



ANNO VICESIMO SECUNDO

# GEORGII V REGIS.

A.D. 1931.

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## No. 2055.

An Act to amend the Licensing Act, 1917.

[Assented to, December 9th, 1931.]

**B**E 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 as the "Licensing Act, 1931". Short titles.  
(2) The Licensing Acts, 1917 to 1928, and this Act may be cited together as the "Licensing Acts, 1917 to 1931".  
(3) The Licensing Act, 1917, is hereinafter called "the principal Act".
2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.
3. Section 8 of the principal Act (as enacted by section 8 of the Licensing Act, 1927) is amended by inserting after the word "days" in the eighth line of subsection (3) thereof the words "and to any convenient place." Amendment of principal Act, s. 8—  
Adjournment of Court.
4. Section 31 of the principal Act (as enacted by section 5 of the Licensing Act (No. 2), 1927), is amended by adding at the end thereof the following:—  
"The said licence fee shall be payable annually in equal quarterly instalments as provided by section 59 of this Act". Amendment of principal Act, s. 31—  
Licence fees payable in quarterly instalments.
5. Subsection 5 of section 58 of the principal Act is amended by inserting after the word "receive" in the fifth line thereof the words "the first quarterly instalment of". Amendment of principal Act, s. 58—  
Consequential amendment.
6. Section

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Amendment of  
principal Act,  
s. 59—

Consequential  
amendment.

6. Section 59 of the principal Act is amended so as to read as follows:—

59. Until the first quarterly instalment of the licence fee is paid to the Treasurer or his Deputy, and the licence is actually issued by him, the person entitled to the licence shall be deemed unlicensed, and if the said quarterly instalment is not paid within two calendar months after the date of the meeting at which the licence was granted, the Clerk may give notice in writing of such non-payment of such quarterly instalment to the owner of the freehold of the premises in respect of which such licence was granted, and if such instalment is not paid within fourteen days after the giving of such notice as aforesaid, the grant shall be wholly void. The subsequent quarterly instalments shall be paid three, six, and nine calendar months respectively after the date of the meeting at which the licence was granted, and, if default is made in paying any such instalment on the due date and the default continues for two calendar months, the Clerk may give notice in writing of such default to the owner of the freehold of the premises in respect of which such licence was granted, and if such default continues for fourteen days from the giving of such notice, the licence shall thereby be *ipso facto* forfeited and wholly void for all purposes.

Amendment of  
principal Act,  
s. 64—

Consequential  
amendments.

7. (1) Subsection (1) of section 64 of the principal Act is amended by striking out the words “the licence fee within thirty days from the meeting of the Court at which the licence was granted” appearing after the word “pay” in the first column of paragraph VII. of subsection (1) of such section and inserting in lieu thereof the words “the first quarterly instalment of the licensing fee within thirty days from the meeting of the Court at which the licence was granted, or any other quarterly instalment within thirty days from the due date for the payment of the same”.

(2) Subsection (5) of section 64 of the principal Act is amended—

(a) by inserting after the word “same” at the end of the fourth line thereof the words “instalments of”; and

(b) by striking out the words “no further fee” in the seventh and eighth lines thereof and inserting in lieu thereof “the remaining instalments only of the licence fee”.

(3) Subsection (6) of section 64 of the principal Act is amended—

(a) by striking out the words “same licence fee as” in the sixth line thereof and inserting in lieu thereof the words “first instalment of the licence fee which”; and

(b) by striking out the words “no further fee” in the ninth line of subsection (6) and inserting in lieu thereof “the remaining instalments only of the licence fee”.

8. Part

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8. Part VI. of the principal Act is amended by inserting therein the following section :—

Enactment of  
s. 136a—

136A. (1) In this section “licensee” means the holder of a publican’s licence; and “licensed premises” means the premises in respect of which a publican’s licence is in force.

Liability of licensee  
for loss of property  
of guests.

Cf. Imp. Act, 26 and  
27.

(2) No licensee shall be liable to make good to any guest of such licensee any loss of or injury to goods or property brought on the licensed premises to any greater amount than the sum of Thirty Pounds, except in the following cases :—

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(a) where the goods or property have been stolen, lost, or injured through the wilful act, default, or neglect of the licensee or any servant in his employ :

(b) where the goods or property has been deposited with or entrusted to the licensee expressly for safe custody: Provided that in such a case the licensee may, if he thinks fit, require as a condition of his liability that the goods or property shall be deposited or placed in a box, room, outhouse, or other receptacle or place fastened and sealed or locked by the person depositing the same.

(3) Every licensee shall cause at least one copy of the second subsection of this section printed in plain type to be exhibited in a conspicuous part of the hall or entrance to his licensed premises, and he shall be entitled to the benefit of this section in respect of such goods or property only as are brought to his licensed premises while the copy is so exhibited.

9. Section 137 of the principal Act is amended—

(a) by striking out the proviso at the end thereof :

(b) by inserting therein the following subsection :—

(2) If any person is supplied by the holder of any publican’s or wine licence with liquor, meals, or accommodation on licensed premises and refuses on demand made by the holder of such licence or his servant or agent to pay a reasonable sum therefor he shall be deemed to be a rogue and vagabond and shall be liable to be dealt with as such under the enactments relating to rogues and vagabonds.

Amendment of  
principal Act,  
s. 137—

Penalty for non-  
payment of cost of  
liquor or accommo-  
dation.

10. Section 139 of the principal Act is amended by striking out paragraph (e) of subsection (1) thereof.

Amendment of prin-  
cipal Act, s. 139—

Playing games on  
Sunday.

11. Section 159 of the principal Act is amended by striking out the word “Ten” in the fifth line thereof and by inserting in lieu thereof the word “Fifty”.

Amendment of prin-  
cipal Act, s. 159—

Penalty for selling  
liquor without  
licence.

12. Subsection

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Amendment of principal Act, s. 185 (1)—  
Forfeiture of licence for unlawful supply.

**12.** Subsection (3) of section 185 of the principal Act is amended by striking out all the words therein after the words " Ten Pounds " in subsection (3).

Amendment of principal Act, s. 186—  
Presumption in certain cases.

**13.** Section 186 of the principal Act is amended by striking out all the words after the word " place " at the end of paragraph (c) thereof and by substituting in lieu thereof the following " the act or thing so proved shall be *prima facie* evidence of a sale of liquor at the time the act or thing was done or existed ".

Amendment of principal Act, s. 190—  
Register of lodgers.

**14.** Section 190 of the principal Act is amended—

(a) by inserting before the word " section " in the third line of subsection (2) thereof the words " paragraph (a), (b), or (c) of " :

(b) by inserting after the word " night " in the sixth line of subsection (2) thereof the following :—" and shall at the time of assigning a room in such premises to a *bona fide* lodger within the meaning of paragraph (d) of section 191 enter or cause to be entered the name of that lodger and the distinguishing number or description of the room so assigned to him " :

(c) by inserting after the word " found " in the seventh line of subsection (5) thereof the words " or assigned to him on that day or night " :

(d) by striking out the word " conclusive " in the seventh line of subsection (5) and inserting in lieu thereof "*prima facie*".

Amendment of principal Act, s. 191—  
Definition of *bona fide* lodger.

**15.** Section 191 of the principal Act is amended by inserting at the end thereof the following passage :—

" or

(d) he resides at least fifty miles from the said premises, and has within twelve hours before the time of his arrival at the licensed premises travelled from a place at least fifty miles from the said premises and has ordered and been assigned a bedroom therein for his lodging during the night ensuing upon the day of his arrival, or if he arrives in the night for his lodging during that night and has made and signed a declaration in the prescribed form that he so resides, has so travelled, and intends to occupy the said bedroom throughout the night. The declaration may be made before the licensee, or any person authorised by the licensee, or any Justice of the Peace, and shall not be chargeable with stamp duty. Any person who in any such declaration knowingly makes any false statement, shall be guilty of an offence and liable to a fine not less than Ten Pounds and not exceeding Fifty Pounds. The distance of fifty miles shall be calculated along the shortest practicable

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practicable route along or over any public highway or thoroughfare or by or across any port, arm of the sea, or any lake, river, inlet, stream, or creek”.

16. The principal Act is amended by inserting therein the following section :—

Permit to supply liquor with meals.

193a. (1) If on premises for which a publican's licence is in force meals are regularly supplied to the public or if on the premises of any registered club meals are regularly supplied to members of the club, the holder of the publican's licence, or as the case may be, the secretary of the club, may apply for a permit authorising the sale, supply, and consumption of liquor on the said premises between the hours of six o'clock and eight o'clock in the evening.

(2) Every such application shall be made to the Special Magistrate constituting the Court for the district in which the premises are situated, and on the application the Special Magistrate may, in his discretion, grant or refuse the permit, and his decision shall be final and conclusive, and shall not be questioned in or amended by any Court whatsoever.

(3) A permit granted under this section shall render lawful the sale, supply, and consumption of liquor on the premises mentioned therein in accordance with the following terms and conditions :—

- (a) the liquor may be sold, supplied, and consumed between the hours of six o'clock and eight o'clock in the evening :
- (b) the liquor shall not be sold, supplied, or consumed except in that dining-room of the said premises in which meals are usually served to the public, or members of the club as the case may be :
- (c) the liquor shall not be sold, or supplied to, or consumed by any person other than a person *bona fide* taking a meal in the said dining-room at the time of the sale, disposal, or supply :
- (d) between the hours of six o'clock and eight o'clock in the evening all doors by which access can be had to the said dining-room shall be kept unlocked.

(4) A permit under this section shall, unless revoked, remain in force so long as the person to whom it is granted remains the licensee of the licensed premises mentioned therein.

(5) For every permit and for an extension of a permit under this section there shall be paid a fee of one guinea.

(6) The Court, if satisfied on complaint made by a Licensing Inspector, or a member of the Police Force that any term or condition of a permit has been broken, may revoke the permit.

(7) Nothing

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(7) Nothing in this section shall be construed to permit the sale or supply of liquor on any licensed or unlicensed premises, or in any registered club on any Sunday, Good Friday, or Christmas Day, or to any person to whom it is by this Act unlawful to supply liquor.

(8) 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.

(9) Any person, other than an excepted person, who upon any premises in respect of which a permit under this section has been granted obtains or attempts to obtain liquor during the hours for which the permit is in operation by falsely representing that he intends at the same time to partake of a meal upon the said premises, shall be guilty of an offence, and liable to a penalty not exceeding Twenty Pounds.

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

A. HORE-RUTHVEN, Governor.