

LIQUOR (AMENDMENT) ACT.

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 14, 1970.

An Act relating to membership of clubs, removal of spirit merchants' licenses, objections to grant of certain applications, and to certain other matters; to amend the Liquor Act, 1912; to validate certain matters; and for purposes connected therewith.
[Assented to, 26th March, 1970.]

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

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Liquor (Amendment) Act, 1970".

(2)

Liquor (Amendment).

(2) This Act shall be deemed to have commenced No. 14, 1970 upon the third day of December, one thousand nine hundred and sixty-nine.

2. The Liquor Act, 1912, is amended—

Amendment
of Act No.
42, 1912.

(a) by inserting next after subsection (1A) of section Sec. 30.
thirty the following new subsection :—

(Qualifica-
tion of
section
twenty-
nine.)

(1B) For the purposes of an application for renewal of a license under this Part, paragraph (f) of section twenty-nine shall be deemed to be amended by omitting the words “or a site acquired for a place of public worship, hospital, or public school”.

(b) (i) by omitting from paragraph (a) of subsection Sec. 34. two of section thirty-four the words “against (Renewal of the refusal” and by inserting in lieu thereof ^{applications.}) the words “from an adjudication in respect of the grant or refusal”;

(ii) by inserting at the end of the same subsection the following new paragraph :—

(e) Nothing in the foregoing provisions of this subsection shall preclude the licensing court from hearing and determining, or the holder of a spirit merchant’s license making, an application or conditional application for the removal of a spirit merchant’s license to other premises within the neighbourhood of the existing premises.

No. 14, 1970**3. The Liquor Act, 1912, is further amended—**

Further
amendment
of Act No.
42, 1912.

Sec. 78F.
(Objec-
tions.)

(a) (i) by omitting from subsection one of section 78F the words “subsection two” and by inserting in lieu thereof the words “subsections two and three”;

(ii) by inserting next after subsection two of the same section the following new subsection :—

(3) For the purposes of an application for the renewal of a permit under this Part paragraph (f) of section twenty-nine shall be deemed to be amended by omitting the words “or a site acquired for a place of public worship, hospital, or public school”.

Sec. 78K.
(Effect of
permit.)

(b) by omitting subsection (2A) of section 78K and by inserting in lieu thereof the following subsection :—

(2A) (a) No charge shall be imposed or payment demanded as a condition of admission to a restaurant in respect of which a permit is held under this Part.

(b) Subject to paragraphs (c) and (d) of this subsection the holder of a permit under this Part shall not demand or accept payment for anything other than liquor, meals or substantial refreshments (as the case may require) or other goods that have been lawfully supplied or sold in the restaurant.

(c) Notwithstanding paragraph (b) of this subsection the holder of a permit under this Part may demand or accept payment in the nature of an entertainment charge if entertainment as referred to in subparagraph (ii) of paragraph (b) of subsection two of this section is provided and such demand or acceptance is made for entertainment

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so provided after the meal or substantial refresh- No. 14, 1970
ments referred to in paragraph (b) of this sub-
section has or have in fact been supplied.

(d) The Minister may by notice published in the Gazette exempt any restaurant and the holder of the permit in respect thereof from the provisions of this subsection subject to such conditions as the Minister may impose.

4. The Liquor Act, 1912, is further amended—

Further
amendment
of Act No.
42, 1912.

- (a) by omitting paragraph (k) of section one hundred and thirty-four; Sec. 134.
(Conditions
of regis-
tration
of
clubs.)
- (b) by inserting in subsection one of section 134A after Sec. 134A.
the word "admission" the words "as honorary (Limitations
members"; on club
mem-
ber-
ship.)
- (c) by inserting at the end of subsection one of section Sec. 134B.
134B the following proviso :— (Clubs to be
incorpo-
rated
bodies.)

Provided that notwithstanding the foregoing
provisions of this subsection—

- (a) an application for a certificate of registration
of a club or conditional application for a
certificate of registration of a club made
before the commencement of the Liquor
(Amendment) Act, 1969, and which has
not been granted; or
- (b) an appeal against the grant before or after
such commencement of an application for a
certificate of registration of a club or condi-
tional application for a certificate of
registration of a club,

may be heard, entertained and determined by the
licensing court.

(d)

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Sec. 135.
(Provisions
to be made
in rules of
clubs.)

(d) (i) by inserting next after paragraph (h) of subsection one of section one hundred and thirty-five the following new paragraph :—

(hi) no person under twenty-one years of age, unless he has attained the age of eighteen years and has served outside Australia as a member of the armed forces of the Commonwealth, shall use or operate or be allowed to use or operate poker machines in the club premises ;

(ii) by omitting from paragraph (i) of the same subsection the word "twenty-one" wherever occurring and by inserting in lieu thereof the word "eighteen";

(iii) by omitting from the same subsection the words "Provided further that paragraph (i) of this subsection shall not preclude a club from admitting members between the ages of eighteen years and twenty-one years where the members proposing and seconding the admission of such members have attained the age of twenty-one years and the eligibility of the club for registration shall not be affected if the rules provide accordingly." and by inserting in lieu thereof the following new proviso :—

Provided further that a club shall not admit members in accordance with paragraph (i) of this subsection under the age of twenty-one years unless the members proposing and seconding the admission of such members have attained the age of twenty-one years.

Sec. 140.
(Objections
which may
be taken to
grant or
renewal of
certificate.)

(e) by inserting next after subsection two of section one hundred and forty the following new subsection :—

(3) For the purposes of an application for the renewal of a certificate of registration of a club paragraph

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paragraph (liv) of subsection one of this section No. 14, 1970 shall be deemed to be amended by omitting the words "or a site acquired for a place of public worship, hospital, or public school";

(f) by inserting at the end of paragraph (c) of subsection four of section one hundred and forty-five (Removals of club premises.) the words "or a site acquired for a place of public worship, hospital, or public school";

(g) by omitting from section 149A the word "Any" and by inserting in lieu thereof the words "Except in the case of a person who has attained the age of eighteen years and has served outside Australia as a member of the armed forces of the Commonwealth, any".

Sec. 149A.
(Persons under twenty-one not to play poker machines in club premises.)

5. No objection to the renewal of a certificate of registration of a club may be taken on the ground that the rules of the club do not conform to paragraph (hi) or (i) of section one hundred and thirty-five of the Liquor Act, 1912, as amended by this Act, until the thirtieth day of September, one thousand nine hundred and seventy.

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