licensed person, either in those premises or in the premises of that licensed person.

(1c) Subject to subsection (1d) of this section liquor must not be sold or supplied for consumption on the premises in which it is sold or supplied.

(1d) The holder of a vigneron's licence may, if so authorized by the licence, supply free of charge for consumption on any specified portion of the licensed premises any wine or brandy by way of sample.;

(b) by striking out from subsection (2) the word "tons" and inserting in lieu thereof the word "tonne";

(c) by striking out from subsection (3) the word "tons" and inserting in lieu thereof the word "tonne";

and

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

(5) In this section—

"wine" includes mead, cider, perry and any other fermented liquor derived from fruit or vegetables.

Amendment of  
principal Act,  
s. 27—  
Club licence.

17. Section 27 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "and at the expense";

(b) by inserting in paragraph (a) of subsection (1) before the passage "upon any day" the passage "subject to subsection (1a) of this section";

(c) by inserting in subsection (1) after the passage "paragraphs (a) or (b) of this subsection or within fifteen minutes thereafter" the passage " , between hours fixed by the court under subsection (1a) of this section or within fifteen minutes thereafter,";

and



(d) by inserting after subsection (1) the following subsection:—

(1a) The court may upon the application of the holder of a club licence, or an applicant for a club licence, fix such hours of trading in lieu of those stipulated in paragraph (a) of subsection (1) of this section as the court thinks fit.

(1b) The hours so fixed may include hours falling upon Sunday or Christmas Day but shall not include hours falling upon Good Friday.

(1c) The aggregate hours so fixed shall not exceed seventy-eight for any one week.

18. Section 28 of the principal Act is amended by striking out from paragraph (b) of subsection (1) the passage “forty miles” and inserting in lieu thereof the passage “sixty-five kilometres”.

Amendment of  
principal Act,  
s. 28—  
Packet licence.

19. Section 29 of the principal Act is amended—

(a) by striking out the passage “five gallon” and inserting in lieu thereof the passage “twenty litre”;

(b) by striking out the passage “five gallons” and inserting in lieu thereof the passage “twenty litres”;

and

(c) by inserting after the present contents thereof, as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) A licence granted under this section and in force immediately before the commencement of the Licensing Act Amendment Act, 1972, shall become, upon the commencement of that Act, a twenty litre licence and shall continue in operation subject to the provisions of this Act for the remainder of the term for which it was granted or last renewed.

Amendment of  
principal Act,  
s. 29—  
Twenty litre  
licence.

20. Section 31 of the principal Act is amended—

(a) by striking out from paragraphs (a) and (b) of subsection (1) the passage “half past eleven o'clock in the evening” wherever it occurs and inserting in lieu thereof, in each case, the passage “half past one o'clock in the following morning”;

and

Amendment of  
principal Act,  
s. 31—  
Restaurant  
licence.

(b) by striking out subsections (4) and (5) and inserting in lieu thereof the following subsections:—

(4) The court may grant a restaurant licence subject to such conditions as it thinks fit, and, without limiting the generality of the foregoing, subject to a condition limiting the types or kinds of liquor that may be sold or disposed of in pursuance of the licence.

(5) The court—

(a) shall upon the application of the holder of a restaurant licence declare that he shall be exempt from the requirements of section 168 of this Act on a particular day of each week, specified by the court;

and

(b) may upon the application of the holder of a restaurant licence or of its own motion, limit the hours during which liquor may be sold or disposed of in pursuance of the licence.

(5a) The court may in exercising its powers under subsection (5) of this section impose such conditions upon the holder of the licence as it thinks reasonable and in the public interest.

(5b) The holder of a restaurant licence shall be exempt from the requirements of section 168 of this Act—

(a) on any day on which he is declared to be exempt from the requirements of that section in pursuance of subsection (5) of this section;

and

(b) at any time when liquor may not be sold or disposed of in pursuance of the licence by reason of a limitation under that subsection.

Amendment of  
principal Act,  
s. 33—  
Theatre licence.

21. Section 33 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “half past seven o’clock” and inserting in lieu thereof the passage “half past six o’clock”;

(b) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) A theatre licence shall not authorize the licensee to sell or dispose of liquor on any day on which the theatre is not being used—

(a) in providing an entertainment in which those, or most of those, whose words or actions constitute the entertainment are actually present in the theatre and actually perform the entertainment;

or

(b) in providing a cinematographic entertainment;

and

(c) by inserting after subsection (3) the following subsection:—

(4) An applicant for a theatre licence must, in addition to fulfilling any other requirements of this Act, satisfy the court that the premises for which the licence is sought satisfy proper standards of design and construction and are appropriate and properly maintained both for the purposes of the entertainments for which the premises are, or are likely to be, used, and for the supply and consumption of liquor.

22. Section 34 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “other than a packet licence”;

and

(b) by striking out subsection (3).

Amendment of  
principal Act,  
s. 34—  
Payment of  
fees, etc.

23. Section 37 of the principal Act is amended—

(a) by striking out from paragraph (g) of subsection (1) the passage “five gallon” and inserting in lieu thereof the passage “twenty litre”;

and

(b) by inserting after subsection (1) the following subsection:—

(1a) The fee—

(a) for a club licence subject to a condition requiring the licensee to purchase the liquor required for the purposes of the club from the holder of a full publican's licence;

or

Amendment of  
principal Act,  
s. 37—  
Licence fees.

(b) for a club licence where the club is entitled in pursuance of this Act to purchase liquor from the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Club,

shall be an amount of not less than fifty dollars and not more than two hundred and fifty dollars, fixed in accordance with the rules of the Court.

Amendment of principal Act, s. 39—  
Declarations as to liquor purchases.

24. Section 39 of the principal Act is amended by inserting in subsection (3) after the passage "at the time of the application" the passage "or within such period as the Court may fix".

Amendment of principal Act, s. 41—  
Licence for previously unlicensed premises.

25. Section 41 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "five gallon" and inserting in lieu thereof the passage "twenty litre";

and

(b) by striking out from subsection (3) the passage "twenty-four inches" and inserting in lieu thereof the passage "sixty centimetres".

Amendment of principal Act, s. 46—  
Notice of objection.

26. Section 46 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "No person" and inserting in lieu thereof the passage "Subject to subsection (2) of this section, no person";

(b) by striking out the word "fourteen" and inserting in lieu thereof the word "seven";

and

(c) by inserting after the present contents thereof, as amended by this section (which are hereby designated subsection (1) thereof) the following subsections:—

(2) The court may permit a notice of objection to be given at any time before the determination of the proceedings if the court considers in its discretion that it is appropriate to do so.

(3) The court may, upon such conditions as it thinks fit, permit an objector to amend the notice of objection.

(4) An objection may be made to the unconditional grant, renewal, transfer or removal of a licence and where an objection is so made the notice of objection must state the conditions that should, in the opinion of the objector, be included in the licence.

**27. Section 48 of the principal Act is amended—**

(a) by striking out the word “or” immediately preceding subparagraph (f) of paragraph (1);

and

(b) by inserting after subparagraph (f) the following subparagraph:—

or

(g) that proper grounds for the grant or renewal of the licence to the applicant in accordance with this Act do not exist.

Amendment of principal Act, s. 48—  
Objections to grant or renewal of licence.

**28. Section 48a of the principal Act is amended by inserting after subsection (2) the following subsection:—**

(3) The objection may be made upon any ground referred to in section 48 of this Act or on any other ground that the court may allow.

Amendment of principal Act, s. 48a—  
Alterations affecting trading conditions.

**29. Section 49 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—**

(2) Where a licence fee, or a quarterly instalment, remains unpaid for more than fourteen days after the day on which it falls due, the amount of the fee or instalment shall be increased by an additional amount of ten per centum of the fee of instalment.

(3) The court may for any reason that it considers sufficient remit the whole or any portion of an additional amount for which any person has become liable under subsection (2) of this section.

Amendment of principal Act, s. 49—  
Effect of non-payment of fee.

**30. Section 51 of the principal Act is amended—**

(a) by striking out from subsection (2) the word “fourteen” and inserting in lieu thereof the words “twenty-one”;

and

(b) by striking out from subsection (3) the passage “ten dollars” and inserting in lieu thereof the passage “fifty dollars”.

Amendment of principal Act, s. 51—  
Application to transfer licence.

**31. Section 52 of the principal Act is amended—**

(a) by inserting after subsection (1) the following subsection:—

(1a) Notice in writing of an application under this section must be given to the clerk at least twenty-one days before the day on which the application is made.;

and

(b) by striking out from subsection (3) the passage “ten dollars” and inserting in lieu thereof the passage “fifty dollars”.

Amendment of principal Act, s. 52—  
Transfer of licence.

Amendment of  
principal Act,  
s. 65—  
Booth  
certificate.

**32.** Section 65 of the principal Act is amended by inserting after subsection (2) the following subsections:—

(2a) Notwithstanding any of the provisions of this Act, the holder of a full publican's licence may agree with any person or body of persons whose consent and approval is required under subsection (1) of this section that in consideration of receiving that consent and approval he will pay to that person or body of persons a specified percentage of the gross receipts obtained by him from the sale of liquor in pursuance of the certificate.

(2b) No such agreement shall be valid unless it has been submitted to, and approved by, the court.

Enactment of  
s. 65a of  
principal Act—

**33.** The following section is enacted and inserted in the principal Act immediately after section 65 thereof:—

Outdoors  
permit.

65a. (1) The holder of a full publican's licence, a limited publican's licence or a restaurant licence may, upon application to the court accompanied by the fee prescribed by the rules of court, be granted a permit for the sale and supply of liquor, at such times as the court thinks fit and specifies in the permit, for consumption in areas, defined by the court, outside the licensed premises.

(2) Subject to the terms and conditions of the permit, the permit shall authorize the sale and supply of liquor for consumption in the defined areas according to the tenor of the licence in all respects as if that area constituted part of the licensed premises.

(3) No permit shall be granted by the court under this section unless the council for the area in which the licensed premises are situated has approved the grant of the permit.

(4) The court may grant a permit under this section upon such terms and conditions as it thinks fit and specifies in the permit.

(5) Subject to any exception or modification authorized by the court, the provisions of this Act shall apply in relation to the areas defined in the permit in all respects as if they were part of the licensed premises.

Amendment of  
principal Act,  
s. 66—  
Permits.

**34.** Section 66 of the principal Act is amended by inserting after subsection (1) the following subsections:—

(1a) Where the holder of a full publican's licence, a limited publican's licence, or a restaurant licence desires a permit for the purposes of the sale and supply of liquor on the licensed premises on any special occasion, he may apply to the court for a special permit for the sale, supply and consumption of liquor during hours, or in circumstances in which the sale, supply or consumption of liquor would otherwise be unlawful.

(1b) A permit shall not be granted upon applications under subsection (1a) of this section more than six times in any period of twelve months in respect of the same licensed premises but this subsection does not affect the frequency with which permits may be granted under subsection (1) of this section.

35. Section 67 of the principal Act is amended—

Amendment of  
principal Act,  
s. 67—  
Club permits.

- (a) by striking out from subsection (1) the passage “that was in existence at the date of the commencement of this Act”;
- (b) by striking out paragraphs (a) and (b) of subsection (2) and inserting in lieu thereof the following paragraphs:—
  - (a) the club has been in existence for a period of at least twelve months before the date of the application;
  - (b) there are adequate restrictions upon admission to membership of the club;
  - (c) there is adequate reason for the grant of the permit;
- (c) by striking out from subsection (3) the passage “and at the expense”;
- (d) by inserting after subsection (3) the following subsection:—
  - (3a) A permit under this section shall not authorize the sale or supply of liquor to a visitor unless the name of the visitor has been entered in a book kept for this purpose and the member at whose invitation the visitor is present in the club premises has signed his name opposite the name of the visitor in that book.;

and

- (e) by inserting after subsection (10) the following subsections:—

(11) Subject to subsection (12) of this section, the court shall not grant a permit to a club under this section where the club has previously held a permit under this section and the gross amount realized upon the sale of liquor in pursuance of a previous permit or permits under this section has in any period of twelve months exceeded fifteen thousand dollars.

(12) The court may, notwithstanding the provisions of subsection (11) of this section, grant a permit under this section where the court is satisfied—

- (a) that the gross amount realized upon the sale of liquor exceeded the limit prescribed by subsection (11) of this section by reason of circumstances that are unlikely to recur regularly;

or

- (b) that the club has applied or intends to apply for a club licence under this Act and that

the permit is necessary to permit the club to continue trading in liquor prior to the determination of the application for the licence.

Amendment of principal Act, s. 67a—  
Permit for keeping liquor.

36. Section 67a of the principal Act is amended—

(a) by striking out from subsection (1) the passage “that was in existence at the date of the commencement of the Licensing Act, 1967”;

and

(b) by striking out paragraphs (a) and (b) of subsection (2) and inserting in lieu thereof the following paragraphs:—

(a) the club has been in existence for a period of at least twelve months before the date of the application;

(b) there are adequate restrictions upon admission to membership of the club;

and

(c) there is adequate reason for the grant of the permit.

Amendment of principal Act, s. 71—  
Certificate to sell liquor on goldfield.

37. Section 71 of the principal Act is amended by striking out from subsection (2) the passage “one mile” and inserting in lieu thereof the passage “two kilometres”.

Amendment of principal Act, s. 73—  
Breach of permit or certificate, etc.

38. Section 73 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsections:—

(2) The court may, of its own motion or upon the application of the Superintendent of Licensed Premises cancel or suspend a certificate or permit for any of the following reasons:—

(a) that the holder of the certificate or permit has contravened or failed to comply with any term or condition of the certificate or the permit;

(b) that the holder of the certificate or permit made a false statement in, or in respect of, or in the course of, his application for the certificate or permit;

or

(c) that any other circumstances exist that justify, in the opinion of the court, the cancellation or suspension of the certificate or permit.

(3) The court may cancel or suspend a certificate or permit under paragraph (a) or paragraph (b) of subsection (2) of this section whether or not the holder of the certificate or permit has been charged with, or convicted of, an offence under this section.

Repeal of s. 84 of principal Act.

39. Section 84 of the principal Act is repealed.



40. The following section is enacted and inserted in the principal Act immediately after section 86a thereof:—

Enactment of  
s. 86b of  
principal Act—

86b. (1) The court may, upon the application of the licensed person, or of its own motion, suspend the operation of a licence for such period as it thinks fit.

Suspension of  
licence.

(2) Where the operation of a licence is suspended under this section, the rights, privileges, duties and obligations imposed upon the licensed person under this Act shall not, during the period of suspension, apply to that person.

(3) Where a licence has been suspended under this section, the court may make such adjustment of the fee payable in respect of the licence as the court thinks fit.

41. Section 87 of the principal Act is amended—

Amendment of  
principal Act,  
s. 87—  
Licensing of  
clubs.

(a) by striking out from subsection (2) the passage “and at the expense”;

and

(b) by inserting after subsection (2) the following subsection:—

(2a) A club licence shall not authorize the sale or supply of liquor to a visitor unless the name of the visitor has been entered in a book kept for the purpose and the member at whose invitation the visitor is present in the club premises has signed his name opposite the name of the visitor in that book.

42. Section 89 of the principal Act is amended by striking out from paragraph (f) of subsection (1) the passage “and at the expense”.

Amendment of  
principal Act,  
s. 89—  
Rules of club.

43. Section 97 of the principal Act is amended by striking out subsection (3) and inserting in lieu thereof the following subsections:—

Amendment of  
principal Act,  
s. 97—  
Powers of  
court to grant  
licence.

(3) At the time of granting the licence the court must approve a person whose name has been submitted to the court by the applicant as the secretary, steward or manager of the club.

(4) No change of secretary, steward or manager shall be made by a club without the prior approval in writing of the court.

44. Section 98 of the principal Act is amended by striking out paragraph (a) of subsection (1).

Amendment of  
principal Act,  
s. 98—  
Duty to notify  
change of  
rules.

Amendment of principal Act, s. 100—  
Duty to produce licence at hearing.

45. Section 100 of the principal Act is amended by inserting after the word “himself” in subsection (1) the passage “, the club,”.

Repeal of s. 103 of principal Act and enactment of section in its place—  
Criminal liability of club management

46. Section 103 of the principal Act is repealed and the following section is enacted and inserted in its place:—

103. Where the holder of a club licence is guilty of an offence against this Act—

(a) the secretary, steward or manager approved by the court;

and

(b) any member of the board or committee of management of the club who knowingly authorized, suffered or permitted the commission of the offence,

shall each be guilty of an offence and liable to the same penalty as is prescribed for the principal offence.

Amendment of principal Act, s. 118—  
Notices to be displayed.

47. Section 118 of the principal Act is amended—

(a) by inserting after the passage “ ‘ Licensed Dealer in Australian Wines’ ” wherever it occurs in subsection (1) and subsection (2), the passage “or ‘Licensed Dealer in Wines’ ”;

and

(b) by striking out the passage “three inches” wherever it occurs in subsection (1) and subsection (2) and inserting in lieu thereof, in each case, the passage “eighty millimetres”.

Amendment of principal Act, s. 138—  
Consumption of liquor near dance.

48. Section 138 of the principal Act is amended by striking out the passage “three hundred yards” wherever it occurs in subsection (1) and subsection (3) and inserting in lieu thereof, in each case, the passage “two hundred and seventy-five metres”.

Amendment of principal Act, s. 153—  
Age limit for drinking upon licensed premises.

49. Section 153 of the principal Act is amended—

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) Where liquor is sold or supplied upon licensed premises to a person under the age of eighteen years, the licensee and the person by whom the liquor was sold or supplied, shall each be guilty of an offence;

(b) by striking out from paragraph (a) of subsection (2) the passage "person charged" and inserting in lieu thereof the passage "person by whom the liquor was sold or supplied";

and

(c) by inserting after subsection (2) the following subsection:—

(2a) It shall be a defence to proceedings against a licensee for an offence under subsection (1) of this section to prove—

(a) that the defendant did not personally sell or supply the liquor;

and

(b) that he exercised proper diligence to prevent the sale or supply of liquor in contravention of the provisions of subsection (1) of this section.

50. Section 158 of the principal Act is amended by striking out from subsection (1) the passage "sixty miles" and inserting in lieu thereof the passage "ninety-five kilometres".

Amendment of principal Act, s. 158—  
Times when premises may not be open.

51. Section 167 of the principal Act is amended by striking out from paragraph (j) the words "twenty-one" and inserting in lieu thereof the word "eighteen".

Amendment of principal Act, s. 167—  
Permits for liquor testing.

52. Section 178 of the principal Act is amended—

Amendment of principal Act, s. 178—

(a) by inserting in subsection (1) after the passage "Superintendent of Licensed Premises" the passage ", an Assistant Superintendent of Licensed Premises";

Superintendent and Assistant Superintendent.

(b) by inserting in subsection (2) after the passage "Superintendent of Licensed Premises" the passage "or an Assistant Superintendent of Licensed Premises";

and

(c) by inserting in subsection (3) after the passage "Superintendent of Licensed Premises" wherever it occurs the passage "or an Assistant Superintendent of Licensed Premises".

53. The following Part comprising the following section is enacted and inserted in the principal Act immediately after Part VII thereof:—

Enactment of Part VIIA of principal Act.

## PART VIIA

## PRESCRIBED TOURIST HOTELS

Prescribed  
tourist hotel.

192a. (1) Where the Minister for the time being responsible for tourist activity is satisfied—

(a) that any premises or proposed premises, and the service provided for those who may resort thereto, is or will be of an exceptionally high standard;

(b) that a full publican's licence is in force, or has been, or will be, sought in relation to those premises or proposed premises;

and

(c) that it is necessary or expedient for the purpose of promoting the tourist industry to make a declaration under this section,

the Minister may, by notice published in the *Gazette*, declare that those premises constitute a prescribed tourist hotel.

(2) The Minister may, at any time, by subsequent notice published in the *Gazette* vary or revoke a notice under this section.

(3) No objections may be made in pursuance of section 48 of this Act to the grant of a full publican's licence in respect of a prescribed tourist hotel.

Amendment of  
principal Act,  
s. 203—  
Proof of  
licence, etc.

54. Section 203 of the principal Act is amended by inserting after subsection (2) the following subsection:—

(3) An apparently genuine document purporting to be under the hand of the clerk of the court and to certify—

(a) that a person named in the certificate was or was not on a date referred to therein the holder of a licence, permit or certificate under this Act;

and

(b) that the licence, permit or certificate was subject to a condition stated in the certificate,

shall be accepted in any legal proceedings as proof of any matter so certified in the absence of proof to the contrary.

55. Section 205 of the principal Act is amended by inserting after subsection (4) the following subsection:—

Amendment of  
principal Act,  
s. 205—  
Evidentiary  
provision.

(5) In any proceedings under this Act an allegation in a complaint that the defendant is of a specified age, or under a specified age, shall be deemed to be proved in the absence of proof to the contrary.

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

M. L. OLIPHANT, Governor