

## Act No. 21, 1907.

LIQUOR  
(AMENDMENT).

An Act to amend the Liquor (Amendment) Act, 1905; to validate certain acts, proclamations, and notifications, and to declare the law in certain respects; and for other purposes.  
[24th December, 1907.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Liquor (Amendment) Act, 1907."

Amendment of  
section 68 of the  
Liquor  
(Amendment) Act,  
1905.

2. Subsection two of section sixty-eight of the Liquor (Amendment) Act, 1905, is amended by omitting "less than such number is so given," and inserting "resolution 'C' has not been carried," and by inserting at the end of the subsection the following words: "and shall be deemed to have been given in favour of resolution 'B.'"

Further amendment  
of section 68  
aforesaid.

3. The same section is further amended by adding thereto a new subsection as follows:—

(5) The special court, constituted as hereinafter provided, shall have power to make the necessary calculations from the result of the voting as notified by the returning officer in the Gazette, and from the number of electors on the electoral rolls for the electorate, to determine what resolution has been carried.

Amendment of  
section 69.

4. Section sixty-nine of the said Act is amended by inserting the words "by the Minister" after the word "Gazette."

Amendment of  
section 75.

5. Paragraph (h) of section seventy-five of the said Act is amended by adding at the end of the paragraph the following words: "and such notification shall be *prima facie* evidence of such result."

Validation of acts  
done.

6. All acts done, proclamations issued, or notifications made in the Gazette before the commencement of this Act, and purporting to be in pursuance of the provisions of the Principal Act or the Liquor (Amendment) Act, 1905, shall be deemed to be and are hereby declared to have been lawfully done and made, and to be valid and effectual to all intents and purposes.

Where votes for  
resolution "C" are  
added to votes for  
resolution "B."

7. Where in accordance with the provisions of subsection two of section sixty-eight of the Liquor (Amendment) Act, 1905, the votes given at any local option vote taken before the commencement of this Act in favour of resolution "C," have been added to the votes given

in

*Liquor (Amendment).*

in favour of resolution "B," such added votes shall be deemed to have been given in favour of resolution "B," and if such addition gave a majority of votes in favour of that resolution, then resolution "B" shall be deemed to have been carried.

8. A special Court, constituted under section seventy of the Liquor (Amendment) Act, 1905, shall be deemed to have had power to make the necessary calculations, from the result of the voting as notified by the returning-officer in the Gazette, and from the number of electors on the electoral rolls for the electorate, to determine what resolution has been carried, in pursuance of section sixty-eight of the said Act as amended by this Act.

Special Court deemed to have had power to make necessary calculations.

9. No proceedings before, and no determination or order by, a special court constituted under section seventy of the Liquor (Amendment) Act, 1905, shall be appealed against, challenged, stayed, reversed, arrested, or avoided for any error or omission unless some substantial wrong appears to have been done, or some other miscarriage of justice occasioned by reason of such error or omission.

Error or omission in proceedings of special court.

10. Resolution "B" shall be deemed, and is hereby declared to have been, lawfully carried at the local option vote taken on the tenth day of September, one thousand nine hundred and seven, in all the electorates specified in the notice given in pursuance of the provisions of section sixty-nine of the Liquor (Amendment) Act, 1905, dated the twenty-ninth day of November, and published in the Gazette of the thirtieth day of November, one thousand nine hundred and seven.

Resolution "B" carried at local option vote.

11. Nothing in this Act shall affect the rights of any person or corporation the subject of legal proceedings in the Supreme Court pending on the seventeenth day of December, one thousand nine hundred and seven :

Appeals pending.

Provided that the decision of the Supreme Court on such matters shall be final.