



ANNO VICESIMO SEPTIMO

**ELIZABETHAE II REGINAE**

A.D. 1978

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**No. 6 of 1978**

An Act to amend the Licensing Act, 1967-1976.

[Assented to 9th March, 1978]

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, 1977".

(2) The Licensing Act, 1967-1976, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Licensing Act, 1967-1977".

Amendment of  
principal Act,  
s. 14—  
Nature of  
licences.

2. Section 14 of the principal Act is amended—

(a) by striking out from subsection (1) the word "sixteen" and inserting in lieu thereof the word "seventeen";

and

(b) by inserting in subsection (1) immediately after paragraph (i) the following paragraph:—

(ia) "Limited restaurant licence".

Enactment of  
s. 31a of  
principal Act—

3. The following section is enacted and inserted in the principal Act after section 31 thereof:—

Limited  
restaurant  
licence.

31a. (1) Every limited restaurant licence shall authorize the consumption of liquor—

(a) at any time on any day;

(b) in the premises specified in the licence;

and

(c) with or ancillary to *bona fide* meals,  
by persons who bring the liquor on to the premises for their own consumption.

(2) A limited restaurant licence shall be subject to—

(a) a condition limiting, by reference to a scale fixed by the Commissioner for Consumer Affairs, the corkage or other charges that may be made by the holder of the licence in respect of liquor consumed, or to be consumed, on the licensed premises;

and

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

(3) Where the court is satisfied on the application of the Superintendent of Licensed Premises (which may be made *ex parte*) that there is reasonable cause to believe that the holder of a limited restaurant licence has sold liquor in contravention of the provisions of this Act, it may order the licensee to appear before the court to show cause why his licence should not be cancelled.

(4) Where—

(a) a licensee fails to appear before the Court in obedience to an order under subsection (3) of this section;

or

(b) the court, after hearing the Superintendent of Licensed Premises and the licensee, is satisfied on the balance of probabilities that the licensee has sold liquor in contravention of the provisions of this Act,

the court shall, unless it is satisfied that adequate grounds of excuse or mitigation exist, cancel the licence.

4. Section 37 of the principal Act is amended by inserting in subsection (1) immediately after paragraph (c) the following paragraph:—

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

(ca) for a limited restaurant licence—a fee of not less than fifty dollars and not more than two hundred dollars fixed by the court;

5. Section 82 of the principal Act is amended by inserting in subsection (10) immediately after paragraph (f) of the definition of “licence of a prescribed class” the following paragraph:—

Amendment of  
principal Act,  
s. 82—  
Power of  
company to  
hold licence.

(fa) limited restaurant licence;

6. Section 86b of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

Amendment of  
principal Act,  
s. 86b—  
Suspension of  
licence.

(1) The Court may—

(a) on the application of—

(i) the Superintendent of Licensed Premises;

or

(ii) the licensee,  
 or  
 (b) of its own motion,  
 suspend the operation of a licence for such period as it thinks fit.

Amendment of  
 principal Act,  
 s. 168—  
 Duty to  
 supply food  
 and lodging.

7. Section 168 of the principal Act is amended by inserting immediately after subsection (5) the following subsection:—

(6) In this section—

“restaurant licence” includes limited restaurant licence.

Amendment of  
 principal Act,  
 s. 171—  
 Penalty for  
 carrying liquor  
 from licensed  
 premises.

8. Section 171 of the principal Act is amended—

(a) by striking out the word “or” between paragraphs (a) and (b) of subsection (5);

and

(b) by inserting after paragraph (b) the following paragraph:—

or

(c) a person who brings liquor onto premises, in respect of which a restaurant licence or a limited restaurant licence is in force, for the purpose of consuming the liquor with or ancillary to a *bona fide* meal from taking any portion of that liquor that remains unconsumed from those premises.

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

K. SEAMAN, Governor