

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]
House of Representatives, 25 November 1971.

Words struck out by the Committee are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Tuesday, the 7th Day of September 1971

SALE OF LIQUOR AMENDMENT BILL (NO. 2)

Hon. Mr RIDDIFORD, in Committee, to move the following amendments:

New clause 6A: To insert, after clause 6, the following new clause:

6A. Limitation on removal of certain licences—(1) Section 138 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Subject to subsection (2) of this section, no licence to which section 136 of this Act applies, other than a hotel premises licence, a tavern premises licence, or a wholesale licence, shall be removed from the premises in respect of which it was granted to any other premises situated more than 50 miles from the first-mentioned premises.”

(2) Section 160 of the principal Act (as substituted by section 8 of the Sale of Liquor Amendment Act 1965) is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) No wine reseller’s licence shall be removed from the premises in respect of which it was granted to any other premises situated more than **(5) 2** miles from the first-mentioned premises:

New

“Provided that the Commission may in its discretion authorise the removal of the licence to premises situated more than 2 miles but not more than 5 miles from the first-mentioned premises, if the Commission is satisfied that the proposed new premises will serve substantially the same area as that served by the first-mentioned premises.”

(3) The said section 160 is hereby further amended by omitting from subsection (2) the words “sections 138 to 140”, and substituting the words “sections 139, 140”.

(4) Section 3 of the Sale of Liquor Amendment Act 1964 is hereby consequentially repealed.

New clause 9A: To insert, after clause 9 (as struck out by the Statutes Revision Committee), the following new clause:

9A. Grant and renewal of club charter—Section 165 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

“(4A) Without limiting the generality of subsection (4) of this section, in considering any application for the grant of any charter, the Commission shall have regard to the facilities for the sale of liquor then existing in the locality in which the club is situated.”

Clause 11A (as inserted by the Statutes Revision Committee): To insert in subsection (1) of the proposed new section 186A, after the word “hotelkeeper’s”, in line 24, the words “or tourist-house keeper’s”.

New

Clause 12: To add to this clause the following subclause:

(3) Section 252 of the principal Act is hereby consequentially amended by adding to paragraph (e) of subsection (2) the word “or”, and by adding to that subsection the following paragraph:

“(f) Any person attending any social gathering held on the premises pursuant to any permit granted under Part VIII of this Act.”

EXPLANATORY NOTE

New clause 6A: Under section 136 of the principal Act, a hotel, tourist-house, or tavern premises licence, or a restaurant or wholesale licence, may be removed to new premises pursuant to an order of the Commission.

Section 138 (1) of the Act, as passed in 1962, provided that no such licence could be moved more than 20 miles; but in 1965 that distance was extended to 50 miles, with a proviso that the Commission could in special circumstances authorise the removal of a hotel premises licence to a greater distance.

The amendment made by *subclause (1)* of the proposed new clause has the effect that no limit on distance will apply to the removal of a hotel or tavern premises licence or a wholesale licence.

Subclause (2) of the proposed new clause applies to the removal of a wine reseller’s licence. At present, section 160 of the principal Act applies section 138 to such a licence. The effect of this subclause is that no wine reseller’s licence may be moved more than 5 miles.

Subclause (3) makes a consequential amendment.

Subclause (4) contains a consequential repeal.

New clause 9A: Section 165 (4) of the principal Act provides that in considering any application for the grant or renewal of a club charter the Commission is to have regard to the facilities then existing in the locality for social amenities, recreation, or refreshment, and to the objects of the club.

The new subsection (4A) proposed to be inserted by this clause provides that (without limiting subsection (4)) in considering an application for the grant of a new charter the Commission is to have regard to the facilities for the sale of liquor then existing in the locality.

Clause 11A: This clause, as inserted by the Statutes Revision Committee, allows the Commission to exempt the holder of a hotelkeeper’s licence, wholly or partially, from his obligation to supply meals.

The proposed amendment extends the clause to apply also to the holder of a tourist-house keeper’s licence.