

Act No. 42, 1912.

An Act to consolidate the laws relating to publicans, brewers, and other persons engaged in the brewing, manufacture, or sale of liquor. [26th November, 1912.]

LIQUOR.

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Liquor Act, 1912," and is divided into Parts, Divisions, and subdivisions, as follows:—

Short title and division.

PART I.—PRELIMINARY—ss. 1-3.

PART

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PART II.—LICENSING DISTRICTS AND LICENSING COURTS—ss. 4-12.

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- (1) *Applications for licenses*—ss. 24-28.
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- (3) *Issuing of certificates and licenses and costs of application*—ss. 31-33.

DIVISION 4.—*Renewed applications—renewal, transfer, and removal of licenses—temporary licenses*—ss. 34-40.DIVISION 5.—*Rights, duties, and liabilities of licensees and other persons*—ss. 41-78.

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PART V.—BREWERS' AND SPIRIT MERCHANTS' LICENSES — ss. 95-100.

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DIVISION 1.—*Adulteration of malt liquors*—ss. 101-110.DIVISION 2.—*Adulteration of spirituous and fermented liquors*—ss. 111-112.DIVISION 3.—*General*—ss. 113-115.

PART VII.—DEATH, MARRIAGE, OR LUNACY OF LICENSEE—ss. 116-118.

PART VIII.—INSPECTORS — ENTRY ON LICENSED PREMISES—ss. 119-122.

PART IX.—CANCELLATION OF LICENSES—DISQUALIFICATION OF LICENSED PREMISES—ss. 123-131.

PART X.—CLUBS—ss. 132-152.

PART XI.—MISCELLANEOUS PROVISIONS—ss. 153-168.

PART XII.—LEGAL PROCEDURE—ss. 169-177.

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2. The Acts specified in the First Schedule to this Act, to the extent therein expressed, are hereby repealed; but such repeal shall not prejudice or affect the validity or duration of any certificate, license, permit, or authority lawfully granted under any such Act.

Repeals and savings.
First Schedule.

All licenses granted under any such repealed Act shall be held in all respects, and all renewals thereof shall be applied for, under and subject to the provisions of this Act, unless hereinafter otherwise specially provided for.

All proclamations published and rules and regulations made under the authority of any Act hereby repealed and being in force at the passing of this Act shall be and continue in force hereunder, and shall be deemed to have been published and made under the authority of this Act.

All courts constituted under any Act hereby repealed, and being so constituted at the passing of this Act, shall be deemed to have been constituted under the authority of this Act.

All persons appointed under any Act hereby repealed, and holding office at the time of the passing of this Act, shall remain in office as if this Act had been in force at the time they were appointed and they had been appointed hereunder, and this Act shall apply to them accordingly.

3. In this Act, unless the context or subject matter otherwise indicates or requires,—

Interpretation
section.

“Australasian Colony” includes, in addition to New South Wales, the States of Victoria, South Australia, Queensland, Tasmania, Western Australia, and the Dominion of New Zealand.

No. 18, 1898, s. 3.
No. 40, 1905, s. 5.

“Brewer” means any maker, for purposes of sale, of beer, ale, porter, or stout, or of any other fermented malt liquor, or any fermented liquor made from sugar or other saccharine matter.

“Court” or “licensing court” means the licensing court of the licensing district in or with reference to which the term is used.

“Inspector” means a district inspector or district sub-inspector appointed under this Act or under any Act hereby repealed.

“Justice” means a justice of the peace.

“Licensed premises” means the premises in respect of which a license granted under this Act, or any Act hereby repealed, is in force.

“Licensed publican” means a person holding a publican’s license granted under this Act or any Act hereby repealed.

“Licensee” means a person holding any license authorised to be granted under this Act or under any Act hereby repealed.

“Licensing district” means a licensing district proclaimed under this Act or under any Act hereby repealed.

“Licensing magistrate” means a police or licensing magistrate authorised to exercise the powers conferred by this Act.

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No. 40, 1905, s. 5
(2).

“Liquor” means and includes wine, spirits, beer, porter, stout, ale, cider, perry, or any spirituous or fermented fluid whatever, capable of producing intoxication.

“Near relative or connection” means wife, son, stepson, son-in-law, daughter, step-daughter, daughter-in-law, brother, half-brother, step-brother, sister, half-sister, step-sister, father, step-father, mother, step-mother, father-in-law, or mother-in-law.

No. 18, 1898, s. 3.
No. 40, 1905, s. 5
(1).

“Prescribed” means prescribed by this Act or by any regulation or rule made, or deemed to have been made, under the authority thereof.

“Spirit merchant” means any vendor or exhibitor for sale, in any shop or premises, of liquor in quantities at any one time of not less than two gallons of the same description of liquor, but does not include a licensed auctioneer or broker selling or offering for sale any liquor on account of another person.

PART II.

LICENSING DISTRICTS AND LICENSING COURTS.

DIVISION 1.—*Licensing districts.*

Alteration of
boundaries of
licensing districts.
No. 18, 1898, s. 4.

4. The Governor may from time to time, by proclamation in the Gazette, alter the boundaries of any licensing district, or may subdivide the same into one or more districts, or may amalgamate any such district with one or more districts:

Provided that the metropolitan police district shall always be contained within the metropolitan licensing district.

DIVISION 2.—*Licensing courts.*(1) *Constitution of licensing courts.*

Constitution and
composition of
licensing courts—
officers, &c.
Ibid. s. 5.
No. 40, 1905, ss. 3,
6, 34, and Schedule.
No. 24, 1909, s. 29.

5. Licensing courts for the purposes of this Act, but subject nevertheless to any special provisions hereinafter contained, shall be composed of appointed and official members, and shall be constituted in the following manner, that is to say—

(1) In and for every licensing district the Governor shall, from time to time, by notification to be published in the Gazette, appoint a licensing court.

The court for the metropolitan licensing district shall, from such date as the Governor may determine, consist of three stipendiary magistrates, who shall be appointed in that behalf; the court for every other licensing district shall consist of three members.

Whenever practicable, such appointment shall be made and notified in the proclamation of the licensing district.

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- (2) Every person so appointed shall be, by virtue of his office, Tenure of office. a justice of the peace for the State (if not already on the commission of the peace), and shall hold office for a period of three years from the date of his appointment, unless he dies, resigns, becomes disqualified, or is removed from office, in any of which events a successor shall be appointed in like manner and by the like authority, who shall hold office for the unexpired period of his predecessor's term of office.

For every licensing district other than the metropolitan, Constitution of licensing courts. subject to the provisions of sections one hundred and forty-eight to one hundred and fifty-one inclusive of the Justices Act, 1902, the court shall be composed of the appointed members thereof, together with the police magistrate resident within, or nearest to, such district, who shall be the official member of such court; or if there is no police magistrate resident within ten miles of the court-house or building appointed for the holding of such court, then of such members as aforesaid, together with such person as the Governor may, in manner aforesaid, appoint as a licensing magistrate.

The chairman of the bench of stipendiary magistrates Chairman. shall preside at the metropolitan licensing court, and the police or licensing magistrate shall preside in every other court as chairman thereof; but, in the absence of either, the members of the court present at any meeting shall elect one of their number to act as chairman at and for such meeting.

- (4) Every person shall be disqualified from holding office as the Disqualifications. member of a licensing court who is interested beneficially in the manufacture or sale of fermented or spirituous liquors, or in any premises licensed or proposed to be licensed under this Act, or who holds any license whatsoever within the meaning of this Act, or is beneficially interested in any trade or calling exercised under any such license, or if any of his near relatives or connections is the holder of any license granted in respect of any premises situate in the licensing district for which such licensing court is proposed to be or is appointed, or is beneficially interested in any trade or calling exercised under any license so granted. And any person so disqualified who knowingly and wilfully acts as a member of such court shall be guilty of a misdemeanour.
- (5) Every licensing court for a licensing district shall be held in Place for holding court. some court-house of a petty sessions district comprised within such licensing district, or in some other building to be appointed for that purpose, in the proclamation defining such district, or to be subsequently notified in the Gazette by the Minister.

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- Officers, &c. (6) The Governor may appoint such and so many persons as he thinks fit to be registrars, clerks, or other officers of licensing courts:
 Provided that, until the appointment of any such clerk is notified in the Gazette, the clerk of petty sessions, for the time being, of the court of petty sessions at or nearest to which the licensing court is held shall be the clerk thereof.
- Quorum. (7) The quorum for the proper constitution of a licensing court shall be any two members thereof.
- Resignation. (8) Any appointed member of a licensing court may resign his office by writing under his hand addressed to the Governor or Minister.
- Extraordinary vacancies. (9) Any appointed member of a licensing court who absents himself from any two consecutive quarterly licensing courts (except in case of sickness or for other lawful excuse) shall be deemed to have vacated his office, and to have created an extraordinary vacancy, which shall, as soon as conveniently practicable, be filled up by the appointment (to be notified in the Gazette) of some other person under the powers hereinbefore conferred.
- Death, &c., of member. (10) Notwithstanding any alteration in the constitution of a licensing court by reason of the death, removal, absence, or resignation of any of its members, the jurisdiction conferred by this Act on such court may be lawfully exercised by a quorum of such court.
- Deputy licensing magistrate. (11) The Governor may appoint any person to be for such period as he specifies a deputy licensing magistrate of the court of a licensing district; and such deputy may, in the case of the death, removal, resignation, or absence of any licensing magistrate, exercise all the powers vested in and shall perform all the duties cast upon a licensing magistrate by this Act.
 The Governor may also appoint any person to act for such period as he specifies as a member of a licensing court during the absence of a member of such court, or while such member is acting as deputy licensing magistrate.
- Licensing courts to be courts of record, and to have a seal. No. 18, 1898, s. 6. **6.** Every licensing court shall be a court of record, with full power to make all general and other rules necessary for the conduct of its business, and for the enforcement of its orders, adjudications, and convictions, but such rules shall be subject to any regulations made by the Governor as hereinafter provided. And each such court shall have and use a seal bearing an impression of the Royal Arms, and having inscribed thereon the words "Licensing Court," with the name of the licensing district within which such court is held. And the chairman thereof may take, administer, and cause to be taken and administered, oaths, declarations, affirmations, and depositions in any licensing or other matter, complaint, or proceeding to be heard and determined or dealt with by such court.

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7. If any person duly summoned to attend as a witness at any such court neglects, without sufficient excuse, to appear and give evidence, or refuses to be sworn or to answer any lawful question, or if any person wilfully interrupts the proceedings of such court, or hinders, obstructs, or assaults any person in attendance before such court, or any officer thereof in the lawful execution of his duty, such person shall be guilty of contempt of court. And the chairman, either on his own view, or on the oath of some credible witness, may, by warrant under his hand and the seal of the court, commit any person guilty of such contempt to any gaol or lock-up, there to be imprisoned for any term not exceeding fourteen days, or may order such person to forfeit any sum by way of fine not exceeding ten pounds; and if such fine be not forthwith paid he may order such person to be imprisoned in any gaol or lock-up for any term not exceeding fourteen days, but subject to the discharge of such person if the fine is paid within the term of the imprisonment.

Punishment of contempt of court for non-attendance, &c.

No. 18, 1898, s. 7.

8. In the metropolitan licensing district each of the members of the licensing court, and in every other licensing district the police magistrate, being a member of the licensing court of such district, or the licensing magistrate, as the case may be, shall be a licensing magistrate within such district. And every such licensing magistrate shall sit as in open court, and shall have and may exercise all the powers and authorities conferred by this Act upon a licensing magistrate; and while sitting for the hearing and determination of any matter within his jurisdiction shall be deemed to be a court under this Act.

Licensing magistrates.

Ibid. s. 8.

No. 24, 1909, s. 80.

(2) Procedure before licensing courts.

9. Until and unless rescinded or altered by regulations to be made under this Act, the following procedure shall, subject to any special provisions hereinafter contained, be observed, so far as the same can be applied, in the conduct of all business before licensing courts—

Procedure before licensing court.

No. 18, 1898, s. 9.

- (1) The district inspector in every licensing district shall furnish to the clerk of the court, at least ten days before each quarterly sitting, a report of every licensed public-house in such district, and shall also report upon all applications, whether for licenses, or transfers, removals, or renewals thereof, as soon after the application as possible. Such report, where the premises have been licensed for more than twelve months, shall describe the condition of the premises, fittings, and furniture, the manner in which such premises have been conducted during the preceding twelve months, the character of the persons frequenting them, and a statement of the number and position of similar premises in the neighbourhood. Every such report shall be open to public inspection during office hours without payment of a fee.

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- (2) In all applications it shall be the duty of the clerk of the court to report whether the applicants, or, in case of transfers, whether the intended transferees, have previously been applicants or intended transferees of a license for the sale of liquor, together with the result in each case.
- (3) Where applications for renewals have been objected to, the clerk of the licensing court shall give the prescribed notice to the applicants to attend at the hearing, and such applicants shall be heard immediately after applications for new licenses (if any). The notice shall state shortly the nature of the objections.
- (4) On an application for a publican's license for new premises, the applicant shall produce to and deposit with the clerk, for the information of the court, plans or sketches of such premises sufficiently explanatory to show the number and size of the rooms therein, and the court may require the applicant to give any explanation thereof; and if such plans, sketches, or explanation shall show, or if otherwise it appears, to the court that any portion of such premises or of the building of which the same forms part is fitted up or intended to be used as a retail store, it shall not be lawful for the court to grant such application. And if any such premises are used for the business of a retail store after a license has been granted, the license shall be liable to forfeiture.
- (5) The court shall hear and determine all applications, and also all objections which may be made to them, on such evidence as seems to them sufficient. But all evidence shall be given in the same manner as nearly as practicable as in courts of law.
- (6) No applications which have been already decided shall be reheard or reopened at an adjourned sitting unless in pursuance of leave granted at the original sitting. But an applicant may renew his application at any subsequent quarterly sitting of the court, if the application has been refused at any former sitting.
- (7) On the hearing of any application (except for a renewal), the applicant, by himself, his counsel, or attorney, shall open his case, then the objectors (if any) who have given the prescribed notice shall be heard by themselves, their counsel or attorney, and the applicant may reply.
- (8) On applications for renewals the objector shall commence and the applicant shall reply only.
- (9) The court, if unanimous, shall give their decision by the chairman; but, if not unanimous, shall decide by vote (retiring to a private room, if they think fit) whether the application shall be granted or refused. The decision shall be given by the chairman, and no member of the court shall comment upon or question such decision.

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(10) The chairman shall, on behalf of the court, sign all certificates and documents given or issued by the court unless such as are hereinafter permitted or required to be signed by a licensing magistrate.

(11) No objection in respect of the character of an applicant shall be entertained unless at least three days' notice of the objection intended to be taken has been given to such applicant by or on behalf of the objector.

10. (1) Every application for a license, or the renewal, removal, or transfer of a license under Part III hereof, and all objections to every such application permitted under this Act, shall (except as hereinafter provided) be heard and determined at a licensing court for the district wherein the premises are situated in respect of which the license, removal, or transfer is sought, or to which the application relates; and every such applicant shall, subject to the provisions relating to applications for renewals contained in section thirty-five, attend personally at such court unless prevented by sickness or infirmity.

Hearing of applications, &c.
No. 18, 1898, s. 10.

(2) The court may summon and examine on oath such witnesses as they may think necessary, and as nearly as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of justices on summary convictions and orders.

Powers conferred.

(3) *Times for holding and adjournment of licensing courts.*

11. A quarterly licensing court for each licensing district shall be held in the months of January, April, July, and October, in every year, and at least twenty-one clear days' notice in the Gazette, and in some newspaper circulating in such district, shall be given by the clerk of the time and place of holding such court. And such clerk shall, for the like period, cause a notice to the like effect to be exhibited on the outer door of the court-house or building where such court is to be held:

Licensing courts when held.
Ibid. s. 11.
No. 40, 1905, s. 35.

Provided that special meetings for the renewals of licenses and other meetings of licensing courts may be holden, from time to time, for all purposes authorised by this Act. And ten days' notice shall be given of every such special or other meeting unless where the matters to be heard and determined are offences against this Act, by affixing the said notice on the outer door of the court-house or building in which the court is to be held.

Where a licensing magistrate has jurisdiction or authority under this Act to hear and determine or deal with any matter, no notice of the time and place appointed for his sitting shall be necessary.

A quorum of a licensing court may, without notice of their sitting, hear and determine and deal with any matters which may be heard, determined, or dealt with by a licensing magistrate sitting alone.

12. (1) A licensing court may adjourn from time to time to the same or any other court-house or building within the licensing district.

Power to adjourn—majority to decide.
No. 18, 1898, s. 12.

(2) No. 24, 1909, s. 31.

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(2) A licensing court may, in the absence of a quorum, be adjourned by any member of the court present to such time as he thinks fit.

(3) If, at any hearing, there is a difference of opinion among the members of the court, the majority shall decide, and if there is an equality of votes in any case, the matter shall be adjourned to a meeting at which three members are present.

(4) If any applicant for a license, or for the renewal, removal, or transfer of a license under Part III hereof, requires an adjournment, the court may, upon such terms as to costs or otherwise as they think just, adjourn from time to time, but within the period of one month, to the same or any other court-house or building within the district.

PART III.

PUBLICANS' AND OTHER LICENSES AND PROVISIONS RELATING THERETO.

DIVISION 1.—*Exemptions from the provisions of this Part.*

Exemptions from
this Part.
No. 18, 1898, s. 13.
No. 40, 1905, s. 3 and
Schedule.

13. Nothing in this Part shall apply to any person selling, or offering for sale—

(1) wine, cider, or perry in quantities of not less than two gallons of any one kind of such liquor at any one time:

Provided that such wine, cider, or perry is the produce of fruit grown within the State, and is made by the person selling or offering the same for sale, and is not consumed or intended to be consumed on the premises where the same is sold or offered for sale—

(2) any spirituous or distilled perfume sold as perfumery only and not for drinking—

(3) liquor in the Parliamentary Refreshment-room by the permission and under the control of the proper authority—

(4) liquors in any military canteen established under a permit issued under the hand of the Minister (which permit the Minister is hereby authorised to grant)—

(5) colonial wine at such refreshment-rooms or stalls at the railway stations throughout the country as may be sanctioned for that purpose by the Railway Commissioners of New South Wales, and under regulations made by them for that purpose;—

or shall apply to any
(6) duly registered apothecary, chemist, druggist, or other person authorised by law in that behalf, and administering, dispensing, or selling any spirituous or fermented liquors for medicinal purposes only—

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- (7) importer or proprietor selling liquor before the same is taken or landed from the vessel or conveyance in which the same has been imported into the State from parts beyond the State or before entry, or after entry for warehousing, or after the warehousing thereof—
- (8) licensed auctioneer, in the bona fide exercise of his business selling, or offering for sale, by auction, liquor on account of another person.

DIVISION 2.—Publicans' and other licenses and fees therefor.

14. The following descriptions of licenses for the sale of liquor may be granted under this Part, namely:—

- (1) Publicans' licenses, packet licenses, colonial wine licenses, booth or stand licenses. Descriptions of liquor licenses.
No. 18, 1898, s. 14.
No. 40, 1905, s. 3,
and Schedule One.
- (2) Every such license (except booth or stand licenses) shall, subject to the provisions of this Act, be in force for one year from the date on which the same shall have been granted, and no longer. Currency of liquor licenses.

15. All publicans' licenses issued after the commencement of this Act may be in the form of the Second Schedule hereto; and every such license shall authorise the licensee therein named to sell and dispose of liquor, but (subject to the provisions contained in section fifty-seven hereof) only on the premises therein specified, and between six o'clock in the morning and eleven at night. Publicans' licenses.
Second Schedule.
No. 18, 1898, s. 15.

16. Packet licenses may be in the form of the Third Schedule hereto, and in accordance with the classification hereinafter prescribed, and shall authorise the master of the vessel therein named to sell and dispose of liquor to any passenger on board such vessel during any voyage or passage, but not until such vessel has left her berth or moorings, and has proceeded on her voyage or passage; nor shall any such license be available on board of any vessel while plying between places within the harbour of Port Jackson: Packet licenses.
Third Schedule.
Ibid. s. 16.

Provided that nothing in this Act contained shall extend to prevent any allowance of liquor from being served out to the crew of any vessel, by order of the master thereof, whenever such allowance is not forbidden by any Customs or other law in force for the time being.

17. Any sale of liquor made by the master of a vessel who holds a packet license, or by any of the officers or crew of such vessel with such master's privity or consent while such vessel is at any wharf, anchorage, or moorings, or while such vessel is plying between places within any harbour of the State, shall subject the master, officer, or member of the crew selling such liquor to a penalty not exceeding five pounds for the first and not exceeding ten pounds for the second or any subsequent offence. And every sale of liquor on board such vessel under the circumstances aforesaid shall be deemed to be a sale by the master until the contrary is proved. Sales of liquor on board vessels in breach of this Act.
Ibid. s. 17.

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Colonial wine
licenses.
Fourth Schedule.
No. 18, 1898, s. 18.

18. Colonial wine licenses may be in the form of the Fourth Schedule hereto, and shall authorise the licensee, if the occupant of premises within the city of Sydney assessed at an annual value of fifty pounds per annum, or of premises within any borough or municipal district assessed at thirty pounds per annum, or elsewhere of the value or rental of ten pounds per annum, to sell and dispose of on the premises in such license specified, wine, cider, or perry, the produce of fruit grown within any Australasian Colony, in quantities not exceeding two gallons, and not containing a greater proportion than thirty per centum of proof spirits, but only between the hours of seven in the morning and eleven at night.

Qualification on
grant and exercise of
colonial wine license.
Ibid. s. 19.

19. A colonial wine license shall not be granted to any person holding a license for a still under section twenty-one of the Distillation Act, 1897, nor in respect of, or exercised in, any premises situated at a greater distance than one hundred yards from any road. And for the purposes of this section, the word "road" includes any proclaimed street, road, or highway, of which the control and management are vested in the council of a municipality or shire, or in trustees, and any public road made or maintained, wholly or partly, at the public expense.

Booth or stand
license.
Fifth Schedule.
Ibid. s. 20.

20. Booth or stand licenses may be in the form of the Fifth Schedule hereto, and shall authorise the licensee (being also the holder of a publican's license) to sell and dispose of liquor at any race, regatta, cricket, or rifle match, athletic or other sports, encampment, fair, or other lawful place of public amusement, for a period not exceeding seven days, but not to exceed (with any renewal or renewals thereof) a period of twenty-eight days:

Provided that every such license shall be subject to any conditions and provisions imposed by the licensing court or licensing magistrate granting the application.

Fees payable for
licenses under this
Part.

Ibid. s. 21.
No. 40, 1905, s. 22.

21. (1) The following fees shall be paid annually in respect of licenses under this Part, namely :—

(a) For a publican's license—

- (i) ten pounds where the licensed premises are assessed by the licensing court of the district at an annual value of not more than fifty pounds;
- (ii) twenty pounds where such premises are so assessed at an annual value of more than fifty pounds and not more than one hundred pounds;
- (iii) an additional five pounds for every fifty pounds over one hundred pounds of such assessed annual value;
- (iv) maximum license fee in any case of one hundred pounds.

(b) For a packet license—

- (i) Class I—Passenger vessels of or above one thousand tons registered tonnage—fifteen pounds.

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- (ii) Class II—Passenger vessels of less than one thousand and more than two hundred and fifty tons registered tonnage—ten pounds.
 - (iii) Class III—Passenger vessels of less than two hundred and fifty tons registered tonnage—three pounds.
 - (c) For a colonial wine license—three pounds.
- (2) A fee of two pounds shall be paid upon the grant of every booth or stand license, and upon every renewal of any such license.

Reduction of licensing fee.

22. If it appears to a quarterly licensing court that any premises in respect of which a publican's license is in force are actually required for the accommodation of travellers, and that such premises are not accessible by any practicable roadway to any other licensed premises situate within seven miles of such first-mentioned premises, such court may, if it thinks proper, reduce the fee payable for such license to one-half of the prescribed fee, such fee in any case not being less than ten pounds. Such reduction shall take effect on the expiration of the license or the renewal of the same then current.

23. Where the fee payable for a publican's license has, before or after the commencement of this Act, been reduced in pursuance of any Act hereby repealed, or of the last preceding section, and it subsequently appears to a quarterly licensing court that the reasons for such reduction or some of such reasons no longer exist in respect of the premises so licensed, the court may raise such fee to the full amount payable for such license. The fee so raised shall be payable on the expiration of the license or the renewal of the same then current.

DIVISION 3.—Method and conditions of obtaining publican's and other licenses.

(1) Applications for licenses.

24. (1) Every person wishing to obtain a publican's or colonial wine license under this Act shall, at least fourteen days before he applies to the quarterly licensing court of such district, deliver to the clerk of the licensing court for the district within which the premises are situated to which such license is intended to apply, and to the district inspector, a notice in writing signed by such applicant, setting forth the applicant's name, calling, and abode; and shall also affix a like notice on the outer side or front of the principal entrance door of the said premises, there to be kept until the day upon which the said court is holden. Such applicant shall also publish a copy of such notice in a newspaper circulating in such district at least seven days before he so applies. In all cases the notice of application may be in such one of the forms in the

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Sixth Schedule hereto as is applicable, or to the like effect, and shall be delivered in triplicate to the clerk, who shall, immediately after the receipt thereof, post or cause to be posted one of such notices inside, and another outside, on some conspicuous part of the court-house or building in which the court is to be held:

Provided always that, except as hereinafter provided, no such application shall be entertained where such applicant is an unmarried woman (not being a widow).

License may be held by married woman who has obtained a protection order.

(2) A married woman who has, before or after the passing of this Act, obtained a protection order under the Deserted Wives and Children Act, 1901, may obtain, by grant or transfer, a publican's or colonial wine license under this Act, and any renewal of the same:

Provided that no license shall be granted or transferred under this section if the married woman has since the making of the protection order cohabited or resided with her husband:

Provided also that if the married woman after the grant or transfer to her of the license cohabits or resides with her husband, the license shall, if not transferred within three months after such cohabitation or residence, lapse at the expiration of the said three months.

License may be held by married woman who has obtained a decree of judicial separation.

No. 18, 1898, s. 23.

(3) A married woman who has, before or after the passing of this Act, obtained a decree of judicial separation, may obtain by grant or transfer a publican's or colonial wine license under this Act, and any renewal of the same:

Provided that no license shall be granted or transferred under this section if the married woman has since the decree cohabited with or not lived separate from her husband:

Provided also that if the married woman after the grant or transfer to her of the license cohabits or lives with her husband, the license shall, if not transferred within three months after such cohabitation or living together, lapse at the expiration of the said three months.

License may be held by woman who has obtained dissolution of her marriage or whose husband is insane.

Ibid.

No. 40, 1905, s. 36.

(4) A woman who has, before or after the passing of this Act, obtained a decree absolute dissolving her marriage may, if she is unmarried, or a married woman whose husband has before or after the passing of this Act, become, and is at the time of the transfer, grant, or renewal hereinafter mentioned, an insane patient within the meaning of the Lunacy Act of 1898 and the Acts amending the same, may obtain by grant or transfer a publican's or colonial wine license under this Act and any renewal of the same: Provided that nothing in this section shall affect the provisions of section one hundred and eighteen of this Act.

Minimum standard of accommodation for licensed house.

No. 18, 1898, s. 24.

25. Before a publican's license is granted for any house, and during the continuance of such license, such house shall contain, in addition to and exclusive of such reasonable accommodation for the family of the licensed publican as the court thinks requisite, at least two moderate sized sitting-rooms and four sleeping-rooms constantly ready

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ready and fit for public accommodation: Provided that each such room in every house (except any house which was licensed on the nineteenth day of December, one thousand eight hundred and eighty-one), shall contain not less than twelve hundred cubic feet of air space, and not be less than nine feet in height. And during the continuance of such license every such house shall be provided with at least two decent places of convenience on or near the premises for the use of the customers thereof, so as to prevent nuisances and offences against decency, and with stabling sufficient for four horses at least, and with a sufficient supply of wholesome and usual provender for the same:

Provided that the court may, if they think proper, by indorsement in writing upon any certificate granted under this Act, dispense with the said stabling accommodation, or such part thereof as they may think fit, where the house is situated within the boundaries of the city of Sydney, or of any municipality.

26. Notwithstanding anything in the next preceding section where an application for a grant, renewal, or transfer of a publican's license is made in respect of a house situate ten miles or more, by the nearest practicable highway, from the nearest licensed public-house, and the licensing court or magistrate is satisfied that such house contains ready and fit for public accommodation (in addition to the accommodation mentioned in the said section for the licensee's family) four good and substantial sleeping-rooms—each having not less than six hundred cubic feet of air space—and one good and substantial sitting-room having not less than twelve hundred cubic feet of air space—the applicant shall, subject to all other provisions of this Act, be entitled to such grant, renewal, or transfer, as the case may be.

Minimum accommodation for public-houses in certain cases.
No. 18, 1898, s. 25.

27. Any person desirous of obtaining a new publican's license for premises proposed to be erected, or for premises already erected but requiring additions or alterations to make them suitable to be licensed under this Act, may, before building such new premises or making such additions or alterations to premises already erected, make a conditional application to the court, and in such case shall furnish the court with a properly drawn plan showing the precise locality, the number and size of the rooms, and all other information necessary to enable the court to form a correct estimate of the utility of such proposed premises when completed. And, subject to the other provisions of this Act in respect to applications for new licenses and objections thereto, the court may grant such conditional application, and after recording the same in the book of proceedings of the court, may furnish a copy of such record to the applicant; and the granting of such conditional application shall remain in force until the completion of such premises, provided such completion is effected within twelve months, or such further period not exceeding six months as the court may allow, from the date of such record; and the plans so furnished shall be initialled by the chairman

Conditional license may be granted.
Ibid. s. 26.
No. 40, 1905, s. 37.

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and deposited with the clerk of the court; and on the completion of such premises the district inspector shall, after examination thereof, certify whether (or not) they are completed in accordance with the plans so furnished; and if the inspector certifies in the affirmative a certificate for a publican's license shall be issued by the court at its next sitting, unless the court is then satisfied that the character of the applicant is objectionable:

Provided that nothing herein shall affect the provisions of Part IV of this Act.

Applications for
packet and booth or
stand licenses.
No. 18, 1898, s. 27.

28. Every application for a packet license, if in respect of a vessel plying to or from Port Jackson, shall be made to the metropolitan licensing court, and if in respect of a vessel not so plying, shall be made to a court holden within the licensing district within which her usual port or place of departure or arrival is situated. Applications for packet licenses, or for booth or stand licenses, may be heard and determined by a licensing magistrate as well as by a licensing court, and need not be preceded by any notices.

(2) Objections to the granting, &c., of licenses.

Objections to
liquor licenses.
Ibid. s. 30.

29. Objections to the granting of any license under this Part may be made, either personally or by petition, to a licensing court or licensing magistrate (as the case may be) by—

- (i) any three or more residents of the licensing district within which the premises are situated, or by the owner of such premises;
- (ii) any district inspector or member of the police force in charge of the district or place in which the premises are situated, or any person authorised by any such inspector.

And any one or more of the following objections may be taken to the granting of any such license—

- (a) that the applicant is a person of drunken or dissolute habits or otherwise of bad repute;
- (b) that his license has within the twelve months preceding the date of application been cancelled;
- (c) that the applicant has been convicted of selling liquor without a license, or of selling adulterated liquor, within a like period as aforesaid from date of application;
- (d) that the premises have not the minimum standard of accommodation prescribed by this Act for such premises;
- (e) that the reasonable requirements of the neighbourhood do not justify the granting of such license;
- (f) that the premises are in the immediate vicinity of a place of public worship, hospital, or public school;
- (g) that the quiet and good order of the neighbourhood in which such premises are situate will be disturbed if a license be granted:

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And the objections which may be taken to the renewal, transfer, or removal of any such license may, subject to the provisions of the next succeeding section, be any of the grounds of objection hereinbefore specified which the said court or magistrate may consider applicable:

Provided always that, upon any application whether for the grant, renewal, removal, or transfer of a license, any objection whatsoever (not being a frivolous or vexatious objection) may be taken which appears to the licensing court or magistrate to be sufficient. Any such applicant, upon objections being raised at the hearing of which previous notice as prescribed has not been given to him, shall be entitled to an adjournment thereof.

In this section the word "premises" means the building or premises for or with reference to which the particular application is made.

30. (1) The ground of objection provided for by subsection (d) of the next preceding section of this Act shall not be entertained as a ground of objection to the renewal of any publican's license granted under the provisions of the twenty-sixth section of this Act, so long as the accommodation contained in the premises covered by such license is maintained up to the standard provided for in the said last-mentioned section.

Qualification of next preceding section. No. 18, 1898, s. 31.

(2) The matter specified in subsection (e) of the next preceding section shall not be a ground of objection to the renewal of any license referred to in the said section.

(3) Issuing of certificates and licenses and costs of application.

31. If the court decides to grant an application it shall issue to the applicant a certificate in such one of the forms in the Seventh Schedule hereto as is applicable or to the like effect, and shall cause lists of such certificates, under the seal of the said court, specifying the situation, and sign or name of each house, and the street, road, or place where it is situated, to be transmitted to the Colonial Treasurer.

Certificate to issue to licensee and list of certificates to be transmitted to Colonial Treasurer. Seventh Schedule. Ibid. s. 32.

32. Every certificate granted under this Act shall be void unless the sum (if any) required to be paid to the Colonial Treasurer or officer authorised to receive license fees under this Act for the license or other privilege thereby authorised is so paid within three months after the granting of such certificate. And such Treasurer or officer shall, forthwith after the receipt of any such certificate, and payment of the sum prescribed by this Act, issue the license or other privilege authorised by such certificate.

Certificate to be void for non-payment of license fee. Ibid. s. 33. No. 40, 1905, s. 38.

33. If the court refuses to grant any application, it may order payment of a sum to meet the reasonable costs and expenses of the opposing party to be made to such party by the unsuccessful applicant. And if the opposition to any application appears frivolous or malicious, the court may order payment of a sum to meet the reasonable costs and expenses of the successful applicant to be made to him by the opposing party.

Costs of application. No. 18, 1898, s. 34.

*Liquor.***DIVISION 4.—Renewed applications—renewal, transfer, and removal of licenses—temporary licenses.**

Renewal of applications.
No. 18, 1898, s. 36.

34. The refusal of an application for a license under this Part, or for the renewal, transfer, or removal of any such license shall not prevent a like application being subsequently made in respect of the same premises or subject-matter. But if an application for such license, or for a renewal thereof, is refused after a previous refusal of a like application, and in respect of the same premises, within the period of three years from the date of such first application, then no such license or renewal in respect of such premises shall be granted until after the expiration of three years from the last refusal. Upon the refusal of an application the court shall, at the time of such refusal, state the reasons therefor.

Renewal of license on production thereof and payment of annual fee.
Ibid. s. 37.

35. (1) Every licensee under this Part (other than for a booth or stand) shall, subject to objection as hereinbefore provided, be entitled to obtain a certificate authorising the renewal of his license, on producing such license, subject always to the payment to the proper officer of the annual fee payable in respect of such license:

Provided always that such license has not been allowed to expire, or has not been forfeited or cancelled or become void.

(2) But the court may refuse to grant a certificate of renewal of any license if it is proved that such license is liable to be forfeited or cancelled under any of the provisions of this Act.

(3) No licensee applying for a renewal need attend in person before the court unless a notice of an intention to oppose such renewal has been served upon him at least three days before the holding thereof; but the court may, nevertheless, on an objection being made, adjourn the granting of any renewal to a future day, and require the attendance of the licensee on such day, when the case shall be heard and the objection considered as if the notice hereinbefore prescribed had been given.

(4) The provisions hereinbefore contained as to hearing of applications, objections, costs, giving of notices, and rehearing shall, subject to the provisions of the next succeeding section, apply to applications for renewals as if such provisions were here re-enacted, but with such alterations (if any) as the circumstances of the case may require in the opinion of the court.

Notice of application for renewal to be given to inspector.
Ibid. s. 38.

36. (1) Notwithstanding anything to the contrary contained in the next preceding section, it shall not be necessary that any licensee applying for a certificate authorising the renewal of his license (other than a booth or stand license) shall give any notice of his intention so to apply except to the inspector for the district appointed under this Act; and such notice shall be delivered to the said inspector ten days prior to the holding of the licensing court at which the application is to be heard.

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37. (1) A licensing magistrate may, on application in writing by the intended transferor and transferee, transfer at any time the license of any licensee (other than a booth or stand license) to such transferee if approved of by him, by an indorsement upon the license in the form in the Eighth Schedule hereto or to the like effect. Transfer of licenses. No. 18, 1898, s. 39. Eighth Schedule.

(2) Where a licensee has been legally evicted from any licensed premises, such magistrate may, notwithstanding the non-production of the license therefor, grant, on the application in writing of the owner of the premises and the proposed transferee, a special certificate of transfer of such license to such transferee.

(3) For every such indorsement or special certificate a fee of two pounds shall be paid.

(4) Every transferee shall, until the end of the year for which the license has been granted, possess all the rights of the original licensee, and shall be liable to the same duties, obligations, and penalties as if such license had been originally granted to him.

38. If, during the currency of any license under this Part, or on its expiration by forfeiture, cancellation, or otherwise, any owner of licensed premises comes into legal possession of such premises to the exclusion of the licensee, a licensing magistrate may grant a certificate under the thirty-first section, or a special certificate of transfer under and subject to the provisions of the thirty-seventh section, in like manner as if the licensee had been legally evicted from such premises. Special certificate of transfer of license in certain cases. Ibid. s. 40.

For the purposes of this section "owner" means the person for the time being entitled to receive the rent or profits of the licensed premises.

39. (1) No removal of a publican's license from one licensing district to another shall be lawful; but if any holder of a publican's license desires to remove his license from his licensed premises to any other premises in the same licensing district, he shall give notice, in the form in the Ninth Schedule hereto, or as nearly in accordance therewith as possible, of his intended application in the same manner as notice is required to be given of an application for a license. Removal of license of licensed publican. Ibid. s. 41. Ninth Schedule.

(2) A copy of the notice shall be personally served by the applicant upon, or sent by registered letter to, the owner of the premises from which the license is to be removed.

(3) The same objections may, so far as applicable, be made to the removal of a license as to the grant of a license.

(4) The licensing court shall not make an order of removal unless satisfied that no valid objection to such removal is made by the owner of the premises to which the license is attached.

(5) If the application is granted an indorsement may be made upon the license in the form in the Tenth Schedule hereto, and the license Tenth Schedule.

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so indorsed shall have the same effect as if it had been originally granted in respect of the premises specified in such indorsement, but as to the original premises the said license shall be deemed to be cancelled.

Temporary license may be granted in certain cases.
No. 18, 1898, s. 42.
No. 40, 1905, s. 39.

40. (1) If the premises of any licensed publican are, by fire, tempest, or other calamity, or by dilapidation, or by reason that such premises are being repaired or rebuilt, rendered unfit for the carrying on of his business, any licensing magistrate, upon the application by or on behalf of such licensed publican may, if he sees fit so to do, by order under his hand, authorise such licensed publican temporarily to carry on his business in some neighbouring premises (although not having the accommodation required by this Act) for any period not exceeding twelve months.

Permission to make alterations.

(2) Any owner or licensed publican desirous of making any material alterations or additions to his licensed premises, shall apply to the court for permission to do so, and shall furnish the court with a properly drawn plan, showing such alterations and additions proposed to be made; and if any such owner or licensee makes any material alterations or additions to his licensed premises without the permission of the court, the license shall be liable to cancellation.

DIVISION 5.—Rights, duties, and liabilities of licensees and other persons.

No person to hold more than one license.
No. 18, 1898, s. 43.

41. If any person at any one time holds a beneficial interest, whether in the name of himself or any one else, in more than one license for the sale of liquor under this Part, he shall be liable, for every day during which he holds such interest, to a penalty not exceeding five pounds. But this section shall not apply to holders of booth or stand licenses.

When lamps to be kept lit.
Ibid. s. 44.

42. (1) Every holder of a publican's license shall keep a lamp to be lit with gas, where practicable, and to have an illuminating power equal to two ordinary candles at least when lit with gas or oil, and to be fixed over the door and outside the wall or building-line of the licensed premises or within twenty feet thereof.

(2) If the licensed premises of such holder are situate within the boundaries of the city of Sydney, or of any borough or municipal district, such holder shall keep his lamp burning every night from sunset to the hour of closing his premises; but if such premises are situated outside the boundaries of the said city and of any borough or municipal district, such holder shall keep his lamp burning every night from sunset to sunrise.

(3) Every such holder failing to comply with the requirements of this section shall, for every such failure, be liable to a penalty not exceeding forty shillings.

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43. (1) Every person who sells any liquor without holding a license authorising the sale thereof shall (unless he is the agent or servant of the holder of such license), for the first offence, be liable to a penalty of not less than thirty nor more than fifty pounds, and for any subsequent offence such person shall forfeit the sum of one hundred pounds, and, if the licensing court or convicting justices think fit, shall be imprisoned, with or without hard labour, for any term not exceeding six nor less than three months.

a Penalty on sale of liquor by unlicensed persons. No. 18, 1898, s. 45.

(2) Upon any conviction under this section the offender shall forfeit all liquor in his possession, with the vessels containing the same, to the use of His Majesty.

(3) In the case of a second or subsequent offence the offender shall be declared, after conviction by such court or justices, to be and shall thereupon be disqualified from holding a license of any description for the sale of liquor for a period of twelve calendar months from the date of such conviction.

Improper use of licensed premises.

44. If any holder of a license under this Part suffers any gaming for stakes or any unlawful game whatsoever to be carried on on his licensed premises; or if such holder or any servant or person in charge of such premises connives at the playing of any such game therein, or in the appurtenances thereof; or if any such holder opens, keeps, or uses, or suffers his premises to be opened, kept, or used in contravention of the Games, Wages and Betting-houses Act, 1902, every such person so offending shall be liable to a penalty not exceeding, for the first offence, ten pounds, and not exceeding, for the second or any subsequent offence, twenty pounds.

Gaming prohibited in licensed premises. *Ibid.* s. 46.

45. (1) Any person who uses or engages, for the purposes of prostitution, any portion of any licensed premises, may be forthwith ejected from such premises by the licensee or the person for the time being the manager or in charge of the said licensed premises, and shall, on conviction of having so used or engaged such portion of any such premises, be liable to a penalty not exceeding ten pounds.

Licensed premises being used for purposes of prostitution. *Ibid.* s. 47.

(2) If any licensee permits his licensed premises, or any portion thereof, to be used for purposes of prostitution, he shall be liable to a penalty not exceeding ten pounds.

Penalty for permitting premises to be used for prostitution. No. 40, 1905, s. 14.

46. If any licensee permits drunkenness or any indecent, violent, quarrelsome, or riotous conduct to take place on his licensed premises, he shall be liable for the first offence to a penalty not exceeding five pounds and for the second or any subsequent offence to a penalty not exceeding twenty pounds.

Permitting drunkenness or riotous conduct on premises. *Ibid.* s. 12.

Where any licensee is charged with permitting drunkenness on his licensed premises, and it is proved that any person was drunk on his premises, it shall lie on the licensee to prove that he and the persons employed by him took all reasonable steps to prevent drunkenness on the premises.

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Music or dancing not to be permitted.
No. 18, 1898, s. 49.

47. It shall not be lawful for any licensed publican or holder of a colonial wine license to permit music or dancing in any room or part of his licensed house, or in or upon any part of the premises or grounds belonging thereto open to public resort. And every person offending against this enactment shall be liable to a penalty not exceeding twenty pounds, and on a second conviction shall be liable to a like penalty and to the forfeiture of his license:

Proviso as to race, agricultural, and other balls.

Provided that nothing in this section shall apply to any rooms in or appurtenant to any licensed premises while used for the purpose of holding therein any race, or agricultural or cattle show, ball, or entertainment, or while used for the purpose of holding any assembly-ball, or other ball or concert, for the holding of which a permit has been granted by a licensing magistrate or court.

Permits for musical entertainments, &c.
Ibid. s. 50.

48. A permit may be granted by the licensing court or by a licensing magistrate to the holder of a publican's or colonial wine license authorising the holder thereof, for the period named in such permit, to supply with liquors authorised by their licenses respectively on the days and during the hours allowed by law, any persons being bona fide members, or invited guests of members, of any amateur musical or dramatic society or club, present at any concert or entertainment given by such society or club, and held in any room attached to the licensed premises of such holder although not part of such licensed premises.

The supplying of liquor.

Unlawful supply of liquor by licensee.
No. 40, 1905, s. 8.

49. (1) Any licensee who on his licensed premises gives, sells, or supplies, or allows to be given, sold, or supplied, except in case of sickness or accident, any liquor to—

- (a) any person under the age of eighteen years;
- (b) any aboriginal native of Australia; or
- (c) any person belonging to any of the coloured races of the South Pacific Islands;

shall be liable to a penalty not exceeding ten pounds.

Unlawful supply by other persons.

(2) Any person, other than the licensee, who on any licensed premises supplies, except in case of sickness or accident, any liquor to—

- (a) any person under the age of eighteen years;
- (b) any aboriginal native of Australia;
- (c) any person belonging to any of the coloured races of the South Pacific Islands;

(d) any person then in a state of intoxication;

(e) any prohibited person; or

(f) any person who is not lawfully entitled to be supplied with liquor;

shall be liable to a penalty not exceeding ten pounds.

(3) In any prosecution for an offence under the two last preceding subsections alleged to have been committed in relation to a person under the age of eighteen years, it shall be a sufficient defence if the accused proves that such person was apparently above such age.

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(4) For the purposes of this section, the expression "aboriginal native of Australia" means any full-blooded aboriginal native of Australia, and any person apparently having an admixture of aboriginal blood who—

(a) is in receipt of rations or other aid from the Aborigines Board; or
 (b) is residing on a reserve granted for the use of aboriginal natives of Australia.

Definition of "aboriginal native of Australia."

50. Any person who sends a person under the age of fourteen years to licensed premises for the purpose of obtaining any liquor shall be liable to a penalty not exceeding forty shillings.

Sending person under age of fourteen for liquor.

No. 40, 1907, s. 9.

51. If any person under the age of seventeen years is for any purpose in the bar of any licensed premises the licensee of such premises shall forthwith remove or cause to be removed such person from the bar.

Person under seventeen not allowed in bar.

Ibid. s. 10.

Any licensee who fails to comply with the provisions of this section shall be liable to a penalty not exceeding two pounds.

52. If any licensee allows any female under the age of twenty-one years, other than his wife or daughter, to sell, supply, or serve liquor in any bar in his licensed premises, he shall be liable for every such offence to a penalty not exceeding five pounds.

Barmaids under age of twenty-one.

Ibid. s. 13.

53. If the holder of any license for the sale of liquor supplies liquor to any person who is at the time in a state of intoxication, he shall, for the first offence, be liable to a penalty of not less than two nor more than five pounds, and for any subsequent offence to a penalty of not less than ten nor more than twenty pounds, and in the latter case to the forfeiture of his license.

Penalty for supplying drink to intoxicated persons.

No. 13, 1898, s. 51.

54. Upon proof being given to the satisfaction of any licensing court or justices in petty sessions, that any person, by the excessive drinking of liquor, has so wasted his means, or is likely to impoverish himself to such a degree as to expose himself or his family to want, or seriously impair his health, such court or justices shall, by writing under the hand of the chairman, or of any two of such justices, forbid all licensed publicans and also all other persons licensed or authorised to sell liquor to sell to or supply such inebriate with any liquor for the space of one year. Such court or justices or any two of them may, in like manner from year to year, renew any such prohibition in respect to any such persons as have not in their opinion reformed within the preceding year. And if any holder of a license under this Part, during any such prohibition, after service of a copy thereof upon him, or with a knowledge thereof in any other manner acquired, sells to any such inebriate any liquor, such holder shall be liable upon conviction for every such offence to a penalty not exceeding ten pounds.

Supply of liquors to inebriates may be prohibited.

Ibid. s. 52.

55. Whenever such court or justices have, in execution of the foregoing powers, prohibited the sale of liquor to any inebriate, if any other person, with a knowledge of such prohibition, gives, sells, purchases, or procures for or on behalf of such inebriate or for his use any such liquor, such person shall upon conviction for every such offence be liable to a penalty not exceeding five pounds.

Further penalty.

Ibid. s. 53.

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Prohibited person
not allowed on
licensed premises.
No. 40, 1905, s. 11.

56. If any person against whom a prohibition order under section fifty-four of this Act, or under any Act hereby repealed, is in force, enters or is found in the bar of any licensed premises, except for some lawful purpose, he shall be liable to a penalty not exceeding five pounds.

Any licensee of such premises who knowingly permits such person to be or remain in such bar shall be liable to a penalty not exceeding ten pounds.

Times of selling.

Times when
premises may not be
open for sale of
liquor.

Ibid. s. 16.

57. (1) No licensee shall keep his licensed premises open for the sale of liquor, or shall sell any liquor, or permit the same to be consumed, on the said premises—

- (a) upon any Sunday;
- (b) upon any Good Friday or Christmas Day, except for the sale between the hours of seven and nine in the morning, and of one and three in the afternoon, and of eight and ten at night, of liquor not to be consumed on the premises;
- (c) upon any day upon which any election of Members of the Senate or of the House of Representatives of the Parliament of the Commonwealth or of the Legislative Assembly of New South Wales is being held, during the hours when votes may be recorded at such election:

Provided that in the case of a by-election this paragraph shall apply only to licensed premises situate within the electorate in respect of which such by-election is being held.

- (d) upon any other day except between the hours of six in the morning and eleven at night:

(2) Provided that nothing in this section shall relate to—

- (a) the sale or consumption of liquor to or by any bona-fide lodger, servant, or inmate, if the liquor is not drunk at the public bar of the licensee's premises; or
- (b) the sale or consumption of liquor to or by any bona-fide traveller at such bar or elsewhere on such premises.

Proviso relating to
lodgers, &c., and
travellers.

Penalty.

(3) Every licensee who offends against the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

Separate offences.

(4) Every separate sale in contravention of the provisions of this section shall be a separate offence.

Persons found
drinking liquor on
premises during
prohibited time.

Ibid. s. 17.

58. (1) Every person, not being a bona-fide lodger, servant, inmate, or traveller found drinking liquor in any licensed premises at any time when such premises should not be open for the sale of liquor, shall for every such offence be liable to a penalty not exceeding two pounds.

Person on premises
during prohibited
time.

(2) Every person found on any such premises at any time when such premises should not be open for the sale of liquor, shall, unless he satisfies the court that he was at the time when he was so found a
bona-

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bona-fide lodger, servant, inmate, or traveller, or that his presence on such premises at such time was not in contravention of the provisions of this Act, be liable to a penalty not exceeding two pounds.

59. (1) In any prosecution for an offence against either of the two last preceding sections, any liquid shall be deemed to be liquor unless the contrary be proved. Proof in prosecution under two last sections.

No. 40, 1905, s. 18.

(2) In the construction of such sections a bona-fide traveller shall have the meaning defined in the next succeeding section.

60. If in any proceedings against the holder of a license for infringing the provisions of the fifty-seventh section of this Act such holder (hereinafter referred to as the defendant) fails to prove that the person to whom the liquor was sold or supplied (hereinafter referred to as the purchaser) was a bona-fide traveller, but the court hearing the case is satisfied that the defendant believed that the purchaser was a bona-fide traveller, the court shall dismiss the case as against the defendant; and if such court thinks that the purchaser falsely represented himself to be a bona-fide traveller, the court shall direct proceedings to be instituted against such purchaser under the sixty-sixth section of this Act. And no person shall, for the purposes of this or the fifty-seventh section, be deemed to be a bona-fide traveller unless the place where he lodged during the preceding night is (if in the county of Cumberland) at least twenty miles, and if (in any other part of the State) at least ten miles, distant from the place where he demands to be or is supplied with liquor—such distance to be calculated by the shortest practicable route along or over any public highway or thoroughfare, or by or across any arm of the sea, inlet, river, or creek between the place of lodging and of supply. As to bona-fide travellers. No. 13, 1898, s. 64. No. 40, 1905, s. 16 (5).

61. No holder of a publican's license shall be compelled to supply liquor to any person representing himself to be a traveller within the meaning of the fifty-seventh section of this Act, and requiring to be supplied with liquor at any time during which the general sale of liquor is prohibited by law; but if such holder elects to supply liquor, then the person requiring the same shall, on demand by such holder, give his true name and address and place of lodging during the preceding night. And if any person so requiring to be supplied with liquor does not on such demand give his true name and address and place of lodging during the preceding night, or gives a false or fictitious name or address and place of lodging during the preceding night, such person shall be liable to a penalty not exceeding five pounds. Evasion of exemption in favour of travellers. No. 18, 1898, s. 65. No. 40, 1905, s. 16 (5).

62. In any proceedings under the fifty-seventh section of this Act against the holder of a license for selling or permitting the sale of liquor, or the drinking or consumption of liquor on his premises, it shall be no defence to prove that such holder himself took, or carried, or employed, or suffered any other person to take or carry, such liquor out of or from such premises for the purpose of being sold for such holder's benefit or profit. Evasion of law as to sale &c., of liquor on premises. Ibid, s. 66.

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profit, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever, in the occupation of such holder, or in any public place or public thoroughfare; but in all such cases such liquor shall be deemed to have been drunk or consumed by the purchasers thereof on the licensed premises of such holder and with his privity and consent.

Powers of police with respect to persons on licensed premises at prohibited times.
No. 40, 1905, s. 19.

63. (1) Any member of the police force appointed in that behalf, or any member of the police force of or above the rank of senior constable, may demand from any person found on any licensed premises at any time when such premises should not be open for the sale of liquor the name and address of such person, and if he has reasonable ground to suppose that the name or address so given is false, may require such person to produce evidence of the correctness of the name or address given by such person.

(2) If any such person, on demand being made as aforesaid, refuses or neglects to give such name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, such member of the police force may without any warrant apprehend such person forthwith, and shall bring him before some justices as soon as practicable to be dealt with according to law.

(3) Every such person who, on demand being made as aforesaid, refuses or neglects to give his name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, or gives a false name or address, or produces false evidence with respect to such name or address, shall be liable for every such offence to a penalty not exceeding two pounds.

(4) Every licensee upon whose licensed premises any person is so found shall, unless he proves to the satisfaction of the court or justices that such person was on such premises for a lawful purpose, be liable to a penalty not exceeding five pounds.

Bars.

Only one bar, except by permission of court.

Ibid. s. 21.

64. (1) No licensee shall sell or supply liquor in more than one bar-room in or upon his licensed premises, unless he has obtained the permission of the court so to do.

For the purposes of this section, a room divided into compartments by wooden partitions, approved by the licensing court, shall be one room if there are doors in the partition giving at all times direct access from one such compartment to another.

Application.

(2) Every applicant for such permission shall, with the notice of his application, deposit with the clerk of the court the fee hereinafter mentioned, and deliver a plan showing the position of the proposed additional bar-room.

Fee.

(3) A fee of twenty pounds shall be paid annually in respect of every additional bar-room for which such permission is granted, in addition to the fee payable for a new license or renewal. (4)

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(4) No such additional bar-room shall be deemed to form any part of the accommodation required by section twenty-five or section twenty-six of this Act. Additional bar not part of accommodation.

(5) No licensee shall let or sublet any bar or the right to sell liquor on his licensed premises. Subletting bar.

Sanitary provisions.

65. (1) Every licensee shall—

- (a) cause his licensed premises to be furnished with proper sanitary appliances sufficient for any lodgers or inmates of the premises; Duties of licensee as to sanitary matters. No. 40, 1905, s. 15.
- (b) maintain such appliances and any room or place in which they are in a good sanitary condition;
- (c) keep his licensed premises free from offensive or unwholesome matters.

(2) Any licensee who fails to carry out the provisions of this section shall be liable to a penalty not exceeding ten pounds. Penalty.

Miscellaneous provisions.

66. (1) No holder of a publican's license shall, if there is accommodation in his house, refuse to receive any bona-fide traveller as a guest into his house, or to supply him with food or lodging, or to receive his horse or horses, or to provide any such horse with sufficient provender, whether the owner lodges in his house or not, unless such traveller is intoxicated or a known disreputable person. And every such holder offending against this enactment shall, for each such offence, be liable to a penalty not exceeding five pounds. Penalty on refusal to receive travellers. No. 18, 1898, s. 67. No. 40, 1905, s. 16 (5).

(2) For the purposes of this and the first subsection of the sixty-ninth section hereof, no person shall be deemed a bona-fide traveller unless he resides at least five miles from the licensed premises where he is supplied with liquor, or requires to be received as a guest, or to be supplied with food or other accommodation, and has travelled at least five miles on the day when he is so supplied or requires to be supplied or received as aforesaid.

(3) Any person who by falsely representing himself to be a traveller or lodger within the meaning of this or the fifty-seventh section buys or obtains, or attempts to buy or obtain, at any such premises any liquor on any prohibited day or hour of the day shall be liable to a penalty of not less than five pounds and not exceeding ten pounds.

67. Every holder of a license under this Part shall measure all liquors (except where such liquors are sold in quantities of less than half a pint) in vessels sized to full Imperial measure according to the standard by law established in this State; and shall, if required by any purchaser, deliver the same in a vessel sized according to such standard; and every such holder offending against this section shall for every such offence be liable to a penalty not exceeding five pounds. Liquors to be sold by Imperial measure. No. 18, 1898, s. 54.

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Immunity from
distress for rent, &c.,
of strangers'
property.
No. 18, 1898, s. 55.

68. Every house in respect of which a publican's license has been granted shall be held in law to be a common inn. And no goods or chattels whatsoever, being the bona-fide property of any lodger or traveller putting up thereat which are in such house or its appurtenances, or any place ordinarily used or occupied therewith, shall be liable to be distrained or seized for rent due in respect of such house or appurtenances, or in respect of any other claims whatsoever against the same, or the owner or occupier thereof. And if any such goods or chattels are distrained or seized, any police or licensing magistrate, or any two justices in petty sessions, may summarily inquire into such matter upon the complaint of any person aggrieved by such distress or seizure, and may order any such goods or chattels so distrained or seized to be restored to their owner, and may award and enforce payment of reasonable costs of the proceedings against the person distraining or seizing such goods or chattels.

No action for price
of less than two
gallons of liquor.
Ibid. s. 56.

69. (1) No licensee under this Part shall maintain any action for, or recover in any court, any debt or demand for any liquor sold or disposed of in any less quantity, at one and the same time, than two gallons of one and the same liquor, unless such liquor has been lawfully sold or supplied by such licensee to bona-fide lodgers or travellers:

Penalty on persons
refusing to pay for
liquor, meals, or
accommodation.
No. 18, 1898, s. 56.
No. 40, 1905, s. 20.

Provided always that any person who at the time of being supplied with liquor or if supplied with meals or accommodation at licensed premises, on demand of payment made by such licensee or by his servant or agent, refuses to pay a reasonable sum therefor shall be deemed a rogue and vagabond, and shall be liable to be dealt with as such under the Vagrancy Act, 1902.

Tippling Act.
24 Geo. II, c. 40,
s. 12.
Aarons v Rees,
15 W. N. 88.
Ex parte McKenzie,
26 W. N. 151.

(2) No person shall maintain any action or suit for or recover either in law or equity any sum of money, debt, or demands whatsoever for or on account of any spirituous liquors, unless such debt shall have really been and bona fide contracted at one time to the amount of twenty shillings and upward, nor shall any particular article or item in any account or demand for distilled spirituous liquors be allowed or maintained where the liquors delivered at one time and mentioned in such article or item shall not amount to the full value of twenty shillings at the least, and that without fraud or covin, and where no part of the liquors so sold or delivered shall have been returned or agreed to be returned directly or indirectly.

Forfeiture of licenses
in certain cases.
No. 18, 1898, s. 57.

70. If any licensed publican—

- (1) permits any person to manage, superintend, or conduct the sale of liquor at his licensed premises during his absence therefrom, for a longer continuous period than six weeks in any one year, without the previous consent in writing of a licensing magistrate; or
- (2) whether present in such premises or not, permits any unlicensed person to act as or be in effect the keeper thereof; or
- (3) fails to maintain such premises and the accommodation thereof at the standard required by this Act; or
- (4)

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(4) allows such premises to become ruinous or dilapidated otherwise than by fire, flood, or other uncontrollable cause; or

(5) abandons such premises as his usual place of residence,—
his license shall be liable to cancellation.

71. Every holder of any license under this Part who employs any unlicensed person to sell by retail any liquor in any premises, vehicle, vessel, or boat, or in any place whatsoever not being within premises, or in the place in which such holder is authorised to sell liquor by his license, or in such last-mentioned premises or place otherwise than as the servant or agent of and for the use and benefit of such holder, shall for every such offence be liable to a penalty not exceeding twenty pounds.

Allowing unlicensed person to sell, &c. No. 18, 1898, s. 58.

72. Nothing in this Act contained shall affect the provisions of the Innkeepers' Liability Act, 1902, in respect of the liability of innkeepers and the prevention of frauds upon them, but the provisions of the said cited Act shall apply to the holder of every publican's license under this Act.

Innkeepers' liability, saving of. *Ibid.* s. 59.

73. If any guest or lodger leaves any licensed premises without first paying a reasonable sum for his accommodation, the licensee of such licensed premises may, with the consent of a licensing magistrate, and upon such magistrate being satisfied by affidavit or statutory declaration of the amount of debt, after the expiration of three months from the date of such guest or lodger absconding (having first given fourteen days' notice by an advertisement in some newspaper circulating in the police district within which such licensed premises are situated), proceed to sell by public auction all goods, chattels, and effects which have been left in the custody of such licensee by such guest or lodger; and any excess that is realised over and above the amount of such indebtedness and expenses shall be paid over to the Consolidated Revenue Fund in trust for such person or persons as may thereafter be proved to the satisfaction of the Colonial Treasurer to be entitled thereto.

Licensee may sell absconder's goods. *Ibid.* s. 60.

74. Every person not holding a license under this Part on whose premises any sign, writing, painting, or other mark is exhibited which may imply, or give reasonable cause for believing, that such premises are licensed for the sale of liquor, or that liquors are sold or supplied therein, shall for every such offence be liable to a penalty not exceeding ten nor less than two pounds.

Sign on unlicensed house. *Ibid.* s. 61.

75. Any police or stipendiary magistrate or two justices may, if any riot or tumult arises or is apprehended in the neighbourhood of any licensed premises, order that all holders of publican's licenses shall close their premises during any time ordered by such magistrate or justices. And any such holder who keeps his house open during any such time shall be liable to a penalty not exceeding ten pounds.

In case of riot licensed house may be closed. *Ibid.* s. 62.

76. Every holder of a license under this Part who takes or receives from any person, in payment or in pledge for any liquors or entertainment supplied in or out of his house or premises, any article or thing

Penalty on taking goods in pledge or as payment for liquor. *Ibid.* s. 63.

whatsoever *Ibid.* s. 63.

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whatsoever except current coin, bank-notes, or a cheque, promissory-note, or order for money, shall, for every such offence, be liable to a penalty not exceeding ten pounds.

Paying wages in public-houses prohibited.
No. 18, 1898, s. 69.

77. If any master or other person employing workmen, servants, or labourers, pays or causes any payment to be made to any such workman, servant, or labourer in or at any house in which liquor is sold by retail, he shall for every such offence be liable to a penalty not exceeding five pounds:

Provided always that nothing herein contained shall extend to any holder of a publican's license paying his own workmen, servants, or labourers in his own licensed premises.

Keeper of and persons drinking in unlicensed house may be apprehended.
Ibid. s. 70.

78. Whenever any inspector, justice, or any officer of police or constable finds any person drinking liquor in any reputed disorderly house, or in any unlicensed premises, shop, store, or other building, or in any booth, shed, hut, tent, stall, or place where liquor is sold by retail, and the license authorising such sale is not, on demand, produced to such inspector, justice, officer, or constable, he may apprehend, not only the person appearing to have the management and control of, but also every person so found drinking in, such house or other place as aforesaid. And every such person so selling shall, upon conviction before any licensing court or any two justices, be liable for every such offence to a penalty not exceeding thirty pounds, and every person purchasing liquor in any unlicensed house or place, to a penalty not exceeding forty shillings.

PART IV.

LOCAL OPTION.

Preliminary.

Definitions.
No. 40, 1905, s. 63.

- 79.** In this Part, unless the context requires another meaning.—
- “Elector” means person qualified to vote at a general election in the electorate.
 - “Electorate” means electoral district for the election of a member to serve in the Legislative Assembly.
 - “General election” means parliamentary general election for the return of members pursuant to writs issued upon the dissolution or expiry of the Legislative Assembly.
 - “License” means publican's or colonial wine license, and includes the registration of a club.
 - “Licensee” means holder of a publican's or colonial wine license, and includes the secretary of a registered club.
 - “Licensed” as applied to premises means premises in respect of which a publican's or colonial wine license is in force, and includes the premises of a registered club.

Maximum

*Liquor.**Maximum number of licenses.*

80. The number of publicans' or colonial wine licenses in an electorate shall not, except in pursuance of special authority granted as hereinafter in this Act provided, at any time exceed the number of licenses of the same description in the electorate, on the first day of January, one thousand nine hundred and six, including therein conditional licenses and applications pending for licenses of premises in respect of which publicans' or colonial wine licenses were held within four months before the last-mentioned date.

Number of licenses not to exceed present number.
No. 40, 1905, s. 61.

The number of clubs in an electorate shall not at any time exceed the number of clubs formed before the first day of November, one thousand nine hundred and five, and bona fide used on that day as clubs, and registered under the Liquor (Amendment) Act, 1905, on or before the first day of March, one thousand nine hundred and six.

81. Where a petition is presented to the Governor asking that a license may be granted for certain specified premises, and such petition is signed by a majority in number of the adult residents living in an area within a radius of one mile from the said premises, and it is shown by such petition that—

Increase in number of licenses on ground of increase of population.
Ibid. s. 65.

- (a) there has been a large increase of population in the said area since the number of licenses in the electorate was fixed by or under this Act, or any Act hereby repealed, and that such increase of population is likely to be permanent;
- (b) there are insufficient licensed premises to meet public requirements within such area;
- (c) no transfer of an existing license to the premises specified in the petition has been applied for,

the Governor shall refer such petition for inquiry in open court by a licensing court.

If, on such inquiry and after hearing evidence, the said court is of opinion that the petition should be granted, it shall make a recommendation to that effect to the Governor.

On the receipt of such recommendation, the Governor may grant the petition, and shall so declare in the Gazette; and thereupon a license or a transfer of a license may be granted for the said premises, notwithstanding that by such grant the number of licenses in the electorate will exceed the number therein as specified in the last-preceding section or at the time of the taking of a vote under this Part, or the number fixed in pursuance of a vote for the reduction of the number of licenses in the electorate:

Provided that this section shall not apply where a resolution under this Part is in force that no licenses be granted in the electorate.

The

*Liquor.**The vote.*

Place and date of
voting.
No. 40, 1905, s. 66.

82. (1) A vote of electors under this Part shall be taken in every electorate at the places and on the day fixed for the poll therein at each general election:

Provided that where such election is held within eighteen months after the polling-day for the then outgoing Parliament, the vote shall not be taken at such election, but on the day fixed for the poll at the next succeeding general election.

(2) The vote taken in any electorate shall be given effect to within such electorate.

Resolutions to be submitted.

Form of resolutions.
Ibid. s. 7.

83. (1) Except where resolution C of this section has previously been carried, and is in force in an electorate, the following resolutions shall be submitted to the vote of electors:—

(a) That the number of licenses existing in the electorate continue. (Resolution A.)

(b) That the number of licenses existing in the electorate be reduced. (Resolution B.)

(c) That no licenses be granted in the electorate. (Resolution C.)

Eleventh Schedule.

And the voting paper shall be in the form of the Eleventh Schedule.

Where resolution C
is carried.

(2) Where resolution C has been previously carried, and is in force in the electorate, the resolution submitted shall be:—

(d) That licenses be restored in the electorate. (Resolution D.)

Twelfth Schedule.

And the voting paper shall be in the form of the Twelfth Schedule.

When resolutions carried.

What majority is
required for carrying
resolutions.

Ibid. s. 68.

No. 21, 1907, s. 2.

84. (1) Resolution A or B of the last preceding section is carried if a majority in number of the votes given is in favour of any such resolution.

(2) Resolution C is carried if three-fifths at least in number of the votes given is in favour of that resolution: Provided that where resolution C has not been carried, the votes given in favour of resolution C shall be added to the votes given for resolution B, and shall be deemed to have been given in favour of resolution B.

(3) Resolution D is carried if three-fifths at least in number of the votes given is in favour of that resolution.

(4) Provided that resolution C or D shall not be carried unless thirty per centum or more of the number of electors on the electoral rolls for the electorate vote for such resolution.

Ibid. s. 3.

(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.

Effect

Liquor.

Effect of carrying resolutions.

85. If any resolution is carried it shall be notified in the Gazette by the Minister, and shall, subject to the provisions of this Act, be given effect to within the electorate as follows, until altered by a subsequent vote:—

Effect of carrying resolutions.
No. 40, 1905, s. 69.
No. 21, 1907, s. 4.

- (a) If resolution A is carried, the number of licenses of the respective descriptions shall not exceed the number at the time of the taking of the vote.
- (b) If resolution B is carried, the number of licenses of the respective descriptions at the time of the taking of the vote shall be reduced, and in each case may be reduced to three-fourths of such number.
- (c) If resolution C is carried, no licenses shall be granted, renewed, or transferred, and the provisions hereinafter in this Act provided shall have effect.
- (d) If resolution D is carried, licenses may be granted, renewed, and transferred, but so that the number of licenses shall not be greater than the number held when the resolution C was carried in the electorate, nor less than half such number.
- (e) If resolution D is not carried, the resolution C previously carried shall continue to have effect until altered in pursuance of this Act.

The enforcing of resolutions B and C.

86. (1) For the purpose of effecting a reduction under this Act of the number of licenses in an electorate, a special court shall be constituted.

Special courts.
No. 40, 1905, s. 70.

(2) A district court judge appointed by the Governor shall be a member of and shall preside at each such court, and such court shall be duly constituted if the said judge and one other member is present.

District court judge and two members to constitute court.

(3) Where two or more licensing courts have jurisdiction at some place or places within the electorate, the chairmen of such licensing courts shall be members of the special court for the electorate.

When chairman of licensing court to be members.

(4) Where but one licensing court has jurisdiction within the electorate, the Governor shall appoint the chairman of such court and one or more stipendiary or police magistrates to be members of the special court for the electorate.

When stipendiary magistrates to be members.

87. (1) Each such special court shall be a court of record, with power to make all general and other rules necessary for the conduct of its business, and for the enforcing of its orders and adjudications.

Court to be of record.
Ibid. s. 71.

(2) The judge presiding at any such court may take, administer, and cause to be taken and administered, oaths, declarations, and affirmations in any matter within its jurisdiction.

Power to administer oaths.

(3)

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Application of s. 7.

(3) The provisions of section seven of this Act relating to a licensing court, and its chairman, and its proceedings, and to persons summoned to attend as witnesses, shall apply respectively to the special court aforesaid, and the judge presiding thereat and its proceedings, and to persons summoned to attend as witnesses at such court.

Admittance to licensed premises by court or authorised person.

(4) Any member of such special court, or any person authorised by it in writing, may enter any licensed premises at any time by day or night.

If admittance to such premises be refused or unreasonably delayed, after demand made by such member or person as aforesaid, the licensee of such premises, and every person who wilfully refuses or delays such admittance, shall be liable to a penalty not exceeding fifty pounds.

Determination of court final.
No. 40, 1905, s. 71.
No. 21, 1907, s. 9.

(5) The determination of any such special court shall be final and conclusive, and no proceedings before, and no determination or order by such special court, 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.

Resolution B, how given effect to.
No. 40, 1905, s. 72.

88. (1) Where resolution B is carried, the special court having jurisdiction within the electorate shall—

(a) determine the reduction to be made in the number of the existing licenses of the respective descriptions, exclusive of those which, under a previous vote, will cease to be in force at the expiration of the prescribed period:

Provided that—

- (i) where such number exceeds twelve and is less than twenty-four, such number shall be reduced by at least two.
 - (ii) where such number is twenty-four or more but is less than thirty-six, such number shall be reduced by at least three.
 - (iii) where such number is thirty-six or more, such number shall be reduced by at least four.
- (b) for the purpose of the said reduction, cause a classification of the licensed premises to be made as hereinafter provided;
- (c) make the reduction by declaring that certain specified licenses of each description shall cease to be in force;
- (d) notify in the Gazette its determination, and give notice to the licensees affected thereby.

Classification of premises.

(2) The classification shall include licensed premises as to which the following conditions or any of them apply:—

(a) There have within the three years next preceding the taking of the vote been either two convictions for one of the following offences or one conviction for two of such offences made against the same or different licensees of the same premises, that is to say,—

- (i) selling or allowing to be sold any liquor to persons under the age of eighteen years or to prohibited persons;
- (ii)

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- (ii) selling or allowing to be sold liquor to persons in a state of intoxication;
- (iii) allowing gaming to be carried on on the premises;
- (iv) permitting the premises, or any portion thereof, to be used for purposes of prostitution;
- (v) permitting drunkenness on the premises;
- (vi) letting or subletting any bar or the right to sell liquor on the premises;
- (vii) selling liquor in prohibited hours;
- (b) there has within the said three years been a conviction of any licensee of the premises for any one of the said offences;
- (c) it is proved that the business in the premises is so badly conducted as to be a serious inconvenience to persons requiring accommodation or a nuisance to neighbours, or that the premises are insufficiently provided with proper sanitary conveniences.

(3) In carrying out the said reduction the special court, in determining what licenses shall cease to be in force, shall—

- (a) consider the convenience of the public and the requirements of the several localities in the electorate;
- (b) subject to the above consideration, deal in the first place with the licenses of premises to which paragraph (a) of the last preceding subsection applies, and in the second and third places respectively with those to which paragraphs (b) and (c) of such subsection respectively apply.

Order of reduction of licenses to which paragraphs (a), (b), and (c) apply.

(4) The licenses of premises to which paragraph (a) of subsection two of this section applies, shall cease to be in force at the expiration of such period not being less than six nor greater than twelve months from the date of the vote as the court may fix.

Other licenses.

The licenses of premises to which paragraph (b) or paragraph (c) of the said subsection applies shall cease to be in force at the expiration of such period, not being less than one nor greater than two years from the date aforesaid as the court may fix.

If, after giving effect to the provisions of this section relating to premises to which paragraphs (a), (b), and (c) aforesaid apply, the desired reduction of the number of licenses has not been made, the special court may apply the reduction to other premises. In such case the licenses of such other premises may be renewed from time to time, but shall cease to be in force at the expiration of three years, counting from the date of the notification in the Gazette of the determination of the special court as to the reduction:

Provided that where such special court finds that any of such other premises are held under a written lease, or written agreement for a lease, which existed on the twenty-fourth day of August, one thousand nine hundred and five, and which at the date of the notification of the determination of the court has more than three years to run, the license of

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of such premises shall not under this section cease to be in force until the determination of the lease, or of the period for which such agreement is to have effect, or the expiration of eight years from the first day of January, one thousand nine hundred and six, whichever event happens first; and if the said court finds that the said premises were on the twenty-fourth day of August, one thousand nine hundred and five, and on the date of the notification of the determination of the court, owned by the licensee, or that the licensee was on such dates the manager for the owner, the license of such premises shall not under this section cease to be in force until the expiration of the eight years abovementioned:

Provided further that nothing in this subsection shall prevent the refusal of the renewal or the cancellation or the forfeiture of a license or the disqualification of premises for any lawful cause.

Unless the said lease or agreement, or the indenture executed in pursuance of such agreement, whenever executed, has before the thirty-first day of December, one thousand nine hundred and five, or within such extended time, not exceeding fourteen days, as the Governor may allow, been registered in the department of the Registrar-General, and in the case of a lease or agreement executed before the thirteenth day of December, one thousand nine hundred and four, has been stamped before the fourteenth day of December, one thousand nine hundred and five, and in the case of a lease executed after the thirteenth day of December, one thousand nine hundred and four, has been stamped within the period within which it may lawfully be stamped without fine, the licensee shall be excluded from the benefit of any extension of time beyond the three years first abovementioned.

Right to appear
before court.

(5) In any such proceedings as aforesaid by a special court—

(a) classifying licensed premises; or

(b) declaring that licenses shall cease to be in force,

any person who may be directly affected by the determination of the court in such proceedings may appear before the court and shall be heard.

Resolution C, how
given effect to.
No. 40, 1905, s. 73.

89. (1) If resolution C is carried it shall take full effect within the electorate at the expiration of three years from the date of the vote:

Provided that, on the vote being carried, a classification of licensed premises shall be made by the special court, as in the last preceding section provided, and the licenses of premises as to which paragraphs (a), (b), and (c) of subsection two of that section apply shall cease to be in force at the expiration of the respective periods fixed by the special court in accordance with that section:

Provided further that where such special court finds that any premises to which paragraphs (a), (b), or (c) do not apply as aforesaid are held under a written lease or written agreement for a lease which existed on the twenty-fourth day of August, one thousand nine hundred and five, and which at the date of the notification of the determination of the court has more than three years to run, the license of such premises

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premises shall not, under this section, cease to be in force until the determination of the lease, or of the period for which such agreement is to have effect, or the expiration of eight years from the first day of January, one thousand nine hundred and six, whichever event happens first; and if the said court finds that the said premises were on the twenty-fourth day of August, one thousand nine hundred and five, and on the date of the notification of the determination of the court, owned by the licensee, or that the licensee was on such dates the manager for the owner, the license of such premises shall not, under this section, cease to be in force until the expiration of the eight years abovementioned:

Provided further that nothing in this section shall prevent the refusal of the renewal or the cancellation or the forfeiture of a license or the disqualification of premises for any lawful cause.

Unless the said lease or agreement, or the indenture executed in pursuance of such agreement, whenever executed, has before the thirty-first day of December, one thousand nine hundred and five, or within such extended time, not exceeding fourteen days, as the Governor may allow, been registered in the department of the Registrar-General, and in the case of a lease or agreement executed before the thirteenth day of December, one thousand nine hundred and four, has been stamped before the fourteenth day of December, one thousand nine hundred and five, and in the case of a lease executed after the thirteenth day of December, one thousand nine hundred and four, has been stamped within the period within which it may lawfully be stamped without fine, the licensee shall be excluded from the benefit of any extension of time beyond the three years in the last preceding section mentioned.

(2) When such resolution so takes effect, all licenses of every description within the electorate shall cease to be in force, and thereupon, and until licenses are restored in the electorate, the following provisions shall apply:—

- (a) The provisions of this Act relating to the sale of liquor without a license shall apply to the sale, supply, barter, or other disposal of liquor.
- (b) Provided that nothing in this section shall be held to prohibit the sale of methylated spirits for use in the arts or manufactures, or to prohibit the sale of liquor for medicinal use, subject to the following conditions:—
 - (i) That such sale of liquor for medicinal use is by a pharmacist, registered under the Pharmacy Act, 1897, on the prescription of a duly qualified medical practitioner.
 - (ii) That the bottle or other vessel containing the liquor is distinctly labelled with the words "intoxicating liquor," and the name and address of the seller.
- (c) If any person supplies liquor otherwise than as herein provided, he shall be liable to a penalty not exceeding thirty pounds.

(3)

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(3) This section shall not apply to sales by brewers of liquor or makers of wine, being their own manufacture, to persons not residing or carrying on business within the electorate to which the vote applies and to be delivered beyond the limits of such electorate.

(4) For the purposes of this and the last-preceding section, any lease or agreement (including a lease under the Real Property Act), if registered in the office of the Registrar-General pursuant to the provisions of the Act No. 22 of 1897, shall be deemed to be sufficiently registered.

Provisions applicable as between lessor and lessee where license ceases to be in force. No. 40, 1905, s. 74.

90. (1) Where, in pursuance of a vote under this Part, the license of any premises ceases to be in force, the following provisions shall apply:—

(a) If any of the conditions set out in paragraph (a) of subsection two of section eighty-eight apply to such premises, the lessor may, within fourteen days after the license ceases to be in force, give to the lessee written notice of the determination of the lease at the expiration of fourteen days from such notice, and the same shall thereupon determine as by effluxion of time.

(b) In any other case, the lessee may within fourteen days after the license ceases to be in force give to the lessor written notice that he desires to have the rent of the premises fixed by arbitration.

On such notice being given, the said rent shall be fixed under the Arbitration Act, 1902, by two arbitrators appointed by the lessor and lessee respectively, who may appoint an umpire, and shall, from the date when the license ceases to be in force, and during the currency of the lease, be the rent payable thereunder in respect of the premises.

(2) In this section—

“Lessee” includes an assignee of a lease and a sub-lessee;

“Lessor” includes the person for the time being entitled to the rent of the premises.

Manner of taking the vote.

Provisions for voting. *Ibid.* s. 75. No. 21, 1907, s. 5.

91. The following provisions shall apply to the taking of a vote under this Part:—

(a) The vote shall in each electorate be taken at the polling-places appointed for the general election.

(b) Every elector is qualified to vote, but may vote for one resolution only.

(c) The electoral officer appointed for a polling-booth shall conduct the taking of the vote therein.

(d) The manner of voting shall be similar to that followed in the election of members to serve in the Legislative Assembly, but the voting-paper shall be marked as prescribed thereon. (e)

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- (e) Sections one hundred and eleven, one hundred and twelve, one hundred and fourteen, one hundred and thirty, one hundred and thirty-five, one hundred and thirty-six, and one hundred and forty-seven of the Parliamentary Electorates and Elections Act, 1912, shall, mutatis mutandis, apply to the taking of a vote under this Part.
- (f) The votes given shall be placed in a separate box, and shall be counted by the officer presiding at the booth in the presence of the poll-clerks (if any).
- (g) A voting paper is invalid if—
- (i) the elector has voted for more than one resolution; or
 - (ii) the voting-paper is not endorsed with the initials of the officer presiding at the polling-booth.
- (h) The result of the voting shall be notified by the returning-officer in the Gazette, and such notification shall be evidence of such result.

92. If in any electorate a vote of electors under this Part is for any reason void, the Governor may appoint a day and places for taking the vote in such electorate, and may appoint officers and make necessary arrangements for the purpose of such vote being taken. Provisions where vote is void. No. 40, 1905, s. 76.

93. If a club, having been established before the first day of November, one thousand nine hundred and five,—

- (a) is used bona fide for residential purposes; or
- (b) is used mainly for the purpose of playing any athletic game or sport approved by the Minister, and carried on during the day time in the open air; or
- (c) is an association established at any time as a limited company under section fifty-two of the Companies Act, 1899;

the Governor may by proclamation exempt such club, and any building used in connection therewith, from all the provisions of this Act, other than those relating to registration and to the payment of an annual registration fee.

The Governor may by proclamation revoke any such exemption.

Regulations.

94. The Governor may make regulations for carrying out the provisions of this Part, and may in such regulations impose any penalty not exceeding twenty pounds for the breach of the same. Regulations. Ibid. s. 78.

Any such penalty may be recovered before two justices.

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PART V.

BREWERS' AND SPIRIT MERCHANTS' LICENSES.

Licensing of brewers
and spirit merchants.
No. 18, 1898, s. 71.
No. 40, 1905, s. 40.

95. All brewers and spirit merchants shall take out annual licenses as hereinafter provided—

- (1) Every person who desires to carry on the business of a brewer, or of a spirit merchant, shall apply for a brewer's or spirit merchant's license (as the case may be) to some quarterly licensing court of the licensing district within which the premises, in respect of which such application is made, are situated, or to the licensing magistrate for such district.

Every such person shall, with his application, lodge a particular description of the premises in which the business of brewing or of selling and keeping and storing spirits (as the case may be) is to be carried on, and such application and description may be in the form in the Thirteenth Schedule hereto.

Thirteenth
Schedule.

Fourteenth
Schedule.

- (2) On any such application the court or magistrate may issue to the applicant a certificate, in the form in the Fourteenth Schedule hereto, applicable to brewers or spirit merchants, respectively, which certificate, if issued, shall entitle the holder, upon payment of the respective fees prescribed by this Act, to obtain from the Colonial Treasurer or officer authorised by him a brewer's or spirit merchant's license in the prescribed form and according to the tenor of such certificate. Such certificate and license respectively shall describe the premises on which the business of brewer or spirit merchant may be carried on.
- (3) Any holder of a brewer's or spirit merchant's license, who is desirous of carrying on his business in premises other than those described in the license or in the endorsement last made thereon, as the case may be, may apply in the form prescribed to a licensing court or licensing magistrate, and the said court or magistrate may by endorsement on the license in the form prescribed authorise the business to be carried on in such premises as may in the discretion of the said court or magistrate be thought fit.
- (4) Any holder of a brewer's or spirit merchant's license who carries on business as a brewer or spirit merchant in premises other than those described in the license, or, when the license has been endorsed as hereinbefore provided, in premises other than those described in the endorsement last made on the license under the authority of the next preceding subsection, shall be liable to the penalties imposed by section ninety-nine on a person carrying on the business of a brewer or spirit merchant without holding the proper license under this Act applicable to such business.

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- (5) All such licenses shall be in force for one year from the day of the date thereof, and no longer, upon payment of the respective fees hereinafter mentioned to the Colonial Treasurer or officer authorised by him, but may be renewed annually upon payment of the prescribed fees.
- (6) The annual license fee for a brewer's or spirit merchant's license shall, where the premises in which the business of such brewer or spirit merchant is carried on are situated within the boundaries of the city of Sydney, be thirty pounds, and where such premises are situated elsewhere, twenty pounds. And such annual license fee, both for brewers' and for spirit merchants' licenses, shall be chargeable in respect of each place of manufacture or of sale, in every case where the business of brewer or spirit merchant, or of both brewer and spirit merchant, is carried on by any one or more persons in several distinct premises:

Provided always that if any brewer desires to carry on, in addition to his business of a brewer, that of a spirit merchant, he shall take out a spirit merchant's license annually, and conversely if a spirit merchant desires to carry on the business of a brewer.

96. A brewer's license under this Part shall be deemed to authorise the holder to carry on the trade of a brewer as defined in this Act, and to sell any liquor which he is by law authorised to make (but no other liquor), in quantities of not less than two reputed gallons, at any one time, of the same kind of liquor. And any holder of a brewer's license who sells less than two reputed gallons of the same kind of such liquor at any one time shall be liable to a penalty not exceeding fifty pounds.

Effect of brewer's license.
No. 18, 1898, s. 72.

97. Any brewer's license, or any spirit merchant's license, may be transferred by a licensing court or licensing magistrate by indorsement thereon of the transfer, on an application in writing signed by the intending transferor and transferee, or their duly appointed agent or agents, on payment of a fee of two pounds.

Transfer of brewer's or spirit merchant's license.
Ibid. s. 73.

98. Subject to the provisions in this Part contained, all enactments contained in any other Act which relate to or affect registered brewers and spirit merchants shall be read as applying respectively to brewers and spirit merchants licensed under this Act. And all returns to the chief inspector of distilleries required by law shall be made by the clerks of licensing courts, and shall contain such particulars of the licensee and his premises as shall be prescribed by regulations under this Act.

Application of existing Acts.
Ibid. s. 74.

99. If any person carries on the trade or business of a brewer or spirit merchant without holding the proper license under this Act applicable to such trade or business, such person shall in every such case be liable to a penalty not exceeding fifty pounds, or (at the option of the party suing for the penalty) to a penalty not exceeding five pounds for every day that he fails to hold such license as aforesaid.

Penalty in default of taking out license.
Ibid. s. 75.
No. 40, 1905, s. 41.

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If a licensed spirit merchant sells liquor in quantities not authorised by his license, he shall be liable to a penalty not exceeding ten pounds.

Application of
Part VI and Pure
Food Act.
No. 18 1898, s. 76.

100. All the provisions of Part VI of this Act and so much of the Pure Food Act, 1908, as relate or are applicable to liquor as defined by this Act, shall apply to brewers and spirit merchants licensed under this Act.

PART VI.

ADULTERATION OF LIQUORS.

DIVISION I.—*Adulteration of malt liquors.*

Penalty on any
brewer adulterating
malt liquors.
No. 22, 1899, s. 2.

101. Every public brewer or maker of ale, beer, or porter for sale, who uses or causes or permits to be used in the brewing of any such ale, beer, or porter, or puts into, or mixes with, any such ale, beer, or porter, or the worts thereof respectively, any vitriol, cocculus indicus, nux vomica, tobacco juice, opium, aloes, copperas, faba amara, or any extract or preparation thereof respectively, or any other deleterious or poisonous substance whatsoever, shall for every such offence forfeit and pay the sum of two hundred pounds. All such ale, beer, porter, or worts respectively may be seized by any inspector of distilleries, or officer of customs, and shall be forfeited.

Penalty on subse-
quent conviction.
Ibid. s. 3.

102. Every person who, after having been once convicted under the next preceding section, offends against any of the provisions of the said section shall be guilty of a misdemeanour, and shall, on conviction thereof, be fined in any sum not exceeding five hundred pounds, and imprisoned for any period not exceeding two years, besides being liable to the other penalties imposed by this Division of this Part.

Penalty on brewers,
&c., having
poisonous or dele-
terious substances
in their possession.
Ibid. s. 4.

103. Every brewer or retailer of ale, beer, or porter who has in his possession any vitriol, cocculus indicus, nux vomica, tobacco juice, opium, aloes, copperas, faba amara, or any extract or preparation thereof respectively, otherwise than for some medicinal purpose, the proof of which shall lie on such brewer or retailer, shall forfeit and pay the sum of fifty pounds.

All such vitriol, cocculus indicus, nux vomica, tobacco juice, opium, aloes, copperas, faba amara, or such extract or preparation thereof respectively may be seized by any inspector of distilleries or officer of customs, and shall be forfeited.

Penalty on persons
selling, &c., to
brewers or retailers
of ale, &c., certain
poisonous or dele-
terious substances.
Ibid. s. 5.

104. Whosoever knowingly sells, disposes of, sends, or delivers to any brewer or retailer of ale, beer, or porter, any vitriol, cocculus indicus, nux vomica, tobacco juice, opium, aloes, copperas, faba amara, or any extract or preparation thereof respectively, otherwise than for some medicinal purpose, the proof of which shall lie on the person so selling, disposing of, sending, or delivering as aforesaid, shall forfeit and pay the sum of fifty pounds.

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105. Whosoever knowingly sells or disposes of any ale, beer, or porter in which there is any vitriol, cocculus indicus, nux vomica, tobacco juice, opium, aloes, copperas, faba amara, or any extract or preparation thereof respectively, or any other deleterious or poisonous substance whatsoever, shall for every such offence forfeit and pay the sum of fifty pounds.

Penalty on persons selling adulterated malt liquor. No. 22, 1889, s. 6.

106. For the purpose of enforcing the observance of this Division of this Part, any inspector of distilleries, or officer of customs may, at any hour in the daytime, inspect any part of any public brewery, and any of the utensils therein, and may, for the purpose of summarily enforcing such inspection, call, if necessary, for the aid of the police.

Inspector of distilleries or officer of customs to inspect breweries. *Ibid.* s. 7.

107. (1) All fines, penalties, or forfeitures imposed or incurred under this Division of this Part may be sued for and recovered in a summary way as hereinafter mentioned.

Recovery of penalties, &c. *Ibid.* s. 8.

(2) Any person may exhibit an information in writing, before any one justice of the peace, informing of any offence against the provisions of this Division of this Part, not being a misdemeanour; and on perusal of such information, if the same is a valid one, such justice is hereby required to grant a summons in writing under his hand, directing the attendance of the party informed against, at a time and place to be therein mentioned, to appear before any two or more justices of the peace, to answer the charge contained in the said information.

Information.

(3) If such summons is served personally on the person so informed against, or is left at his last known or usual place of abode, a reasonable time, but in no case less than twenty-four hours, before the time therein mentioned for such person's appearance, then upon the appearance of the party so summoned at such time and place as aforesaid, or on proof to be given viva voce, on the oath of the person by whom the summons was so served as aforesaid, and the production of the original summons, any two or more justices of the peace then and there being, or any two or more justices of the peace at any future time to which the matter may be adjourned by any one justice if two are not present, may proceed to hear and determine in a summary manner the matter informed of in the said information.

Service of summons and hearing.

(4) Provided that no conviction shall take place under this Division of this Part, unless within three months after the commission of the offence complained of:

No conviction unless within three months of offence.

(5) Provided also, that all such proceedings by summons may be had and done without a formal information in writing being exhibited; and such proceedings shall be as good, valid, and effectual, to all intents and purposes, as if a formal information in writing had been exhibited:

Information need not be in writing.

(6) Provided further that in every such summons the general nature of the complaint shall be succinctly stated.

Summons to state nature of complaint.

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Power of summoning witnesses, and mode of compelling them to attend and answer.

No. 22, 1899, s. 9.

108. (1) Any justice issuing any summons under this Division of this Part, or any one of the justices before whom the matter of any information may come on to be heard and determined, may issue a summons, under his hand, for the attendance of any person, at a time and place to be therein mentioned, to appear and give evidence at the hearing of any such matter, and to bring with him, and produce at such hearing, any necessary documents under his control, that may be specified in such summons.

(2) Every such summons shall be served by delivering a copy thereof personally to the person so summoned, and showing the original at the time of such service, which service shall be at a reasonable time, and in no case less than twenty-four hours before the time specified therein for the attendance of such witness.

(3) If any person, having been so summoned, fails, without reasonable cause, to attend at the time and place mentioned in his summons, or having attended there, refuses to be sworn, or to affirm, or refuses to answer any question which he may lawfully be required to answer, such person shall, for every such offence, forfeit and pay any sum not exceeding twenty pounds.

No conviction or information to be void for want of form.

Ibid. s. 11.

No. 27, 1902, s. 146.

Limitation of actions

No. 22, 1899, s. 12.

109. No information, conviction, or other proceedings, before or by any justice of the peace, or on appeal therefrom, for any offence under this Division of this Part, shall be quashed or set aside, or judged void or insufficient for want of form only.

110. All actions for anything done under this Division of this Part shall be commenced within six months after the act was committed, and not otherwise; and notice in writing of such action, and the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and in such action the defendant may plead the general issue, and give this Division of this Part and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into court, after such action brought, by or on behalf of the defendant, together with costs incurred up to that time; and if a verdict passes for the defendant, or the plaintiff becomes nonsuited, or discontinues such action after issue joined, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client.

DIVISION 2.—*Adulteration of spirituous and fermented liquors.*

Mixing or selling, or keeping for sale, any liquor in which there is any deleterious substance whatsoever.

Ibid. s. 13.

111. Every dealer in spirituous or fermented liquors, licensed publican, or other person who puts into or mixes, or causes to be put into or mixed, with any spirituous or fermented liquors any poisonous, deleterious, or pernicious substance whatsoever, or sells or otherwise disposes of or keeps for sale any spirituous or fermented liquors so adulterated

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adulterated, shall be guilty of a misdemeanour, and on conviction thereof be fined in any sum not exceeding two hundred pounds, or be imprisoned for any period not exceeding two years, with or without hard labour.

112. If any dealer in spirituous or fermented liquors, licensed publican, or any other person knowingly has in his possession any spirituous or fermented liquors so adulterated as aforesaid, or if any such dealer or publican knowingly has in his possession, otherwise than for a lawful purpose, any poisonous, deleterious, or pernicious substance, such person, upon proof thereof, shall forfeit and pay any sum not exceeding one hundred pounds, to be sued for and recovered in a summary way before any two justices of the peace in petty sessions assembled; and all fermented or spirituous liquors so adulterated as aforesaid, and all poisonous, deleterious, or pernicious substances found in the possession of any such dealer or publican shall be seized by any inspector of distilleries, officer of customs, or by any constable acting under a warrant from a justice of the peace, and shall be forfeited and destroyed.

Penalty on person knowingly having in his possession any spirituous liquor so adulterated as aforesaid.
No. 22, 1899, s. 14.

DIVISION 3.—*General.*

113. Every person who knowingly sells, or keeps, or exposes for sale, any liquor mixed with any deleterious ingredient, that is to say, any cocculus indicus, copperas, opium, Indian hemp, strychnine, tobacco, darnel-seed, extract of logwood, salts of zinc or lead, alum, or any extract or compound of any such ingredients, or any other ingredient injurious to health, shall be liable for the first offence to a penalty of not less than ten pounds nor more than fifty pounds, and for the second or any subsequent offence to a penalty not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, and shall also, in the case of the first as well as any subsequent offence, forfeit all adulterated liquor, together with all such ingredients as aforesaid in his possession, with the vessels containing the same. When the person so convicted is the holder of a license under this Act his license shall, in the case of a second or any subsequent offence, be cancelled.

Penalty for selling adulterated liquor.
No. 18, 1898, s. 102.

114. Every holder of a license under this Act who has in his possession, or in or on any part of his premises, any adulterated liquor, or any of the deleterious ingredients specified in the next preceding section of this Act, for the possession of which he is unable to account to the satisfaction of the court, shall be deemed knowingly to have exposed for sale adulterated liquor on such premises within the meaning of the last preceding section. And when any holder of such license has been convicted twice or oftener of the offence mentioned in such last-mentioned section, it shall be the duty of the inspector to cause to be posted, and maintained posted, for a period of sixty days (commencing not later than fourteen days after the date of the conviction), a notice containing the substance of such conviction on some conspicuous place on the outside
of

Possession of adulterated liquors, or deleterious ingredients.
Ibid. s. 103.

Liquor.

of the front part of the licensed premises of such holder as aforesaid. But such notice shall not be so posted or maintained where such holder's license has been cancelled as hereinbefore provided. Any person who removes or obliterates any such notice without lawful authority shall be liable to a penalty not exceeding twenty pounds.

Saving.

No. 22, 1899, s. 1 (3).

115. Nothing in this Part of this Act contained shall be construed so as to repeal or affect the operation of any of the provisions of the Public Health Act, 1902, or the Pure Food Act, 1908, or of the other provisions of this Act.

PART VII.

DEATH, MARRIAGE, OR LUNACY OF LICENSEE.

Licensed business may be carried on by executor, &c., in certain cases.

No. 18, 1898, s. 77.

116. (1) If any licensee dies or becomes bankrupt before the expiration of his license, his executors or administrators or his official assignee, as the case may be, may, by an agent specially authorised in writing by the licensing magistrate, carry on the business of such licensee until the expiration of his license; and the widow of such licensee, or if he has not left a widow, any member of his family of the age of twenty-one years, or any person on behalf of such family, may carry on the business for a period not exceeding three months from his death, if probate of his will, or administration of his estate is not previously granted, or his license does not previously expire; and such agent, widow, or person shall be subject to the same obligations as if he or she were the licensee named in the license.

(2) In case of the decease of a licensee within the period of two calendar months before the expiration of his license, a renewal of such license for one year may, subject to payment of the proper annual fee, be granted to, and in the name of, his executor or administrator, or, if probate of his will or administration in his estate has not been granted before the time appointed for the holding of the next quarterly licensing court, then to such person as the licensing magistrate considers entitled to obtain such probate or administration; and, if there be more than one such executor or person, then to such one of such executors or persons as such magistrate may think fit.

(3) The provisions of this section shall, so far as practicable, be read subject to any testamentary directions of a licensee.

Provision on marriage of licensed female.

Ibid. s. 78.

117. If any female licensee marries, the license held by her shall confer upon her husband the same privileges, and shall impose on him the same duties, obligations, and liabilities as if such license had been granted to him originally, unless, within fourteen days after the celebration of the marriage, he disclaims the transmission herein provided for, by writing under his hand addressed to the licensing court of the district within which the license was granted or intended to be exercised, in which case the license shall be void.

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118. (1) If any licensee becomes an insane patient within the meaning of the Lunacy Act of 1898, a licensing magistrate may, upon the application of the wife or any member of the family of such patient, or any person on behalf of such family, authorise an agent to carry on the business of the licensed premises of such patient until the end of the year for which his license was granted, unless he shall be sooner discharged, and thereupon such agent shall be subject and liable to the same duties, obligations, and penalties as if he were licensed in respect of such premises.

Provision in case of
licensed person
becoming a lunatic.
No. 18, 1898, s. 79.

(2) In case any licensed person continues to be or is an insane patient when the time for the renewal of his license arrives, a renewal of such license may be granted to and in the name of his wife or any member of his family, or to any person nominated for that purpose by the Master in Lunacy.

(3) The provisions in this Act contained relating to the renewal of licenses, objections thereto, notices of objections, and otherwise shall extend and apply to applications for renewals of licenses under this section.

PART VIII.

INSPECTORS—ENTRY ON LICENSED PREMISES.

119. (1) It shall be lawful for the Governor to appoint, in and for any licensing district, a district inspector and such other district sub-inspectors as he may think fit to be inspectors of premises licensed, or in which the sale of liquor is permitted to be carried on under this Act.

Appointment of
inspectors.
Ibid. s. 80.

(2) Any member of the police force of the rank of senior-constable shall be qualified to be so appointed.

(3) Subject to the provisions of this Act, it shall be lawful for the Minister, by regulations to be made under this Act and to be approved by the Governor, to define the duties of such district and sub-inspectors, and to prescribe the modes, times, and conditions of the exercise thereof.

(4) Such inspectors may be remunerated by fees or salary in accordance with regulations to be made in that behalf, and to be paid out of the Consolidated Revenue Fund, but subject to the sanction of Parliament.

120. (1) It shall be the duty of such inspectors to use all due vigilance and to take all lawful means to enforce compliance with the provisions of this Act.

Duties of inspectors.
Ibid. s. 81.

(2) Every such inspector may at all times, during business hours, enter on any premises licensed under this Act, and may examine every room and part of such premises, and take an account of all liquor therein

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therein, and may demand, select, and obtain any samples of liquor which may be in or upon such premises (such samples to be sealed by the inspector in the presence of the licensee or person in charge of such premises), and, if such licensee or person so desires, with the seal of such licensee or person, and, on paying or tendering payment for such samples, may remove the same for the purpose of analysis or otherwise.

(3) If any such licensee or person refuses or fails to admit any inspector demanding to enter any premises in pursuance of this section, or refuses to permit any inspector to select or obtain such samples, or obstructs or causes or permits such inspector to be obstructed or delayed in the discharge of his duty, such licensee or person shall be liable to a penalty not exceeding fifty pounds.

(4) If such licensee or person as aforesaid is convicted of selling or delivering, or permitting to be sold or delivered, or of offering for sale, or having in his possession, adulterated liquor or liquor containing any deleterious drug or noxious ingredient, in contravention of this or any other Act, any expenses incurred in analysing any liquor in pursuance of this section shall be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly; otherwise such expenses shall be paid out of the Consolidated Revenue Fund.

121. If any such inspector takes or receives any fee, gratuity, or reward whatsoever, whether pecuniary or of any other kind, and whether directly or indirectly, from any person on account of anything done or to be done by such inspector in, or in any way relating to, his duties or office, not being part of his official emoluments, such inspector shall on proof thereof to the Minister be dismissed from his office, and from every office which he holds in the public service, and on conviction of such offence before any licensing court or court of petty sessions, shall be liable to be imprisoned for any term not exceeding six months, and to pay a fine not exceeding one hundred pounds. And if any person gives, offers, or promises to give, whether directly or indirectly, to any inspector any such fee, gratuity, or reward, such person shall, for every such offence, be liable to a penalty, recoverable in any such court as aforesaid, of not less than fifty nor more than two hundred pounds.

122. Any of the persons hereinafter described having reasonable cause for suspecting unlawful or disorderly proceedings to be carried on, or any breach of this Act to have been committed, or to be in process of commission in any licensed premises, or the appurtenances thereto, at any time during the day or night, may demand entrance into such premises or appurtenances, namely—

- (1) any superintendent, inspector, sub-inspector, or sergeant of police;
 - (2) any senior constable duly authorised by any general authority under the seal of a licensing court;
 - (3) any inspector appointed under this Act;
 - (4) any constable authorised in writing by a licensing magistrate, justice, or superintendent of police.
- And

Penalties on
inspectors and
persons offering
them bribes, &c.
No. 18, 1898, s. 82.

Licensed premises
may be entered day
or night.
Ibid. s. 83.

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And, if admittance is refused, or unreasonably delayed to any such officer or constable as aforesaid himself so demanding entrance, or to any constable who accompanies any other person as aforesaid who so demands any entrance, any such constable may break into such premises with such assistance as may be deemed requisite. And the licensee of the premises and every other person who refuses or wilfully delays admittance to any person authorised under this section shall be liable to a penalty not exceeding ten pounds.

PART IX.

CANCELLATION OF LICENSES.

123. Upon the complaint of any inspector a licensing court may summon any licensee to appear before such court and show cause why his license should not be cancelled. Upon the appearance of such licensee, or in his absence after being duly summoned, such court shall proceed to hear and determine the matter of such complaint, and may adjudge such license to be cancelled absolutely or for such period (not being less in any case than twelve months) as the court may determine.

Cancellation of
licenses.
No. 40, 1905, s. 25.

The following provisions shall take effect for the purposes of this section :—

- (a) Every such summons shall be served upon the licensee not less than fourteen days before the day appointed for the hearing of the complaint, or if such licensee evades service thereof, or is absent at the time of attempted service, it shall be sufficient if the summons is posted up in a conspicuous place on his licensed premises, or be left with any inmate thereof apparently above the age of sixteen years, not less than seven days before such appointed day.
- (b) Every such complaint shall be heard and determined at a special sitting of the licensing court, provided that a quarterly licensing court shall, if the provisions of the preceding paragraph have been complied with, be competent to hear and determine the same.
- (c) The court, at the instance of the complainant or licensee may, in its discretion, adjourn the hearing for any time not exceeding fourteen days.
- (d) The names of all licensees whose licenses are cancelled under this section, together with the particulars of their licenses and licensed premises, shall be published in the Gazette within fourteen days after such cancellation.

124.

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Grounds of
cancellation,
No. 40, 1905, s. 26.

124. Upon any such complaint the court shall cancel a license if the licensee is proved to have been before or after the commencement of this Act convicted while being the holder of a license—

- (a) of felony or of any offence for which he has been sentenced to imprisonment with hard labour;
- (b) of permitting his premises or any portion thereof to be used for purposes of prostitution;
- (c) three times within three years of any offence (whether of the same or different kinds) against this Act;
- (d) of any offence which by this Act is punishable by the cancellation or forfeiture of the offender's license:

Proviso where
licensee convicted of
felony or
misdemeanour.

Provided that if a license is liable to be cancelled only on the ground mentioned in paragraph (a) of this section, the court may (unless the premises are liable to be disqualified under this Act), on the application of the wife of the licensee or any of his family above the age of twenty-one years, or of the person for the time being entitled to receive the rents or profits of the licensed premises, transfer the license to such wife or to some member of the family, or to some other person approved by the court.

Disqualification of
licensee.
Ibid. s. 27.

125. If three previous convictions for offences (whether of the same or different kinds) under this Act are proved to have been made before or after the commencement of this Act against a licensee within the three years next preceding, the licensing court shall declare and order such licensee to be, and he shall thereupon be, disqualified for a term of three years from holding any license whatever under this Act.

Provisions applicable
to two last preceding
sections.
Ibid. s. 23.

126. The following provisions shall apply to any proceedings under the two last preceding sections:—

- (a) A conviction under sections forty-two, sixty-five, one hundred and fifty-five, one hundred and sixty, and one hundred and sixty-five of this Act shall not be reckoned as a conviction for an offence against this Act;
- (b) A conviction may be proved by the certificate of the officer having the custody of the records of the court in which such conviction was had;
- (c) Nothing in the said sections shall prevent the infliction of any pecuniary penalty or forfeiture or cancellation of license or any term of imprisonment to which the licensee would otherwise be liable, or shall preclude the exercise of any power given by this Act.

Effect of cancellation
or disqualification.
Ibid. s. 29.

127. Any person whose license is cancelled, or who is declared disqualified under the above provisions, shall, during the continuance of such cancellation or disqualification, be deemed for all purposes as aforesaid to be disqualified. Every such cancellation and disqualification shall, during the full term thereof, enure and be operative for the respective purposes thereof throughout New South Wales.

Disqualification

*Liquor.**Disqualification of premises.*

128. (1) If any licensee is convicted—

- (a) of permitting drunkenness or indecent conduct on his premises in contravention of section forty-six of this Act; or
- (b) of any offence against section forty-four, section forty-nine, or section fifty-four of this Act; or
- (c) of permitting his premises or any portion thereof to be used for purposes of prostitution; or
- (d) of any offence under the provisions of the Pure Food Act, 1908, relating to unwholesome or adulterated liquor, or under section one hundred and thirteen or section one hundred and fourteen of this Act; or

Disqualification of premises on conviction of licensee.

No. 40, 1905, s. 30.

(e) of any offence against section sixty-five of this Act;

and if two previous convictions for any of such offences (whether of the same or different kinds) are proved to have been made against him within the three years next preceding, while licensee of the same premises, the court shall cancel the license of the premises, and may disqualify such premises from being licensed for a period of two years.

(2) Where a licensee is convicted of any such offence the clerk of the court before which the conviction was held shall give notice in writing thereof to the owner of the premises.

Notice to owner of conviction.

129. If within any period of two years there have been made four convictions for any of the offences mentioned in the last preceding section (whether of the same or different kinds) against a licensee or against two or more successive licensees of the same premises, such premises may be disqualified from being licensed for two years from the date of the last of such convictions

Disqualification for four offences in two years.

Ibid. s. 31.

130. Where by order of a court any licensed premises are for any period disqualified to be licensed, the court shall cause the order to be served on the owner of such premises, where the owner is not occupier, together with a statement that a licensing court will be held at a time and place therein specified, at which the owner may appear and appeal against such order on all or any of the following grounds only, and may in its discretion suspend the operation of the order disqualifying the premises until the hearing of the appeal:—

Right of owner to appeal on certain grounds.

Ibid. s. 32.

- (a) That notice, as required by this Act, has not been served on the owner of a prior offence which, on the committing of a subsequent offence or subsequent offences, renders the premises liable to be disqualified as aforesaid;
- (b) That either because of the provisions of a lease made prior to the first day of December, one thousand nine hundred and five, or because of the provisions of any Act of Parliament, the owner could not legally have evicted the tenant in the interval between the receipt by him of notice of the next prior offence as aforesaid and the committing of the offence in respect of which the disqualifying order was made; or
- (c)

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- (c) That the offence in respect of which the disqualifying order was made occurred so soon after the receipt of such notice that the owner, notwithstanding he had legal power to evict the tenant, could not with reasonable diligence have exercised that power in the interval which occurred between the said notice and the subsequent offence.

If the owner appears at the time and place specified, and satisfies the court that he is entitled to have the order cancelled on any of the grounds aforesaid, the licensing court shall thereupon direct such order to be cancelled, and the same shall be void.

Right of owner to give notice of application for renewal.

No. 40, 1905, s. 33.

131. (1) Where a licensee has neglected to give the notice prescribed in section thirty-six of this Act ten days prior to the holding of the licensing court appointed to be held next before the expiry of the license, or having given such notice neglects to apply to such court in pursuance thereof, the owner of the licensed premises may give such notice not less than five days prior to the holding of such court, and the court may grant such renewal on the application of the said owner: Provided that the said court may grant such renewal although such last-mentioned notice has not been given, or has been given after the time prescribed as aforesaid.

(2) Where such application is made by the owner, it shall not be necessary to produce the license of the premises.

(3) For the purposes of this section "owner," in cases where the occupier is not the owner, means the person entitled to the rent payable by the occupier.

PART X.

CLUBS

Preliminary.

Definitions.

Ibid. s. 42.

- 132.** In this Part, unless the context requires another meaning—
 "inspector" means inspector for the licensing district within which the club premises are situate;
 "registered club" means club registered under this Part;
 "register of members" means register of members of a registered club prescribed by this Part to be kept by the secretary;
 "secretary" includes any officer or other person performing the duties of secretary of a club;

Application of certain sections to registered clubs.

Ibid. s. 43.

133. Sections forty-four, forty-five, forty-six, forty-nine to fifty-four, both inclusive, and fifty-six to fifty-nine, both inclusive, sections sixty, sixty-one, sixty-two, and sixty-six, so far as they relate to section fifty-seven, sixty-three, and sixty-five, and Part VIII of this Act, shall apply to registered clubs. In

Liquor.

In applying such enactments "club premises" shall be read for "licensed premises" and "secretary of the club" for "licensee" or "holder of a license under Part III of this Act."

Conditions of registration.

134. No club shall be or continue to be registered under this Part unless all the following conditions exist with respect to it, namely:—

Conditions of
registration of clubs.
No. 40, 1905, s. 44.

- (a) The club must be a bona-fide association or company of not less than forty persons in the case of a club established at any place within a radius of fifteen miles from the General Post Office in Sydney, and not less than thirty persons in the case of a club established elsewhere.
- (b) The club must be a body, association, or company, associated together for social, literary, political, sporting, athletic, or other lawful purpose.
- (c) The club must be established for the purpose of providing accommodation for the members thereof and their guests, upon premises of which such association or company are the bona fide occupiers.
- (d) The accommodation must be provided and maintained from the joint funds of the club, and no persons must be entitled under its rules to derive any profit, benefit, or advantage from the club which is not shared equally by every member thereof.
- (e) The premises upon which the club is established must be suitable for the purposes of a club.
- (f) No payment or part payment of any secretary, manager, or other officer or servant of the club shall be made by way of commission or allowance from or upon the receipts of the club for drink supplied.
- (g) A register of members of the club for the time being shall be kept on the club's premises as hereinafter required.

135. In order that any club may be eligible to be registered, the rules of the club shall provide that—

Provision to be made
in rules of clubs.

Ibid. s. 45.

- (a) the business and affairs of the club shall be under the management of a committee elected for not less than twelve months by the general body of members;
- (b) the committee shall hold periodical meetings, and minutes of all resolutions and proceedings of such committee shall be entered in a book to be provided for that purpose;
- (c) the names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least a week before their election, and an interval of not less than two weeks shall elapse between nomination and election of ordinary members;

(d)

Act No. 42, 1912.

Liquor.

- (d) all members shall be elected by the general body of members, or by a general or an election committee, at a meeting or meetings duly convened, and a record shall be kept by the secretary of the club of the names of the members present and voting at such meetings;
- (e) there shall be a defined subscription of not less than one pound per annum payable by members quarterly, half yearly, or annually in advance;
- (f) correct accounts and books shall be kept, showing the financial affairs of the club and the particulars usually shown in books of account of a like nature;
- (g) a visitor shall not be supplied with liquor in the club premises unless on invitation and in the company of a member;
- (h) no persons shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular subscription, except those possessing certain qualifications defined in the rules and subject to conditions and regulations prescribed therein;
- (i) no person under twenty-one years of age shall be admitted a member of the club: Provided that where the club is primarily devoted to some athletic purpose, there shall be no limitation of the age of a member of the club. No liquor shall be sold or supplied to any person under twenty-one years of age:

Provided that in the case of a club primarily devoted to some athletic purpose, the management of which is vested in trustees appointed by the Governor, such club shall, if the Governor so declares by proclamation in the Gazette, be exempted from compliance with the provisions of paragraphs (a), (c), and (d) of this section and of paragraph (c) of the last preceding section, and such trustees shall for the purposes of this Act be deemed the elected committee of the club.

Grant and renewal of certificates of registration.

Notice of application
for registration.
No. 40, 1905, s. 46.

136. (1) The secretary of any club desirous of obtaining a certificate of the registration of the club under this Act shall—

- (a) at least fourteen days before applying for the same deliver to the clerk of the licensing court for the licensing district in which the premises of the club are situate a notice in writing, and in duplicate, signed by the secretary, in the form prescribed;
- (b) publish a copy of such notice on one day in each week for at least two weeks preceding his application (and so that the last of such publications is not less than eight days before the time at which the application is to be made), in a newspaper published in the electorate, or if none is so published, then in a newspaper generally circulating in the electorate;

(2)

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(2) Such application shall be accompanied by the following documents, namely:—

- (a) Two printed copies of all rules of the club, certified as correct under the hand of the secretary.
- (b) A statement, verified by statutory declaration, of the names and addresses of bona-fide members of the club at the date of the application.

137. (1) The secretary of any club desirous of obtaining a renewal of its certificate of registration shall, at least ten days before applying for such renewal, deliver to the clerk of the licensing court for the licensing district in which the premises of the club are situate a notice in writing, and in duplicate, signed by the secretary, in the form prescribed.

Notice of application for renewal.
No. 40, 1905, s. 47.

(2) Such notice shall be accompanied by the following documents, namely:—

- (a) Two printed copies of all rules of the club, certified as correct under the hand of the secretary.
- (b) A statement verified by statutory declaration of the number of bona-fide members of the club at the date of the application.

138. (1) Where application is made for the grant or renewal of any such certificate, the clerk of the licensing court shall forthwith forward a copy of such application to the inspector for inquiry and report; and on receipt of notice of any objection which may lawfully be taken as hereinafter in this Act provided shall forward a copy of the same to such inspector for inquiry and report, and to the secretary of the club.

Copy of application to be furnished to inspector.
Ibid. s. 48.

(2) Such inspector, on receipt of any such notice if authorised in writing by a stipendiary or police magistrate, shall inspect the premises of the club and the register of its members, and satisfy himself by proper inquiries that the particulars contained in the application are correct.

Inspection of club premises.

139. If on any application being made for the grant or renewal of any such certificate a notice of objection has not been duly given, the clerk of the licensing court shall grant or renew the certificate; but if notice of objection is so lodged, the matter of the application shall be inquired into and dealt with by the court.

Application how dealt with.
Ibid. s. 49.

140. (1) At the hearing of any such application, objections may be taken by any corporation or person hereinafter in this Act mentioned, upon one or more of the following grounds:—

Objections which may be taken to grant or renewal of certificate.

- (a) That the application made by the club, or the rules of the club, or any of them, are in any respect specified in such objection not in conformity with this Act.
- (b) That the club has ceased to exist, or that the number of members is less than forty or thirty, as the case may be, according to the locality in which the premises are situated.
- (c) That it is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose or mainly for the supply of liquor.

Ibid. s. 50.

(d)

Liquor.

- (d) That there is frequent drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner.
- (e) That illegal sales of liquor have taken place in the club premises.
- (f) That persons who are not members are habitually admitted to the club premises merely for the purpose of obtaining liquor.
- (g) That the club occupies premises which have been disqualified, or of which the license has been cancelled, or the renewal thereof has been refused within twelve months next preceding the formation of the club.
- (h) That the supply of liquor to the club is not under the control of members of the committee appointed by the members.
- (i) That any of the rules of the club are habitually broken.
- (j) That the rules have been so changed as not to be in conformity with the provisions required by this Act to be embodied in the rules.
- (k) That persons are habitually admitted as members without an interval of at least two weeks' between nomination and election, contrary to the provisions of this Act.
- (l) That the supply of liquor on the club premises is not under the control of the members or the committee, contrary to the provisions of this Act.
- (m) That any other specified provision of this Act has not been complied with.

(2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.

Who may take
objection.
No. 4), 1905, s. 51.

141. Any objection to the grant or renewal of any such certificate may be taken by—

- (a) an inspector;
- (b) the council of the municipality or other local government area within which the premises of the club are situate;
- (c) any freeholder, leaseholder, or person residing on property situate within one mile from such premises if they are situate within a municipality, or within five miles from such premises if they are situate elsewhere.

The signatures to any such objection when made by any person described in paragraph (c) shall be witnessed by a justice or a member of the police force.

Issue of certificate
of registration.
Ibid. s. 52.

142. When an application for the registration of a club is granted, a certificate of registration under the hand of the clerk of such court, in the form prescribed, shall be issued to the club. A fee of five pounds shall be paid in respect of the grant or renewal of such certificate for the first forty members of the club, and a further sum of one pound for every additional forty members or fraction thereof.

143.

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143. When any application for a certificate or renewal is refused, the chairman of the licensing court shall pronounce the decision in open court, and shall state the grounds of the refusal, and shall cause the same to be entered on the records of the court.

Refusal of renewal.
No. 40, 1905, s. 53.

Duration of certificates and renewals.

144. (1) Subject to this Act, every certificate of registration of a club shall commence and take effect from the date on which it is therein stated to commence, and shall, unless previously cancelled or suspended, be in force until and including the thirty-first day of December then next following.

Duration of certificate.
Ibid. s. 54.

(2) A renewal shall be for twelve months from the day when the certificate or the next preceding renewal thereof expires.

Removals.

145. (1) The premises of a registered club may be changed under the authority of a certificate of removal.

Certificate of removal.
Ibid. s. 55.

When such club desires to remove from the premises occupied by it to any other premises, the secretary shall, at least fourteen days before applying for a certificate deliver to the clerk of the licensing court a notice as nearly as may be in the form prescribed.

(2) If on any such application a notice of objection has not been duly given, the clerk of the licensing court shall issue the certificate of removal; but if notice of objection is so given, the matter of the application shall be inquired into and dealt with by the court.

Application, how dealt with.

(3) The only objection that can be taken to any such application shall be that the proposed premises are not suitable for a club.

What objections may be taken.

(4) Provided that if the premises of a club are, by fire, tempest, or other calamity, or by dilapidations, or by reason that such premises are being repaired or rebuilt, rendered unfit for the purposes thereof, the club may, without application to the licensing authority, remove to other premises, under its existing certificate, for any period not extending beyond the currency of the certificate. Notice of such removal and of the reason therefor shall, however, be forthwith given by the secretary to the clerk of the licensing court.

Proviso where club premises accidentally destroyed.

Notices to be given of objection.

146. No objector shall be heard against any application unless notice of the objection has been given to the clerk of the licensing court and to the applicant at least five clear days before the time appointed for the hearing of the application to which such notice applies:

Notice of objection.
Ibid. s. 56.

Provided

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Provided that the court shall not be precluded from entertaining any objection which may arise during the hearing of an application, but the applicant shall then be entitled to an adjournment for such time, not less than three days, as the court thinks fit.

Hearing of applications.

Hearing of applications and objections.
No. 40, 1905, s. 57.

147. The licensing court shall hear the application and objections, and may order such inquiry as it thinks fit, and thereafter shall grant or refuse the application. Upon the grant of the application the court shall cause the entries required by this Act to be made in the register to be kept by the clerk of such court.

If, in the opinion of the court, any objection is frivolous or vexatious, the person making the objection shall, on the order of the court, be liable to pay the costs of the applicant in the proceedings.

Cancellation of registration.

Summons to show cause against cancellation.
Ibid. s. 58.

148. (1) Upon the complaint of an inspector, made upon oath, a stipendiary or police magistrate may issue a summons to the secretary of any registered club calling upon him to show cause at a licensing court why the certificate of registration of the club should not be cancelled on all or any of the grounds of objection which might have been taken as hereinbefore provided to the grant or renewal of a certificate.

Service of summons.

(2) Such summons shall be served at least ten days before the day appointed for the meeting at which the matter is to be heard.

If the secretary of any registered club cannot be found, or if there is no secretary, such summons may be served by affixing the same upon a conspicuous part of the premises of the club.

Determination of court.

(3) The licensing court shall hear and determine the matter of such complaint and may—

- (a) cancel the certificate; or
- (b) suspend the certificate until any conditions prescribed by this Act are complied with; or
- (c) dismiss the complaint.

Costs.

(4) The costs of the hearing and determination of every such matter shall be in the discretion of the licensing court.

Suspension.

(5) During the period of any such suspension as aforesaid the club shall be deemed to be an unregistered club.

Unlawful sale of liquor.

Sale on premises of unregistered club.
Ibid. s. 59.

149. (1) If on the premises of an unregistered club any liquor is sold or supplied to any person, whether a member of such club or not, the person selling or supplying such liquor, and every person authorising

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authorising such sale or supply, shall be liable to a penalty not exceeding fifty pounds; and for a second or subsequent offence, to imprisonment for any period not exceeding two months, or to a penalty not exceeding one hundred pounds, or to both.

(2) If any liquor is kept for sale or supply on the premises, every officer and member of the club shall be liable to a penalty not exceeding ten pounds, unless he proves, to the satisfaction of the court, that such liquor was so kept without his knowledge or against his orders.

Liquor kept for supply or sale.

Inspection.

150. (1) If a stipendiary or police magistrate or chairman of a licensing court is satisfied, by complaint on oath, that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for the cancellation or suspension of the certificate of registration thereof, or that any liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any member of the police force named therein.

Search warrant. No. 40, 1905, s. 60.

(2) A search warrant granted under this section shall authorise the member of the police force named therein to enter the club on any week-day or Sunday, at any time of the day or night, and to inspect the premises of the club, to take the names and addresses of any persons found therein, and to seize any liquor kept for sale or supply as aforesaid, and the vessels containing the same, and any books and papers relating to the business of the club.

Authority of search warrant.

(3) If admittance to such premises is refused or unreasonably delayed to a member of the police force authorised as aforesaid, such member may break into the premises with such assistance as may be deemed requisite. Any person who refuses or wilfully so delays admittance as aforesaid shall be liable to a penalty not exceeding ten pounds.

(4) If any person in any registered club, entered by a member of the police force under this section, on being asked by such member his name or address, refuses or neglects to give such name or address, or wilfully gives a false name or address, he shall be liable to a penalty not exceeding five pounds.

Register of members of a club.

151. The secretary of a registered club shall keep on the club premises a register of members, setting forth the names in full, occupations, and addresses of all members of the club, and the date of the latest payment by each member of his subscription. Such register shall be open at any time to the inspection of the inspector or any member of the police force authorised in writing by any member of the licensing court.

Register of members. *Ibid.* s. 61.

Any

Liquor.

Any secretary who fails to keep such register containing the prescribed particulars, or who wilfully makes any false entry therein, or any secretary or other person who prevents or obstructs any such inspection as aforesaid, shall be liable to a penalty not exceeding fifty pounds.

Penalties.

False certificate by
secretary.
No 40, 1905, s. 62.

152. If the secretary of any club makes, in a statutory declaration, any statement which he knows to be false in any material particular, he shall be liable to imprisonment for a term not exceeding six months.

PART XI.

MISCELLANEOUS PROVISIONS.

Regulations.
No. 18, 1898, s. 82.

153. (1) It shall be lawful for the Governor, from time to time, to frame regulations, not being inconsistent with the provisions of this Act, for any of the purposes following, namely:—

- (a) For determining the amount, scale, mode of payment of, and all other matters connected with the payment of, fees to persons authorised to receive fees under this Act.
- (b) For appointing buildings in which licensing courts or any licensing business under this Act shall be held or conducted.
- (c) For determining the respective duties to be performed by clerks of such courts, and by all other officers appointed under this Act.
- (d) For regulating the practice and procedure by and before licensing courts and licensing magistrates, and the duties of district and other inspectors appointed under this Act.
- (e) For regulating the mode of summoning witnesses and the scale of expenses to be allowed to such witnesses.
- (f) For prescribing the forms of all applications, certificates, licenses, and other documents not provided by the Schedules to this Act, and for correcting or varying any such form when necessary.
- (g) For regulating the procedure to be observed upon analyses of liquors, and for fixing the fees to be paid thereon to analytical chemists and others.
- (h) For carrying out the provisions of this Act with respect to the classification of passenger vessels.
- (i) For prescribing the duties and procedure to be observed by inspectors and other persons in respect to objections to the granting, renewal, or removal of licenses under Part III.
- (j) For prescribing scales of court fees to be paid by applicants, objectors, and other persons in licensing courts. (k)

Liquor.

- (k) For prescribing the terms and conditions upon which licenses may be issued in special districts.
- (l) For the payment of all license fees and other moneys received by any clerk or other officer appointed or deemed to have been appointed under this Act into the Treasury, and for the due accounting therefor.
- (m) And generally, for the purpose of giving effect to the provisions of this Act.

(2) It shall be lawful for such regulations, or any of them, to provide for the due enforcement thereof under penalties not to exceed in any case the sum of ten pounds.

(3) All such regulations shall, after approval by the Governor, be published in the Gazette, and shall, within fourteen days after such publication, be laid before Parliament, if then in session, and if not, then within fourteen days after the next ensuing session. Upon such publication, after approval, every such regulation shall have the full force of law.

(4) In any proceedings in any court the production of the Gazette containing any such regulations shall be evidence of the same, as therein printed, having been duly made under this Act.

154. Whenever his license is lost or destroyed, a licensee under this Act may apply to a licensing magistrate for a certificate under his hand that such license had been issued to such licensee, and such magistrate, on being satisfied that such license is lost or destroyed, and has not been forfeited or transferred, may grant a certificate to that effect, and upon production of such certificate, and on payment of a fee of one pound, such licensee shall be entitled to a duplicate of such license, which shall be in the same form, as nearly as possible, and of the same force as the original license.

Duplicate license may be granted on proof of loss of original license. No. 18, 1898, s. 8 .

155. Every licensee under this Act shall cause to be painted, and shall maintain so painted in letters at least two inches long on the front of his premises, his name in full, followed by the words—if he be the holder of a publican's license—"licensed to retail fermented and spirituous liquors,"—and if of a brewer's or spirit merchant's license, then with the words "licensed brewer" or "licensed spirit merchant,"—and, in other cases, with words sufficient to describe the business for which the license has been granted. And every licensee failing to comply with the requirements of this section shall for the first offence be liable to a penalty not exceeding two pounds, and for any subsequent offence to a penalty not exceeding ten nor less than two pounds.

Licensee's name to be affixed to premises. Ibid. s. 90.

156. Any licensee under this Act may refuse to admit into, and may turn out of his licensed premises, any person who is then drunk, violent, quarrelsome, disorderly, or who is using disgusting, profane, or foul language, or any person whose presence on his premises would subject

Exclusion of inebriates and others from licensed premises. Ibid. s. 91.

Liquor.

him to a penalty under this Act. And any such person who, upon being requested in pursuance of this section by such licensee, his agent or servant, or by any constable, to quit such premises, refuses or fails so to do shall be liable to a penalty not exceeding five pounds. And all constables are hereby required and enjoined, on the demand of such licensee, agent, or servant, to expel or assist in expelling every such person from such premises, and may use any reasonable degree of force required for that purpose.

Accountability, &c.,
of officers.
No. 18, 1898, s. 92.

157. All clerks of licensing courts and all other persons receiving moneys under the authority of this Act shall be deemed to be public accountants. And the provisions of the Audit Act in force for the time being, and of any Act regulating the collection of public money and the audit of the public accounts, shall be applied to such clerks and other persons.

Payments into and
out of Consolidated
Revenue.
Ibid. s. 93.

158. All license and other fees, and all sums recovered as penalties or forfeitures under this Act, or any regulation or by-law made thereunder, shall, after payment or recovery thereof, be paid (subject to any payments thereout authorised by this Act to be made to informers or other persons) by the clerk or other receiving officer of the court by or before which the same were ordered to be paid or recovered to the Colonial Treasurer, and shall be by him carried to the credit of the Consolidated Revenue Fund. And all sums of money payable under this Act as fees or other emoluments to any person shall be paid out of the Consolidated Revenue Fund under such regulations as may be prescribed by the Governor in that behalf.

Record of licenses.
Ibid. s. 94.

159. Every clerk of a licensing court by which, and every licensing magistrate by whom, any license or certificate therefor, or any permit is granted under this Act, shall keep an alphabetical record thereof in manner directed by the regulations; and every such clerk or magistrate neglecting so to do shall be liable to a penalty not exceeding five pounds.

Production of
license.
Ibid. s. 95.

160. Every person holding a license under this Act shall, on demand at his licensed house or place wherein or whereat such license is exercised, produce his license to any district or sub-inspector, inspector, or superintendent of police, or to any justice or constable authorised by any justice by any writing under his hand to demand the production thereof. And if any such licensed person refuses or neglects to produce his license, or if a transferee, the certificate mentioned in section thirty-seven hereof, he shall forfeit and pay, on conviction for every such refusal or neglect, any sum not exceeding twenty pounds unless some reasonable excuse can be given by such licensed person to the satisfaction of the court for the non-production thereof.

Liquors in any
unlicensed house
suspected to be for
sale may be seized
and forfeited.
Ibid. s. 96.

161. (1) Upon complaint on oath before a licensing magistrate or any justice that the complainant suspects and believes any liquor to have been sold by any person not holding a license under this Act authorising the sale thereof, and at or in some premises or place not authorised by his

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his license and to be specified in such complaint, and upon reasonable grounds being therein shown for such suspicion and belief, such magistrate or justice may grant a warrant to any constable to enter and search such specified premises or place. And such constable may break open any doors not opened within a reasonable time after demand, and may seize all liquors which he then and there finds, and every vessel in which the same are contained.

(2) Such magistrate or justice shall grant a summons calling upon the owner of such liquors to appear before the licensing court (to be therein named) to show how and for what purpose he became possessed of the same. And upon his so appearing, or if after being so summoned he fails to appear, the said court shall inquire into the matter, and if they are satisfied by reasonable proof that any liquor was in such premises or place for the purpose of being illegally sold, they shall adjudge the same and also every such vessel to be forfeited; and the same shall be sold and the proceeds of the sale, after payment thereof of the costs to be awarded by such court, shall be paid over in equal moieties to the use of His Majesty and to the informer. And in default of such reasonable proof such liquors and the vessels containing the same shall be forthwith restored to the owner.

162. Upon complaint on oath before a licensing magistrate or any justice that the complainant suspects and believes that any holder of a colonial wine license under this Act has sold any liquor which he is not authorised to sell, in terms of his colonial wine license, on the premises specified in his license, and on reasonable grounds being shown for such suspicion and belief, such magistrate or justice may grant a warrant to any constable to enter and search such premises; whereupon such constable and magistrate or justice shall be authorised to exercise all the powers conferred on a constable, magistrate, or justice by the next preceding section of this Act, as in the case of liquor kept for the purpose of being illegally sold within the meaning of the said section. And all other provisions of the said section shall be applicable to, and may be carried out in respect of, any proceedings taken under this section.

As to spirits, &c.,
found on premises of
holders of wine
licenses.
No. 18, 1898, s. 97.

163. If any licensee knowingly harbours, or suffers to remain on his premises, any constable during any part of the time appointed for such constable to be on duty, unless for the purpose of keeping or restoring order, or in execution of his duty, or supplies any liquor or refreshments, whether by way of gift or sale, to any constable on duty (unless by the authority of a superior officer of such constable), or bribes or attempts to bribe any constable, he shall be liable to a penalty not exceeding for the first offence five pounds and not exceeding for the second or any subsequent offence fifty or less than ten pounds.

Penalty for
harbouring or
bribing constable.
Ibid. s. 98.

164. Any district inspector, or any justice, constable, or other peace officer may seize and take away, and may convey to the licensing court or nearest court of petty sessions, all liquor which he reasonably suspects

Liquors carried
about to be seized
and condemned.
Ibid. s. 99.

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suspects to be carried about for or exposed to sale in any street, road, footpath, booth, tent, store, shed, boat, or vessel, or in any other place whatsoever, by any person not holding a license to sell the same therein respectively, and also every vessel containing, or used for drinking or measuring the same, and every cart, dray, or other carriage, and every horse or animal carrying or drawing the same, and seize every boat or vessel conveying the same. And any justice may, either on view or on confession of the offender, or on complaint made by any person without formal information, and upon proof on oath, convict any such offender of carrying about or exposing for sale such liquors without a license. And every person so convicted shall be liable to a penalty not exceeding fifty pounds. And the licensing court or convicting justices may adjudge any such liquors, vessel, cart, dray, or other carriage, horse or other animal, boat or vessel to be forfeited, and may order the same to be sold, and the proceeds thereof shall be paid to the Colonial Treasurer, and be applied by him as other moneys received under this Act:

Provided that whenever any such liquors are carried from one place to another, the burden of proving that the same were not so carried for sale shall rest upon the person so carrying them.

Inquests in public
houses.
No. 19, 1893, s. 100.

165. Every holder of a publican's license shall, at the request of any officer or constable of the police, receive into the house mentioned in such license or, at his option, into some secure place upon the premises occupied therewith, or any portion of the appurtenances thereof (not being a house or premises situated within a distance of one mile from any dead-house or police station), any dead body that may be brought to such house for the purpose of an inquest being held thereon; and for every dead body so received he shall be paid the sum of thirty shillings out of any money which may be available for such purpose. And if he refuses to receive such dead body for the purpose aforesaid he shall be liable to a penalty not exceeding five pounds:

Provided that nothing herein contained shall make it compulsory upon any publican to receive a dead body in an offensive state of decomposition, or the body of a person reasonably supposed to have died of an infectious disease.

Disorderly conduct
prohibited.
Ibid. s. 101.

166. Every holder of a license of any description whatsoever under this Act who knowingly suffers or permits any common prostitutes, thieves, drunken or disorderly persons, or persons of notoriously bad character, to assemble or continue upon his licensed premises, or the appurtenances thereto, shall for every such offence be liable to a penalty not exceeding ten pounds.

As to notices, &c.
Ibid. s. 104.

167. (1) Any notice under this Act may be partly or wholly in writing or in print.

(2) Every notice of objections to an application under this Act shall be signed by every objector (with his address added) and shall be left with the person to whom such notice is directed, or, if he cannot conveniently

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conveniently be met with, may be left with some person for him at his last or most usual place of abode, so as to give him an interval of at least three clear days before the time appointed for the hearing or disposal of the matter referred to in the notice.

168. Notwithstanding anything contained in this Act, the Governor may sanction and issue licenses for the sale of liquor at such refreshment-rooms or stalls at such railway stations as he may deem fit; and the fee for every such license shall be the same as for a publican's license under this Act; and such license and the holder thereof shall be subject to such regulations and such penalties as the Governor may make or impose:

Licenses for railway refreshment rooms.
No. 18, 1898, s. 105.

Provided that all such regulations shall be laid before Parliament within fourteen days of their promulgation, if Parliament be then sitting, or if not, then within fourteen days after the commencement of its then next session.

PART XII.

Legal procedure

169. (1) Every person charged with any offence, act, omission, or neglect, for which by this Act any punishment by way of penalty, forfeiture, or cancellation of license may be inflicted (if the same is not by this Act declared to be a misdemeanour, or directed to be heard and determined by and before some other court or authority), shall be prosecuted, and every such penalty or forfeiture may be recovered, before the licensing court of the licensing district in which the offence was committed, or the penalty or forfeiture was incurred, or before a court of petty sessions: Provided that a court of petty sessions shall not have jurisdiction in cases where the holder of a license is summoned to show cause why such license should not be cancelled, or in which the court might order a license to be cancelled or forfeited, or a licensee or any premises in respect of which a license has been granted to be disqualified.

Procedure under this Act.
Ibid. s. 106.
No. 24, 1909, s. 32.
No. 27, 1902, s. 82.

(2) The procedure of every such licensing court or court of petty sessions shall, subject to the provisions of this Act, so far as may be practicable, be regulated by the Acts in force for the time being regulating summary proceedings before justices.

170. (1) Any person aggrieved by any adjudication of a licensing court made under this Act, where such adjudication is not the refusal of a certificate for the grant, transfer, or removal of a license, or the cancellation or forfeiture of a license, or the refusal of a permit under section forty-seven or forty-eight, may appeal against such adjudication to a court of quarter sessions.

Appeals.
No. 24, 1909, s. 34.

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The provisions of Division Four of Part V of the Justices Act, 1902, or of any Act amending the same, relating to appeals from an order or conviction shall, save as hereinafter provided, apply, mutatis mutandis, to appeals under this section from any such adjudication.

(2) Any person appealing against the refusal of the renewal of a license shall, at the same time as he gives notice of his intention to appeal, lodge with the clerk of the licensing court a sum equal to the amount last paid as a fee for the license of the premises, together with a further sum of twenty pounds as security for costs.

Thereupon such premises shall be deemed to be licensed premises until the hearing of the appeal, subject to the payment of a proportionate part of the license fee for the time after the expiration of the former license.

If at such hearing the matter is determined against the appellant, the court shall apply the first-mentioned sum in paying the said proportionate part of the license fee, and shall refund the balance to the appellant.

(3) Where, during the pendency of such appeal, a vote of electors has been carried in favour of a reduction of licenses in the electorate in which the premises are situated, the license the subject of the appeal shall be dealt with by the special court constituted to determine the reduction to be made in the number of existing licenses, as if such license were in existence.

Limitation of actions.
No. 18, 1898, s. 103.

171. No action shall lie against any chairman or member of a licensing court, or licensing or police magistrate, or against any justice, district or sub-inspector, or against any inspector, superintendent, officer, or member of the police force, for or on account of any matter or thing whatsoever done or directed to be done by him in the execution of his duty or office under this Act, unless such action is commenced within three calendar months next after the cause of action or complaint has arisen.

Limited time for informing.
Ibid. s. 110.

172. Save as herein otherwise provided, no conviction shall take place under this Act upon any information or complaint which has not been exhibited or made within one month next after the commission of the offence charged.

Compensation may be awarded against informer preferring groundless charges.
Ibid. s. 111.

173. Whenever any complaint before any court or justices under this Act is not further prosecuted with effect, or being so prosecuted appears to the court or justices hearing the complaint to be without sufficient ground, such justices may award as compensation not more than twenty pounds to be paid by the person complaining to the person complained against for his loss of time and expenses. And such compensation may be recovered in like manner as any penalty under this Act.

Proof of license.
Ibid. s. 112.

174. (1) In any proceedings under this Act against any person alleged to be the holder of a license, the production of the clerk's book of proceedings at licensing courts or other record of licenses authorised to

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to be kept, wherein such person's name appears as a person to whom a license was ordered to be granted, shall be evidence of his being so licensed as alleged:

Provided that any other proof as to the fact of any person holding any license as alleged in any such proceeding may be admitted.

(2) In all proceedings under this Act against any person Burden of proof. for carrying on without a license any trade or business, for the exercise whereof a license is required by law, such person shall for all purposes connected with such proceedings be deemed and taken to be unlicensed, unless he produces the license authorising him to carry on such trade or business to the court hearing the case, or produces other proof which is satisfactory to such court of his being duly licensed to carry on such trade or business.

175. The delivery of any liquor shall be evidence of sale Delivery of liquor prima facie evidence of sale. within the meaning of this Act so as to support a conviction, unless No. 18, 1898, s. 113. satisfactory proof to the contrary is adduced to the court or any justices hearing the case.

176. In all proceedings under this Act against any person charged Proof of disorderly house. with unlawfully selling any liquor in a reputed disorderly house, proof Ibid. s. 114. of the reputation of such house, and of such person being the owner thereof, to the satisfaction of the court or justices, shall be sufficient evidence upon which such court or justices may convict, as well the persons so found drinking in such house as the licensee thereof.

177. The licensing court or the convicting justices may direct As to penalties and their remission. that the complainant or informer shall receive a portion, not exceeding Ibid. s. 115. in any case one moiety, of any penalty recovered under this Act:

Provided that the Governor may remit the whole or any part of such penalty.

SCHEDULES.

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SCHEDULES

Section 2.

FIRST SCHEDULE.

Repeal of Acts.

Reference to Acts.	Title or short title.	Extent of repeal.
24 George II, c. 40 ...	The Tippling Act	Section 12.
No. 18, 1898	Liquor Act, 1898	The whole.
No. 22, 1899	Adulteration of Liquor Act, 1899	The whole.
No. 40, 1905	Liquor (Amendment) Act, 1905	The whole.
No. 21, 1907	Liquor (Amendment) Act, 1907	The whole.
No. 24, 1909	Justices (Amendment) Act, 1909	Sections 29-34.

Section 15.

SECOND SCHEDULE.

LIQUOR ACT, 1912.

Form of a publican's license.

Whereas A.B. of _____ has deposited in this office a certificate of*
held at _____ on the _____ day of _____ in the year one thousand nine hundred
and _____ authorising the issue to the said A.B., under the Liquor Act, 1911,
of a publican's license for the premises known [or to be known] as _____, situated
at _____

And whereas the said A.B. has paid the sum of _____ pounds sterling as the fee
for such license: Now I, _____, in virtue of the powers by law vested in me,
do hereby license the said A.B. to sell fermented and spirituous liquors in any quantity
on the aforesaid premises but not elsewhere, but subject to the provisions of the above-
named Act. And this license shall commence upon the _____ day of _____
next and continue in force until the _____ day of _____ now next ensuing, both
days inclusive, provided it be not forfeited or cancelled in the meantime.

Given under my hand and seal at Sydney, this _____ day of _____, one
thousand nine hundred and _____

N.O. (L.S.)

Colonial Treasurer [or officer authorised to issue licenses].

* Here state the licensing authority which granted the certificate.

† If the court, acting under the powers conferred by section twenty-two of the Liquor Act, 1912, has reduced the fee, that fact should be shown by inserting before "fee" the word "reduced."

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THIRD SCHEDULE.

Section 16.

LIQUOR ACT, 1912.

Form of packet license for*

Whereas A.B., of , being the master of the passenger steamer [or if any other kind of vessel describe it] conveying passengers between [name the place] and [name the place], has deposited in this office a certificate of the on the day of , in the year , authorising the issue to the said A.B., under and by virtue of the Liquor Act, 1912, of a packet license : And, whereas, the said A.B. has paid into my office the sum of † sterling as the fee for such license : Now, I , in virtue of the powers vested in me by the said Act, do hereby license the said A.B. to retail fermented and spirituous liquors to any passenger on board of such vessel in accordance with the provisions of the abovementioned Act. And this license shall commence upon the day of next, and continue in force until the day of now next ensuing, both days inclusive, provided it be not forfeited or cancelled in the meantime.

Given under my hand and seal at Sydney, this day of , one thousand nine hundred and

N.O. (L.S.)

Colonial Treasurer [or officer authorised to issue licenses].

* Here insert name, description, and classification of vessel. † Here insert the fee chargeable, according to class of vessel.

FOURTH SCHEDULE.

Section 18.

LIQUOR ACT, 1912.

Form of colonial wine license.

Whereas A.B., of , has deposited in this office a certificate of the , dated the day of , authorising the issue to the said A.B. of a colonial wine license for the premises of the said , situate at : And whereas the said has paid the sum of pounds sterling as the fee for such license: Now I do hereby declare that the said is licensed to sell any wine, cider, or perry, the produce of fruit grown in an Australasian Colony, in quantities not exceeding two gallons, on such premises, and not containing a greater proportion than thirty per cent. of proof spirit. And this license shall commence on the day of and continue in force until the day of now next ensuing, both inclusive, provided it be not forfeited or cancelled in the meantime.

Given under my hand at , this day of , one thousand nine hundred and

N.O. (L.S.)

Colonial Treasurer [or officer authorised to issue licenses].

FIFTH

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Section 20.

FIFTH SCHEDULE.

LIQUOR ACT, 1912.

Form of booth or stand license.

Whereas A.B., of _____, has deposited in this office a certificate of the _____, dated the _____ day of _____, authorising the issue to the said A.B., being a licensed publican holding a publican's license for _____ situate at _____ of a booth or stand license for the place and time hereinafter mentioned: And whereas the said A.B. has paid the sum of _____ pounds sterling as the fee for such license: Now I do hereby declare that* the said _____ is licensed to sell liquor at the _____ at _____ but not elsewhere. And this license shall commence upon the _____ day of _____ and continue in force until the _____ day of _____ now next ensuing, both days inclusive, provided it be not forfeited or cancelled in the meantime.

Given under my hand at _____, this _____ day of _____, one thousand nine hundred and _____

Treasurer [*or officer authorised to issue licenses*].

* If any conditions are imposed they should be stated here ["subject to the conditions following, viz., &c., &c."].

Section 24.

SIXTH SCHEDULE.

LIQUOR ACT, 1912.

(A)

Notice of application for a publican's license.

I _____, of _____, do hereby give notice that I desire to obtain, and will, at the next licensing court, to be holden at _____, on the _____ day of _____, apply for a certificate authorising the issue of a publican's license for premises situate at _____ and to be known by the sign of _____, containing _____ rooms, exclusive of those required for the use of the family.*

Dated the _____ day of _____ one thousand nine hundred and _____.

(Signed) A.B. (*Applicant.*)
(*Address.*)

* Here state whether the accommodation in the premises for which the license is desired is in conformity with the provisions of section twenty-five or section twenty-six of the Liquor Act, 1912. If the application is made under section twenty-two of the said Act for reduction of license fee, that fact should be stated.

(B)

Notice of application for a packet license.

I _____, being the master of _____ or vessel _____, conveying passengers between _____ and _____, do hereby give notice that I desire to obtain, and will at the next licensing court* to be holden at _____ on the _____ day of _____ apply for a certificate authorising the issue of a license for the said vessel under class _____ of section twenty-one of the Liquor Act, 1912, to sell liquor on board the said vessel during her passage between such places to any passenger on board such vessel.

Dated the _____ day of _____ one thousand nine hundred and _____.

(Signed) A.B. (*Applicant.*)
(*Address.*)

If application is to licensing magistrate, alter form accordingly.

(C)

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(C)

Notice of application for a colonial wine license.

I, of, do hereby give notice, that I desire to obtain and will at the next annual licensing court, to be holden at on the day of, apply for a certificate authorising the issue of a colonial wine license for a house situate at assessed at [or of the annual value of] a year.

Dated the day of one thousand nine hundred and

(Signed) A.B. (Applicant.) (Address.)

SEVENTH SCHEDULE.

Section 31.

LIQUOR ACT, 1912.

Certificate to authorise the issue of a publican's license.

I, the undersigned, being the chairman of the licensing court holden at on the day of, one thousand nine hundred and, the requisite notice of application for this certificate having been proved to the court to have been duly served and posted, and it appearing to such court that the premises hereinafter mentioned contain the requisite accommodation, do hereby authorise the issue to of a publican's license for [here state description, sign, and licensing district or locality of the house].

Given under my hand and seal, the day of, one thousand nine hundred and

(L.S.) A.B., Chairman, &c.

Certificate to authorise the issue of a packet license.

I, the undersigned, being the chairman of the licensing court holden at on the day of, one thousand nine hundred and [or I, the undersigned, being a licensing magistrate for the licensing district of (or as the case may be) on the day of] do hereby authorise the issue to being the master of the [here insert name and classification of vessel] between and of a packet license for such vessel under class

Given under my hand and seal, the day of, one thousand nine hundred and

(L.S.) A.B., Chairman, &c.

Certificate to authorise the issue of a colonial wine license.

I, the undersigned, being the chairman of the licensing court holden at on the day of, one thousand nine hundred and, the requisite notices of application for this certificate having been shown to have been duly served and posted, do hereby authorise the issue to of a colonial wine license for his house [or premises] situate at

Given under my hand and seal, the day of, one thousand nine hundred and

(L.S.) A.B., Chairman, &c.

Certificate

Act No. 42, 1912.

Liquor.

Certificate to authorise the issue of a booth or stand license.

I, the undersigned, being the chairman of the licensing court holden at
 on the day of one thousand nine hundred and [or I, the
 undersigned, being the licensing magistrate for the licensing district of (as the
case may be) on the day of] do hereby authorise the issue to
 of being a licensed publican holding a publican's license in respect of
 , situate at , of a booth or stand license for the [here state the occasion
and place] for a period of days from the day of between
 the hours of and

Given under my hand and seal, the day of , one thousand
 nine hundred and

(L.S.) A.B., Chairman, &c.

Section 37.

EIGHTH SCHEDULE.

LIQUOR ACT, 1912.

I, the undersigned, being a licensing magistrate, do hereby transfer all rights and
 privileges under the within license to of for the residue of the
 term between this date and the

Dated the day of , one thousand nine hundred and

(L.S.) A.B., Licensing Magistrate for

Section 39.

NINTH SCHEDULE.

LIQUOR ACT, 1912.

Notice of application to remove a license to other premises.

I, of , do hereby give notice that I desire to obtain and will
 at the next licensing court, to be holden at , on the day
 of , apply for the removal of the license for the premises known as
 to premises situate at , containing rooms, exclusive of those required
 for the use of the family.

Dated the day of , one thousand nine hundred and

(Name and address of applicant.)

Section 39.

TENTH SCHEDULE.

LIQUOR ACT, 1912.

I, the undersigned, being the chairman of the licensing court holden at
 on the day of , the requisite notice of application for removal
 having been proved before us to have been duly served and posted, do hereby declare
 that the within license shall henceforth cease to apply to the house and premises within
 mentioned, and shall apply to the house known as , situate at

Dated the day of , one thousand nine hundred and

(L.S.) A.B., Chairman, &c.

 ELEVENTH

Act No. 42, 1912.

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Liquor.

ELEVENTH SCHEDULE.

Section 83.

LIQUOR ACT, 1912.

Local Option Vote.

I vote that the number of licenses existing in the electorate continue.	<input type="checkbox"/>
I vote that the number of licenses existing in the electorate be reduced.	<input type="checkbox"/>
I vote that no licenses be granted in the electorate.	<input type="checkbox"/>

Indicate your vote by making a cross in the square opposite the resolution for which you vote.

TWELFTH SCHEDULE.

Ibid.

LIQUOR ACT, 1912.

Local Option Vote.

I vote that licenses be restored in the electorate.	<input type="checkbox"/>
I vote that licenses be not restored in the electorate.	<input type="checkbox"/>

Indicate your vote by making a cross in the square opposite the resolution for which you vote.

THIRTEENTH SCHEDULE.

Section 95.

LIQUOR ACT, 1912.

Form of application for a brewer's or spirit merchant's license.

To the licensing court* of the licensing district of [or the licensing magistrate, of such district.]

I, A.B., now residing at , in the licensing district of , in New South Wales, do hereby give notice that it is my intention to apply to the licensing court to be holden on the day of , for [state the character of license applied for and particular description of premises].

Given under my hand this day of , one thousand nine hundred and . (Name and address of applicant.)

* If application is made to a licensing magistrate, alter the form accordingly.

FOURTEENTH

Act No. 43, 1912.

Banks and Bank Holidays.

Section 95.

FOURTEENTH SCHEDULE.

LIQUOR ACT, 1912.

Certificate to authorise the issue of a brewer's or spirit merchant's license.

I, the undersigned, being the chairman of the quarterly licensing court holden at
 [or the licensing magistrate of the district] on the day of
 one thousand nine hundred and , do hereby authorise the issue to
 of a license for [*here state all particulars as to applicant, premises, and descrip-
 tion of license*].

Given under my hand and seal, the day of , one thousand
 nine hundred and .



(L.S.) A.B., Chairman, &c.
