



ANNO SEPTIMO

GEORGII V REGIS.

A.D. 1916.

No. 1269.

An Act to amend the Licensing Acts, 1908 to 1915, and for other purposes.

[Assented to, November 16th, 1916.]

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 alone as the "Licensing Acts Further Amendment Act, 1916." Short titles.

(2) The Licensing Acts, 1908 to 1915, and this Act may be cited together as the "Licensing Acts, 1908 to 1916."

2. This Act is incorporated with the Licensing Acts, 1908 to 1915, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

Amendments.

3. The Licensing Act, 1908, is amended by inserting after section 28 thereof the following new section— Amendment of Act 970, 1908—

28A. (1) Where any annual meeting of the Licensing Court held for the consideration of applications for licences other than packet licences is adjourned pursuant to subsection (1) of section 10 of this Act to a day later than the twenty-fifth day of March in the year in which such meeting is held, the Court may grant a special licence to any person applying at such meeting for a renewal of his licence under this Act whose application has not been disposed of on or before the said twenty-fifth day of March. Provision for special licence where renewal held over pending determination of objection.

(2) Such

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(2) Such special licence shall be under the hand of the clerk of the Court, and may be granted for such period, not exceeding three months, as the Court thinks fit, and the period for which any such licence is granted shall be specified therein.

(3) Such special licence shall have the same effect as if the licence the renewal whereof is applied for had been renewed in favour of the person named in the special licence for the period specified in such special licence.

(4) Where any special licence is granted pursuant to subsection (1) of this section, a proportionate amount only of the annual licence fee payable in respect of the licence sought to be renewed shall be payable by the licensee in respect of such special licence.

(5) If at any time during the period for which such special licence has been granted the Court grants to the person named therein a renewal of his licence, then such person shall forthwith pay to the Treasurer the annual licence fee payable in respect of his licence, less such amount as has already been paid by him in respect of the special licence granted to him.

Amendment of Act
1236, 1915, s. 1—
Short titles.

4. Section 1 of the Licensing Acts Further Amendment Act (No. 2), 1915, is amended by inserting after the passage “Subsection (2)” in subsection (2) thereof the passage “of section 1.”

Amendment of *ibid.*,
s. 9.

5. Section 9 of the Licensing Acts Further Amendment Act (No. 2), 1915, is amended by substituting for the first four lines thereof the following passage:—

Meetings of the
Court.

9. (1) The Licensing Court shall hold annual and quarterly meetings for each Licensing District; and the meetings for any District shall be held on such days and at such places as are from time to time fixed for such District by the Court by notification published in the *Government Gazette*: Provided that it shall not be obligatory for the Court

Amendments of
ibid., s. 13—
Assessment of
licence values.

6. (1) Section 13 of the Licensing Acts Further Amendment Act (No. 2), 1915, is amended—

(a) by substituting the word “seventeen” for the words “sixteen and as soon as practicable after the passing of this Act,” in the first and second lines of subsection (1) thereof,

(b) by substituting the word “seventeen” for the word “sixteen” in the second line of subsection (2) thereof,

(c) by adding at the end of subsection (1) thereof the following passage:—“and also, in the case of the assessment to be made during the year nineteen hundred and seventeen, determining the licence values of all the premises in the said State in respect of which publican’s licences have
been

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been granted during that year, but have ceased to be in force before the time when such assessment is completed”,

(*d*) by inserting after the word “hereof” in the first line of subsection (4) thereof the following passage “and for the purposes of section 14 of this Act”, and

(*e*) by inserting after the word “made” in the fifth line or subsection (4) thereof the following passage “by the said Commissioner and to have been so made”.

(2) Until the making of the assessment provided for by Part III. of the Licensing Acts Further Amendment Act (No. 2), 1915 (as hereby amended), the provisions of the Licensing Act, 1908, fixing the fees to be paid for licences (including section 26 and Schedule C) shall continue to apply in respect of publican’s licences.

7. Section 14 of the Licensing Acts Further Amendment Act (No. 2), 1915, is amended by substituting the word “seventeen” for the word “sixteen” in the second line thereof. Amendment of
ibid., s. 14—
Adjustment of fees.

8. Section 16 of the Licensing Acts Further Amendment Act (No. 2), 1915, is amended— Amendment of ibid.,
s. 16—
Assessing licence
values.

(*a*) by adding at the end of subdivision (*a*) of paragraph 1. the words “as licensed premises”;

(*b*) by inserting after the word “premises” in the first line of paragraph II. the words “as licensed premises”; and

(*c*) by substituting for the word “thereof” in the third line of paragraph II. the words “of the premises.”

9. Section 17 of the Licensing Acts Further Amendment Act (No. 2), 1915, is amended by adding at the end of Rule I. thereof the following passage:—“The licence values of the said premises shall be deemed to have been finally assessed for the purpose of fixing the licence fee fraction hereinafter referred to, when such values have been assessed by the said Commissioner in accordance with section 16 of this Act”. Amendment of
ibid., s. 17—
Method of
determining
publican’s licence
fees.

10. Section 21 of the Licensing Acts Further Amendment Act (No. 2), 1915, is amended by inserting after the word “Part” therein the passage “or in Part V. of this Act”. Amendment of ibid.,
s. 21—
Meaning of
“section.”

11. Section 57 of the Licensing Acts Further Amendment Act (No. 2), 1915, is amended— Amendment of
ibid., s. 57—

(*a*) by inserting after the word “premises” in subsection (1) the words “in which security or charge there is any agreement express or implied on the part of the borrower to have, take, or purchase liquor,”

(*b*) by

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(b) by adding at the end of subsection (3) the following words
“or which does not contain any agreement express or implied on the part of the borrower to have, take, or purchase liquor,” and

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

Proceedings to obtain consent of Court may be heard in chambers.

(5) Any powers which might be exercised by the Licensing Court in any proceedings for obtaining the consent of the Court under this section may be exercised by either of the State members of the Court in chambers, and his decision therein shall be deemed to be the decision of the Court, and any matter arising in chambers which, in the opinion of the State member before whom the proceedings in which such matter arises are being heard, should be determined by the Court, may be referred to and determined by the Court.

Appeal.

(6) There shall be an appeal to the Licensing Court from any decision of a State member of the Court under subsection (5) hereof.

Amendment of *ibid.*, s. 68—
Register of lodgers to be kept in ink.

12. Section 68 of the Licensing Acts Further Amendment Act (No. 2), 1915, is amended—

(a) by inserting after subsection (2) thereof the following new subsection:—

(2A) All the entries by this section required to be made in the said book shall be made in black ink.

and

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

(5) Any holder of any publican's licence who—

(a) neglects or fails to keep a Register of Lodgers as provided by this section, or

(b) neglects or fails to enter, or cause to be entered, in such Register any of the particulars required by this section to be entered therein, or

(c) makes, or causes to be made, in such Register any false or misleading entry in respect of any of the particulars required by this section to be entered therein,

shall be liable to a penalty for the first offence of not more than Five Pounds, and for every subsequent offence of not less than Five Pounds and not more than Fifty Pounds.

Amendment of *ibid.*, s. 71—
Interpretation.

13. Section 71 of the Licensing Acts Further Amendment Act (No. 2), 1915, is amended by striking out the words “in the” in the second line thereof, and by inserting in lieu thereof the words “who is entitled to the present or future.”

14. Section

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14. Section 72 of the Licensing Act Further Amendment Act (No. 2), 1915, is amended by striking out the word “holds” in the eighth line thereof and inserting in lieu thereof the words “is entitled to the present or future occupation of”.

Amendment of
ibid, s. 72—

Adjustment of rents.

15. Section 81 of the Licensing Acts Further Amendment Act (No. 2), 1915, is amended by substituting for the word “Board” in the last line thereof the word “President.”

Amendment of
ibid., s. 81.

Additional Provisions.

16. (1) The Licensing Court may, upon the recommendation of any inspector of licensed premises or of any member of the Police Force of rank not lower than sergeant, cause notice to be served upon the licensee of any licensed premises to attend before the said Court to show cause why such licensee should not remove from such licensed premises any contrivance, device, or thing whatsoever, which, in the opinion of the person making the recommendation, might be used by such licensee or by any other person to facilitate a breach by any person of any of the provisions of the Licensing Acts, 1908 to 1916, and if such licensee fails to show cause to the satisfaction of the said Court, then the said Court may order the removal of such contrivance, device, or thing within such time as specified by the said Court.

Court may order
removal of device
calculated to facilitate
breach of Licensing
Acts.

(2) Any licensee of any licensed premises who refuses or neglects or fails to remove from his licensed premises within the time specified by the Court any such contrivance, device, or thing when ordered so to do by the Licensing Court pursuant to subsection (1) of this section, or who restores or replaces, whether in the same place or elsewhere on the said premises, any such contrivance, device, or thing, or any contrivance, device, or thing substantially the same, after having removed the same when so ordered as aforesaid, shall be liable to a penalty not exceeding Fifty Pounds.

17. All notices given by lessees pursuant to sections 72 and 73 of the Licensing Acts Further Amendment Act (No. 2), 1915, within such further time as the President has pursuant to the said sections allowed, are hereby ratified and confirmed, notwithstanding that such further time may have been granted by the President after the expiration of the period of two months in the said sections respectively mentioned.

Validation of certain
notices.

18. (1) All the powers, functions, duties, and discretions of the President of the Industrial Court under Part VI. of the Licensing Acts Further Amendment Act (No. 2), 1915, may be exercised or performed by a Stipendiary Magistrate appointed by the Governor in that behalf.

Powers of President
of Industrial Court
under Part VI. of
Act 1236, 1915, may
be exercised by
Stipendiary Magis-
trate.

(2) Any reference in the said Part VI. to the President shall, for the purposes of this section, be deemed to include a reference to such Stipendiary Magistrate.

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Appeal from decision
of President under
Part VI. of Act 1236,
1915.

19. There shall be an appeal to the Supreme Court from any decision of the President in the exercise of any of his powers, functions, duties, and discretions under Part VI. of the Licensing Acts Further Amendment Act (No. 2), 1915, or from any decision of any person exercising the powers, functions, duties, and discretions of the President under the said Part.

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

H. L. GALWAY, Governor.