



## LICENSING

No. 94 of 1977

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**AN ACT to amend the Licensing Act 1976.**

**[30 November 1977]**

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1—(1)** This Act may be cited as the *Licensing Act 1977*.

Short title and  
citation.

(2) The *Licensing Act 1976*\* is in this Act referred to as the Principal Act.

\* No. 117 of 1976.

Definition of  
"liquor".

**2** Section 2 of the Principal Act is amended—

- (a) by transposing the word "or" at the end of paragraph (b) of the definition of "liquor" to the end of paragraph (c) of that definition;
- (b) by inserting after that paragraph the following paragraph:—  
 "(d) any other liquid containing alcohol or other intoxicating spirit that is intended for human consumption (otherwise than as a medicine) or for culinary purposes,"; and
- (c) by inserting in that definition after the word "beverage" the word "or other liquid".

Constitution of  
the Licensing  
Board of  
Tasmania.

**3** Section 3 of the Principal Act is amended—

- (a) by inserting after subsection (2) the following subsections:—  
 "(2A) The Governor may appoint a deputy of any member of the Board, but the person who is the deputy of the member referred to in subsection (2) shall be a legal practitioner or barrister.  
 "(2B) The deputy of a member of the Board is, in the event of the absence of that member from a meeting of the Board, entitled to attend the meeting and, when so attending, shall be deemed to be a member of the Board and, in the case of the deputy of the chairman of the Board, shall be deemed to be the chairman of the Board.";
- (b) by inserting in subsection (3), after the word "member", the words ", or a deputy of a member,";
- (c) by inserting after that subsection the following subsections:—  
 "(3A) It shall be deemed to be a term of the instrument of appointment of a member, or a deputy of a member, of the Board, that he may be removed from office by the Governor if he is satisfied that that member or deputy—  
 (a) has been convicted of an offence (whether in this State or elsewhere) of such a nature that renders it improper for him to continue to hold his office;

- (b) has applied to take, or has taken, advantage of any law relating to bankruptcy, or has compounded, or entered into an arrangement, with his creditors;
- (c) has been guilty of misbehaviour, negligence, or incompetence in the performance of the duties of his office; or
- (d) has become incapable of performing the duties of his office.

“(3B) Without prejudice to the generality of the provisions of subsection (3A) (c) a member, or a deputy of a member, shall be deemed to have been guilty of misbehaviour in the performance of the duties of his office if he has, directly or indirectly, a pecuniary interest in any business carried on for the manufacture, sale, or supply of liquor or in the operation of any licensed establishment.”;

- (d) by inserting in subsection (4), after the word “ Board ”, the words “ and their deputies ”;
- (e) by omitting from subsection (5) the words “, if he is absent or there is no chairman ” and substituting therefor the words “ his deputy, or, if neither is present ”; and
- (f) by inserting in subsection (8), after the word “ Board ”, the words “ and their deputies ”.

**4** Section 23 of the Principal Act is amended by adding at the end thereof the following subsection:—

“(8) A licence shall not be renewed unless there is produced to the Commissioner a certificate signed by the Treasurer or some person acting on his behalf that there have been paid all fees or instalments of fees and any additional fees falling due to be paid under Part VI in respect of the licence before the commencement of the licensing year for which it is to be renewed.”.

Payment of outstanding fees before renewal of licence.

**5** Section 24 of the Principal Act is amended by adding at the end thereof the following subsection:—

“(11) A licence shall not be transferred under this section unless there is produced to the Commissioner a certificate signed by the Treasurer or some person acting on his behalf that there have been paid all fees or instalments of fees and any additional fees falling due to be paid under Part VI in respect of the licence before the date on which the transfer takes effect.”.

Payment of outstanding fees before transfer of licence.

Payment of outstanding fees before restoration of licence.

**6** Section 32 of the Principal Act is amended by adding at the end thereof the following subsection:—

“(7) A licence shall not be restored under this section unless there is produced to the Commissioner a certificate signed by the Treasurer or some person acting on his behalf that there have been paid all fees or instalments of fees and any additional fees falling due to be paid under Part VI in respect of the licence before the date on which the restoration takes effect.”.

Removal of disorderly customers.

**7** Section 59 of the Principal Act is amended—

- (a) by inserting in subsection (6), after the words “responsible person”, the words “or his agent or servant”;
- (b) by omitting from subsection (7) the words “the licensee” and substituting therefor the words “a responsible person”;
- (c) by omitting from subsection (8) the words “by a responsible person in the presence of a police officer” and substituting therefor the words “, in the presence of a police officer, by a responsible person or his agent or servant”.

**8** After section 61 of the Principal Act the following section is inserted:—

Presumption as to nature of liquid.

“61A In any proceedings for an offence under this Act, any liquid shall be deemed to be liquor unless the contrary be proved.”.

Calculation of fees for general licences, on licences, and club licences.

**9** Section 73 of the Principal Act is amended—

- (a) by omitting from paragraph (a) of subsection (2) the word “and” occurring at the end thereof;
- (b) by omitting paragraph (b) of that subsection;
- (c) by omitting from paragraph (a) of subsection (3) the word “or” occurring at the end thereof; and
- (d) by omitting paragraph (b) of that subsection.