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ELIZABETHAE II REGINAE

A.D. 1960

No. 52 of 1960

An Act to amend the Licensing Act, 1932-1954.

[Assented to 24th November, 1960.]

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

Short titles.

1. (1) This Act may be cited as the "Licensing Act Amendment Act, 1960".

(2) The Licensing Act, 1932-1954, as amended by this Act, may be cited as the "Licensing Act, 1932-1960".

(3) The Licensing Act, 1932-1960, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 6.

3. Section 6 of the principal Act is amended by repealing subsections (3), (4) and (5) thereof and inserting in lieu thereof the following subsection :—

(3) The Governor may from time to time appoint such special magistrates as he thinks fit to be licensing court magistrates. Every such magistrate so appointed shall hold office as a licensing court magistrate during the Governor's pleasure. Every licensing court under this Act shall be constituted by a licensing court magistrate.

4. The following section is inserted in the principal Act after section 14 thereof :

Enactment of
principal Act,
s. 14a—

14a. (1) Notwithstanding anything in this Act contained and notwithstanding the provisions of section 13 of the National Pleasure Resorts Act, 1914-1935, but subject to the provisions of this section, the lessee of the chalet at the Wilpena National Pleasure Resort may apply to the Licensing Court for a permit authorizing him to sell or supply liquor of any kind in any quantity in the said chalet for consumption by persons taking *bona fide* meals therein with such meals.

Permit for
chalet at
Wilpena.

(2) If in the opinion of the Licensing Court the said chalet is serving the needs of the public for the supply of meals the Licensing Court may in its discretion grant the application and a fee of ten pounds shall be payable for any such permit.

(3) Any such permit unless sooner cancelled or suspended shall remain in force for twelve months from the issue thereof and may be renewed on payment of the annual fee.

(4) The permit shall authorize the sale and supply of such liquor as aforesaid for consumption on the premises of the said chalet to a person not being a person under twenty-one years of age having a *bona fide* meal thereon but not otherwise on any day 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.

(5) Upon application to the Licensing Court that Court may if satisfied that any such permit has been abused in any way or that any term or condition thereof has been broken cancel the same.

(6) Nothing in this section shall authorize the sale or supply of such liquor as aforesaid to any person to whom it is by this Act made unlawful to supply liquor.

(7) In this section "meal" means a meal of at least two courses at which the persons partaking thereof are seated at a table and which includes fish or meats other than in sandwich form and cooked vegetables and for which the charge is not less than five shillings.

(8) No offence shall be deemed to be committed by any person by reason of the consumption by him during the hours specified in a permit granted or renewed under this section or within thirty minutes thereafter of any liquor sold or supplied during the hours specified in such permit.

14a

Amendment of
principal Act,
s. 18.

5. Section 18 of the principal Act is amended by striking out the word "quart" in subsection (1) thereof and inserting in lieu thereof the word "pint".

Amendment of
principal Act,
s. 148.

6. Subsection (1) of section 148 of the principal Act is amended by inserting at the beginning thereof the words "Subject to section 149a of this Act,".

Amendment of
principal Act,
s. 149.

7. Subsection (1) of section 149 of the principal Act is amended by inserting at the beginning thereof the words "Subject to section 149a of this Act,".

Enactment of
principal Act,
s. 149a—

8. The following section is inserted in the principal Act after section 149 thereof :—

Power of court
to grant
exemptions
concerning
stores and
shops.

149a. The Licensing Court may at any time make or revoke any order exempting from the provisions of section 148 or section 149 or both of the said sections any store, shop or room used for the purposes of a hairdressing salon, beauty parlour, tourist service, banking agency, travel agency, dry-cleaning service, laundry service or any other like service or any shop or stall for the sale of books, magazines, newspapers, stationery, cigarettes, tobacco, toilet requisites, flowers, curios or souvenirs.

Amendment of
principal Act,
s. 150d.

9. The definition of "public premises" in section 150d of the principal Act is amended by inserting after the word "purposes" at the end thereof the word "or" and the following subparagraph :—

(c) premises in respect of which a publican's licence is for the time being in force.

Amendment of
principal Act,
s. 197a.

10. (1) Section 197a of the principal Act is amended—

(a) by striking out the word "nine" in paragraph (b) of subsection (5) thereof and inserting in lieu thereof the word "ten";

(b) by inserting after the word "person" in subsection (5) thereof the words "not being a person under the age of twenty-one years";

(c) by inserting at the end thereof the following subsection :—

(9) No offence shall be deemed to be committed by any person by reason of the consumption by

him during the hours specified in a permit granted or renewed under this section or within thirty minutes thereafter of any liquor sold or supplied during the hours specified in such permit.

(2) Every permit in force under section 197a of the principal Act at the time of the passing of this Act shall be read as if every reference therein to nine o'clock in the evening were a reference to ten o'clock in the evening.

11. (1) Section 198 of the principal Act is amended—

Amendment of
principal Act,
s. 198.

(a) by striking out the word "nine" wherever occurring and by inserting in lieu thereof in each case the word "ten":

(b) by inserting at the end thereof the following subsection:—

(10) No offence shall be deemed to be committed by any person by reason of the consumption by him during the hours specified in a permit in force under this section or within thirty minutes thereafter of any liquor sold or supplied during the hours specified in such permit.

(2) Every permit in force under section 198 of the principal Act at the time of the passing of this Act shall be read as if every reference therein to nine o'clock in the evening were a reference to ten o'clock in the evening and as if every reference therein to half past two o'clock in relation to Christmas Day were a reference to half past three o'clock.

12. Subsection (2) of section 199 of the principal Act is amended by inserting therein after the words "twenty pounds" the following proviso:—

Amendment of
principal Act,
s. 199.

Provided however that a person being a licensee of premises in respect of which a publican's licence is for the time being in force may make a charge for refreshments supplied at any such dance.

13. The following sections are enacted and inserted in the principal Act after section 199 thereof:—

Enactment of
principal Act,
ss. 199a, 199b—

199a. Notwithstanding anything in this Act contained, permission for the sale, supply and consumption of liquor in premises in respect of which a publican's licence is for the time being in force may be granted in manner hereinafter provided and subject to the conditions hereinafter set forth namely—

Special permit
for gathering
in aid of
charitable
purpose.

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- (a) The permission shall be granted only in respect of one night and shall be in force until midnight or such earlier time as is specified therein on that night ;
- (b) The permission shall be granted on the occasion of a dinner, banquet, social gathering, dance, entertainment or other engagement to be given or held for any charitable purpose within the meaning of the Collections for Charitable Purposes Act, 1939-1947 by a person, society, body or association holding a licence under that Act ;
- (c) The application shall be made by writing in the prescribed form signed by the licensee and by or on behalf of the person, society, body or association on whose behalf permission is sought ;
- (d) A copy of the application shall be delivered to the officer-in-charge of the police station nearest to the premises not less than fourteen days before the hearing of the application ;
- (e) The application shall be made to a licensing court magistrate ;
- (f) The magistrate, upon hearing the application and anything stated in support thereof or in opposition thereto by any inspector or any member of the police force, may grant or refuse the permission, entirely at his own discretion ;
- (g) Any permission granted under this section shall be by writing in the prescribed form and no fee shall be payable for the same ;
- (h) Liquor may be sold or supplied or consumed in the case of licensed premises under a permission granted under this section only to and by persons present at and taking part in the dinner, banquet, social gathering, dance, entertainment or other engagement and only in such room or rooms or other portion or portions of the premises as are specified in the permission and no bar-room or place as mentioned in section 190 hereof, shall be so specified ;
- (i) For the purposes of section 189, and for the purpose of section 202, the persons mentioned in paragraph (h) hereof shall, for the time for which the permission is granted, but only in

so far as is necessary to make the permission effective, be deemed to be excepted persons ;

- (j) Except to the extent by this section expressly provided, nothing in this section or in any permission granted hereunder shall authorize or excuse the doing or omission of anything contrary in any way to any provision of this Act.

199b. Notwithstanding anything contained in this Act a licensing court magistrate may grant a permit authorizing the consumption of wine produced and manufactured in the Commonwealth in respect of any premises or portion thereof in manner hereinafter provided and subject to the conditions hereinafter set forth namely :—

Permits for
wine tasting.

- (a) Prior application in the prescribed form shall be made in writing to the Clerk of the Licensing Court at Adelaide at least seven days before the day for which the permit is sought ;
- (b) Such application shall be accompanied by the written consent of the owner and of the occupier of the premises and the written consent (or objection) of the Commissioner of Police or of the officer of the police force in charge of the station nearest to the premises in respect of which the permit is sought ;
- (c) The permit shall be granted on the occasion of a gathering which is, in the opinion of the said magistrate, to be held on suitable premises and for the purpose of instructing the public in the moderate use of wine ;
- (d) The permit shall be granted in respect of no more than seven specified days and shall be in force for such periods during those days as are specified in the permit ;
- (e) A permit shall not be granted in respect of a day or time during which the sale of liquor is prohibited by law ;
- (f) All wine consumed at the gathering shall be supplied free of charge ;
- (g) No charge shall be made against any person attending the gathering for admission to, entertainment at, or refreshments of any kind supplied or consumed at, the gathering ;

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- (h) A permit granted under this section shall be in writing in the prescribed form and no fee shall be chargeable for the same ;
- (i) A permit shall not be granted in respect of licensed premises if in the opinion of the magistrate the holding of the proposed gathering would unduly interfere with the accommodation required by law to be supplied in respect of those licensed premises ;
- (j) The Superintendent of Licensed Premises shall be entitled to furnish a report or be heard at the hearing of any application under this section ;
- (k) No person shall whilst a permit is in force under this section supply or permit to be supplied any liquor to any person under the age of twenty-one years on the premises in respect of which the permit is in force.
- (l) A person who contravenes the last-mentioned subsection shall be guilty of an offence and liable to a fine of not more than twenty pounds.
- (m) Except to the extent expressly provided by this section, nothing in this section shall authorize or excuse the doing or omission of anything contrary in any way to any provision of this Act.

Amendment of
principal Act,
s. 203.

14. (1) Subsection (2) of section 203 of the principal Act is amended—

- (a) by striking out the words “half past two” (second occurring) therein and inserting in lieu thereof the words “half past three” ;
- (b) by striking out the word “nine” (first and third occurring) therein and inserting in lieu thereof in both cases the word “ten”.

(2) The amendment effected by paragraph (a) of subsection (1) of this section shall be deemed to have taken effect on the passing of the Licensing Act Amendment Act, 1954.

Amendment of
principal Act,
s. 209.

15. (1) Subsection (1) of section 209 of the principal Act is amended—

- (a) by striking out the words “half past two” (second occurring) therein and inserting in lieu thereof in both cases the word “half-past three”.

(b) by striking out the word "nine" (first and third occurring) therein and inserting in lieu thereof in both cases the word "ten".

(2) The amendment effected by paragraph (a) of subsection (1) of this section shall be deemed to have taken effect on the passing of the Licensing Act Amendment Act, 1954.

16. Section 212 of the principal Act is amended by striking out subsection (2) thereof. Amendment of principal Act, s. 212

17. Schedule B of the principal Act is amended by striking out the word "quart" in form 4 therein and inserting in lieu thereof the word "pint". Amendment of principal Act, Schedule B.

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

J. M. NAPIER, Lieutenant-Governor.

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