



ANNO DECIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1968

No. 49 of 1968

An Act to amend the Licensing Act, 1967.

[Assented to 19th December, 1968.]

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, 1968." Short titles.

(2) The Licensing Act, 1967, as amended by this Act, may be cited as the "Licensing Act, 1967-1968".

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

2. Section 23 of the principal Act is amended :—

(a) by inserting the following passage at the end of subsection (2) thereof: "except that, if the court is satisfied that by so doing, it would promote the sale of wines of good quality produced in this State, it may grant a wine licence in respect of the premises of a *bona fide* museum or art gallery situated in or close to an area of the State in which wine is produced";

and

Amendment of
principal Act,
s. 23—
Wine Licence
in gallery or
museum.

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

(4) A wine licence shall not be granted under subsection (2) of this section unless the court is satisfied with the suitability of the premises in respect of which it is sought and any such licence renewed after the expiration of five years from the commencement of the Licensing Act, 1967, shall provide that any liquor consumed on the premises shall be consumed with substantial food.

Amendment of
principal Act,
s. 66—
Permits.

3. Section 66 of the principal Act is amended by inserting after the word “years” being the last word of subsection (10) the passage “but it shall be a defence to a charge under this subsection if the person charged proves that he had reasonable cause to believe that the person to whom the liquor was supplied was of or above that age and that person was actually of or above the age of eighteen years”.

Amendment of
principal Act,
s. 67—
Letting of
permitted
club premises.

4. Section 67 of the principal Act is amended by inserting the following new subsections at the end thereof:—

(7) Nothing in this Act or at common law shall be construed to prohibit the letting out of club premises or any part thereof on occasions during which liquor is not being sold or supplied pursuant to a permit granted under this section to persons or an association of persons (whether or not those persons are members of, or that association is associated with, the club), nor to prohibit the club from catering in food or drink other than liquor for such occasions, nor to prohibit the granting of a permit pursuant to section 66 of this Act in respect of such occasions.

(8) An association, society or other body shall, for the purposes of this section, be deemed to be a club, and may be granted a permit under this section, notwithstanding that it does not have the exclusive use, occupation or control of the premises in respect of which the permit is sought or that its use, occupation or control of the premises is intermittent, periodical or occasional.

(9) The fee prescribed for a permit under subsection (1) of this section shall vary in proportion to the number of members of the club.

(10) In determining whether the condition of premises in respect of which a permit is sought is adequate for the grant of a permit, the court shall have regard to the number of members of the club, the frequency of its use of the premises, and its capacity (financial or otherwise) to make improvements to the premises.

5. Section 88 of the principal Act is amended by inserting the following passage at the end thereof:— “ : but nothing in this Act or at common law shall be construed to prohibit the letting out of club premises or any room or rooms therein to persons or an association of persons (whether or not those persons are members of, or that association is associated with, the club) for a meeting or entertainment, nor to prohibit the club from catering in food and drink other than liquor for such occasions, nor to prohibit the granting of a permit pursuant to section 66 of this Act in respect of such occasions.”

Amendment of
principal Act,
s. 88—

Letting of
Licensed
club premises.

6.—

- (a) Section 158 of the principal Act is amended by striking out the passage “living or staying on the premises” after the word “licensee” ;
- (b) Section 126, subsection (2) of the principal Act is amended by striking out the passage “living or staying on the premises” after the word “licensee”.

Definition of
“excepted
persons”.

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

J. W. HARRISON, Governor.