

## LIQUOR (AMENDMENT) ACT.

### Act No. 50, 1954.

An Act to make further provision for the regulation of the sale of liquor; to amend the Liquor Act, 1912, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 22nd December, 1954.] Elizabeth II,  
No. 50, 1954.

**B**E 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:—

**1.** (1) This Act may be cited as the "Liquor (Amendment) Act, 1954." Short title  
and  
commence-  
ment.

(2) This Act shall, except where otherwise expressly provided, commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**2.** (1) The Liquor Act, 1912, as amended by subsequent Acts, is amended— Amendment  
of Act No.  
42, 1912.

(a) (i) by omitting from section one the figures and letter "78A" wherever occurring and by inserting in lieu thereof the figures and letter "78B"; Sec. 1.  
(Short title  
and  
division.)

(ii) by inserting in the same section immediately before the matter "PART IV.—LOCAL OPTION—ss. 79-94" the following new matter:—

PART IIIA.—WINE AND MALTED  
LIQUORS IN RESTAURANTS—ss. 78C-  
78U.

PART

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PART III<sub>B</sub>.—COMMUNITY HOTELS—SS.  
78<sub>V</sub>-78<sub>BB</sub>.

- (iii) by omitting from the same section the figures "11<sup>2</sup>" and by inserting in lieu thereof the figures and letter "112<sub>A</sub>";
- (iv) by omitting from the same section the word "Marriage" and by inserting in lieu thereof the word "Bankruptcy";
- (v) by omitting from the same section the figures and letter "168<sub>B</sub>" and by inserting in lieu thereof the figures and letter "168<sub>C</sub>";
- (vi) by omitting from the same section the figures "177" and by inserting in lieu thereof the figures "178";

New sec.  
1A.

- (b) by inserting next after section one the following new section:—

**Construction.**

1A. This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

Sec. 5.  
(Constitution of  
licensing  
courts.)

- (c) (i) by omitting subsection two of section five and by inserting in lieu thereof the following subsection:—

(2) The Governor may—

- (a) appoint not less than three nor more than five persons, each of whom shall be a stipendiary magistrate or a person who is eligible for appointment as a stipendiary magistrate, to be licensing magistrates;

(b)

- (b) appoint one of such magistrates to be a chairman of licensing courts and another of such magistrates to be deputy chairman of licensing courts. No. 50, 1954.

In the absence of the chairman from whatsoever cause the deputy chairman shall act in his place and have the jurisdiction, powers, authorities, duties and functions of the chairman.

- (ii) by omitting from subparagraph (i) of paragraph (a) of subsection five of the same section the words "a period of seven years from the date of his appointment" and by inserting in lieu thereof the words "such period not exceeding seven years as may be specified in the instrument of his appointment";
- (iii) by omitting from paragraph (b) of the same subsection the words "police or" wherever occurring;
- (iv) by inserting in subsection six of the same section after the word "chairman" the words "or deputy chairman";
- (v) by omitting from subsection nine of the same section the words "situate in the licensing district for which the sitting is to be held" and by inserting in lieu thereof the words "situate in the neighbourhood of the premises to which the matter to be heard and determined relates";
- (vi) by omitting from subsection ten of the same section the words "or police";
- (vii) by omitting from paragraph (a) of subsection twelve of the same section the words "or police";

(viii)

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(viii) by inserting in paragraph (b) of the same subsection after the word "inquiry" the words "or hearing and determination of the said appeal";

Sec. 9.  
(Procedure  
before  
licensing  
court.)  
(Repeal.)

(d) by omitting section nine;

Sec. 11.  
(Holding  
of licensing  
courts.)

(e) by inserting at the end of subsection one of section eleven the following proviso:—

Provided that notice of the holding of the licensing court for the Metropolitan licensing district may be given by affixing the same to a notice board in the office of the clerk of the said court;

Sec. 12.  
(Power to  
adjourn—  
majority  
to decide.)

(f) (i) by inserting at the end of subsection two of section twelve the words "or the hearing of any application or matter under this Act";

(ii) by omitting from subsection three of the same section the words "the matter shall be adjourned to a meeting at which three members are present" and by inserting in lieu thereof the words "the chairman shall have a deliberative as well as a casting vote";

(iii) by inserting in subsection four of the same section after the word "If" the words "before or";

(iv) by omitting from the same subsection the words "if all parties to the proceedings consent thereto,".

(2) The persons who immediately before the commencement of this Act held office as licensing magistrates under the Liquor Act, 1912, as amended by subsequent Acts, shall, notwithstanding the amendments effected  
by

by subparagraphs (i) and (ii) of paragraph (c) of sub-section one of this section, continue to hold office, subject to the said Act as amended by subsequent Acts and by this Act, for the remainder of the term for which they were appointed. No. 50, 1954.

(3) The regulations made or purporting to have been made under the Liquor Act, 1912, as amended by subsequent Acts, and published in the Gazettes set out hereunder, shall have force and effect as if made under the Liquor Act, 1912, as amended by subsequent Acts and by this Act, and may be amended, varied or revoked by regulations under the said Act, as so amended.

## GAZETTES.

No. of Gazette.	Date of Gazette.	Pages of Gazette.
101	13th September, 1946.	2056 et seq.
41	28th March, 1947.	692.

**3.** The Liquor Act, 1912, as amended by subsequent Acts, is further amended — Further amendment of Act No. 42, 1912.

(a) (i) by inserting in subparagraph (f) of paragraph (1) of section thirteen after the word "Act" the words "or a person exempted from the operation of this paragraph"; Sec. 13. (Exemptions from this Part.)

(ii) by omitting from paragraph (8) of the same section the words "on account of another person" and by inserting in lieu thereof the following words:—

“(i) on account of another person authorised to sell such liquor where such sale or offering for sale takes place on the premises in respect of which such authority is held, or

(ii) on account of the estate of a deceased or bankrupt person, or

(iii) on account of another person where such liquor is sold or offered for sale in conjunction with other effects

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effects of such person and such other effects are substantially greater in value than the value of such liquor—”;

Sec. 15.  
(Publicans'  
licenses.)

(b) (i) by omitting from section fifteen the words “contained in section fifty-seven hereof” and by inserting in lieu thereof the words “of this Act”;

(ii) by omitting from the same section the words “and between ten o'clock in the morning and six at night”;

Sec. 15A.  
(Spirit  
merchants'  
licenses.)

(c) by inserting in section 15A after the word “being” the words “supplied and delivered from or”;

Subst. secs.  
16 and 17.

(d) by omitting sections sixteen and seventeen and by inserting in lieu thereof the following sections:—

Packet  
licenses.

16. Packet licenses may be in the form prescribed and shall authorise the master or captain for the time being of a particular vessel or aircraft named in the license to sell and dispose of liquor to any passenger on board such vessel or aircraft during any voyage, passage or flight, but not until such vessel or aircraft has left her berth, moorings, airport, or aerodrome and has proceeded on her voyage, passage or flight; nor shall any such license be available on board any vessel while plying between places within the harbour of Port Jackson or on any aircraft flying only over the City of Sydney and its suburbs:

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 or captain of a vessel or aircraft who holds a packet license, or by any of the officers or crew of such vessel or aircraft with such master's or captain's privity or consent while such vessel or aircraft is at any wharf, anchorage, or moorings, airport or aerodrome, or while such vessel is plying between places within any harbour of the State or while such aircraft is flying over the City of Sydney or its suburbs, shall subject the master, captain, officer or member of the crew selling such liquor to a penalty not exceeding thirty pounds for the first and not exceeding one hundred pounds for the second or any subsequent offence. And every sale of liquor on board such vessel or aircraft under the circumstances aforesaid shall be deemed to be a sale by the master or captain until the contrary is proved.

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Sales of liquor on vessels and aircraft in breach of this Act.

- (e) (i) by omitting from section eighteen the words "but only between the hours of ten in the morning and six at night"; Sec. 18. (Australian wine licenses.)
- (ii) by inserting in the same section after the word "renewal" wherever occurring the words "or removal";
- (f) (i) by inserting at the end of paragraph (c) of subsection one of section twenty-one the following proviso:— Sec. 21. (Fees payable for licenses.)
- Provided that where a new spirit merchant's license is granted after the first day of July the sum payable therefor shall be such sum as bears to the sum which but for this proviso would have been so payable the same proportion as the period from the date of grant of the said license to the thirtieth day of June next ensuing bears to the period of one year.
- (ii) by inserting in paragraph (g) of the same subsection after the word "vessel" the words "or aircraft";

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- (iii) by inserting next after the same subsection the following new subsection:—

(1A) The board in determining the gross amount paid or payable for liquor in accordance with the provisions of paragraphs (b), (g) and (i) of subsection one of this section may, on proof being given to its satisfaction as to any liquor lost, stolen or damaged in transit, give credit therefor.

Sec. 22.  
(Particulars  
to be  
furnished by  
licensees.)

- (g) (i) by inserting in paragraph (a) of subsection one of section twenty-two after the word "vessel" the words "or aircraft";
- (ii) by inserting in subsection two of the same section after the words "but also" the words "persons holding any permit or certificate of registration under this Act and";
- (iii) by inserting next after the same subsection the following new subsection:—

(2A) Every holder of a publican's or a spirit merchant's license shall keep a record of all sales supplies and deliveries of liquor in quantities of or in excess of five gallons at any one time to any person not being the holder of a license or permit under this Act, a registered club nor a person exempted from the provisions of this Part of this Act. Such record shall be in the prescribed form and shall, on demand, be produced to any member of the police force of or above the rank of sergeant who may inspect the same and make copies of or take extracts from the same. Every holder of a publican's or a spirit merchant's license who fails to carry out the provisions of this subsection shall be liable to a penalty not exceeding one hundred pounds.

(iv)



- (iv) by inserting at the end of subsection three No. 50, 1954. of the same section the following new paragraph:—

The court may before granting an application under section thirty-seven of this Act waive compliance by the intending transferor with the requirements of the foregoing provisions of this subsection within the period therein prescribed on condition that he complies with such requirements within such period after such grant as the court may determine.

- (h) (i) by omitting subsection two of section Sec. 23. twenty-three and by inserting in lieu thereof (Board to fix fee.) the following subsection:—

(2) Upon the first renewal after the grant of a new license or where no information or insufficient information is furnished within the time prescribed, or within such further time as the board may allow, to enable the board to fix a license fee upon a percentage basis, the board may, notwithstanding anything contained in this Act, fix the license fee at such amount as it thinks fair and reasonable.

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

(4) Notwithstanding the provisions of section twenty-one of this Act the board in fixing any license fee payable on renewal of a license may, at its discretion, convert the amounts paid or payable and as furnished in accordance with section twenty-two of this Act to the nearest pound.

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**No. 50, 1954.** **4.** (1) The Liquor Act, 1912, as amended by subsequent Acts, is further amended—

Further  
amendment  
of Act No.  
42, 1912.

Sec. 24.  
(As to publican's, spirit merchant's,  
and  
Australian wine  
licenses )

- (a) (i) by inserting in subsection one of section twenty-four after the words "is to be held" the following proviso:—

Provided that where any such notice is delivered to the clerk of the licensing court for the Metropolitan licensing district it shall be sufficient compliance with the provisions of this subsection relating to the posting of notices by the clerk of the said court if one of such notices is posted on a notice board in the office of the said clerk.

- (ii) by inserting next after the same subsection the following new subsection:—

(1A) (a) The notice in writing delivered to the clerk of the licensing court in accordance with the provisions of subsection one of this section shall be accompanied by a statement verified by statutory declaration setting out the names of all persons directly or indirectly interested in the application or in the business or the profits of the business to be carried on under the license applied for.

(b) Where any body corporate is so interested and such body corporate is a proprietary company such statement shall set out the names of the directors and principal shareholders thereof.

(c) Where any person, other than the applicant, is interested in the business or the profits of the business as aforesaid,  
the

the applicant shall produce to the licensing court an agreement between such person and the applicant evidencing that—

- (i) the applicant shall have the full free and unfettered control of the conduct of the business of the licensed premises; and
- (ii) no payment or part payment shall be made to the applicant by way of commission or allowance from or upon the receipts of the business of the licensed premises for liquor sold or supplied.
- (iii) by omitting subsection five of the same section;
- (b) by omitting from section twenty-five the words “Provided that each such room in every house shall contain not less than twelve hundred cubic feet of air space, and not be less than nine feet in height”;
- (c) (i) by omitting from section twenty-six the words “each having not less than six hundred cubic feet of air space”;
- (ii) by omitting from the same section the words “having not less than twelve hundred cubic feet of air space”;
- (d) (i) by inserting in subsection one of section twenty-seven after the words “new publican’s” the words “, spirit merchant’s or Australian wine”;
- (ii) by omitting from the same subsection the words “may furnish a copy of such record to the applicant” and by inserting in lieu thereof the words “the clerk of the court may furnish to the applicant a copy of the record in such book of proceedings certified by the said clerk and under the seal of the said court”;
- (iii)

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Sec. 25.

(Minimum standard of accommodation for licensed house.)

Sec. 26.

(Hotels in distant areas.)

Sec. 27.

(Conditional license may be granted.)

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- (iii) by inserting in the same subsection after the words "deposited with the clerk of the court" the words "and upon notice being given to any objectors to the conditional application and upon such terms as the court may deem fit, the court may hear and determine an application to amend the plans so initialled, or to approve an alternate site within the immediate vicinity of the site approved on the conditional application";
- (iv) by inserting in the same subsection after the words "so furnished" the words "or amended";
- (v) by omitting from the same subsection the word "publican's" where lastly occurring;

Sec. 28.  
(Applica-  
tion  
for packet  
and booth  
or stand  
licenses.)

- (e) by inserting in section twenty-eight after the words "Port Jackson" the words "or if in respect of an aircraft";

Sec. 29.  
(Objections  
to liquor  
licenses.)

- (f) (i) by inserting in section twenty-nine next after paragraph (iii) the following new paragraphs:—

- (iv) any person who is able to prove to the satisfaction of the court that his interests, financial or otherwise, would be adversely affected by the granting of the license.

Any person mentioned in paragraph (i) or (iv) of this section shall furnish to the court an affidavit stating whether or not the objection is based exclusively on considerations of public interest, whether he has any direct or indirect pecuniary interest in the refusal of the application or any expectation of such interest, and whether any person or body corporate other than the objector is directly or indirectly interested

interested in the lodging of the objection, No. 50, 1954.  
and if so the name or names of such person  
or body corporate.

- (ii) by inserting next after paragraph (g) of the same section the following new paragraph:—

Where objection is taken on the ground specified in paragraph (e) of this section the onus shall be upon the applicant of proving that the reasonable requirements of the neighbourhood do justify the grant of the application.

- (iii) by inserting in the same section after the word “applicable” the words “and the persons by whom any objections may be taken to the renewal, transfer or removal of any such license may be any of the persons referred to in paragraphs (i), (ii), (iii) and (iv) of this section”;
- (iv) by inserting at the end of the same section the following proviso:—

Provided that in the case of an application for the removal of a license the word “premises” in paragraphs (i), (ii) and (iii) of this section means both the existing licensed premises and the premises to which application is made to remove the license and in this section other than paragraphs (i), (ii) and (iii) means the premises to which application is made to remove the license.

- (g) (i) by omitting from subsection one of section thirty the words “subsection (d) of the next preceding section” and by inserting in lieu thereof the words “paragraph (d) of section twenty-nine”;

(ii)

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- (ii) by omitting from subsection two of the same section the words "subsection (e) of the next preceding section" and by inserting in lieu thereof the words "paragraph (e) of section twenty-nine of this Act";
- (iii) by omitting from subsection three of the same section the word "seven" and by inserting in lieu thereof the word "twelve";
- (iv) by inserting at the end of the same section the following new subsection:—

(4) Compensation under and in accordance with the provisions of Part II of the Liquor (Amendment) Act, 1919, as amended by subsequent Acts, shall be paid in respect of any publican's license not renewed on the ground of objection set out in paragraph (e) of section twenty-nine of this Act and any publican's license not so renewed shall be deemed to have ceased to be in force within section twelve of the Liquor (Amendment) Act, 1919, as so amended.

Subst.  
sec. 31.

- (h) by omitting section thirty-one and by inserting in lieu thereof the following section:—

Licenses.

31. If the court decides to grant an application it shall record its decision and thereupon the clerk of the court shall issue a license to the applicant in accordance with the decision recorded.

Sec. 32.  
(Fees to  
be paid  
before  
issue.)

- (i) by inserting at the end of section thirty-two the following proviso:—

Provided that no license or renewed license shall be or be deemed to be in force unless and until the fee payable in respect thereof is paid to the clerk of the court.

Sec. 33.  
(Costs.)

- (j) (i) by omitting from section thirty-three the words " , to the granting of which objection has been made,";

(ii)

(ii) by omitting from the same section the words No. 50, 1954. "the successful party" and by inserting in lieu thereof the words "any person";

(iii) by inserting at the end of the same section the following proviso:—

Provided further that where it has been disclosed in the affidavit accompanying any objection and has been proved to the satisfaction of the court, or although not so disclosed has been so proved upon the hearing, that some person other than the objector is directly or indirectly interested in the lodging of the objection, the court may if it sees fit order such person to pay the costs awarded.

(k) by inserting in subsection one of section thirty-five after the words "hereinbefore provided" the words "and upon application made in accordance with section thirty-six of this Act"; Sec. 35. (Renewal of license on production thereof and payment of annual fee.)

(l) by omitting from section thirty-six the words "Notwithstanding anything to the contrary contained in the next preceding section, it shall not be necessary that any licensee applying for the renewal of his license shall give any notice of his intention so to apply except" and by inserting in lieu thereof the words "Any licensee applying for renewal of his license shall give notice of his intention so to apply"; Sec. 36. (Notice of application for renewal to be given to inspector.)

(m) (i) by omitting from subsection one of section thirty-seven the words "A licensing magistrate" and by inserting in lieu thereof the words "A licensing court"; Sec. 37. (Transfer of licenses.)

(ii) by omitting from the same subsection the word "him" and by inserting in lieu thereof the word "it";

(iii)

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—

- (iii) by inserting at the end of the same subsection the following proviso:—

Provided that a license which the licensee has held for the same premises for a period of less than twelve months immediately preceding an application by the intended transferor and transferee shall not be transferred unless upon the consideration of the exceptional circumstances of any case the licensing court sees fit to transfer the same.

- (iv) by inserting next after the same subsection the following new subsection:—

(1A) (a) The application in writing referred to in subsection one of this section shall be accompanied by a statement by the transferee verified by statutory declaration setting out the names of all persons directly or indirectly interested in the application or in the business or the profits of the business to be carried on under the license to be transferred.

(b) Where any body corporate is so interested and such body corporate is a proprietary company such statement shall set out the names of the directors and principal shareholders thereof.

(c) Where any person, other than the transferee, is interested in the business or the profits of the business as aforesaid, the transferee shall produce to the licensing court an agreement between such person and the transferee evidencing that—

- (i) the transferee shall have the full free and unfettered control of the conduct of the business of the licensed premises; and

(ii)



- (ii) no payment or part payment shall be made to the transferee by way of commission or allowance from or upon the receipts of the business of the licensed premises for liquor sold or supplied. No. 50, 1954.
- (v) by omitting from subsection two of the same section the word "magistrate" and by inserting in lieu thereof the word "court";
- (n) by omitting from subsection one of section thirty-eight the word "magistrate" and by inserting in lieu thereof the word "court"; Sec. 38.  
(Transfer of license in certain cases.)
- (o) (i) by inserting in subsection one of section thirty-nine after the words "licensing court" the words "for the licensing district in which his licensed premises are situated"; Sec. 39.  
(Removal of licenses.)
- (ii) by inserting at the end of the same subsection the words "and a like notice shall be affixed on some conspicuous part of the premises from which and the premises to which it is desired to remove the license";
- (iii) by omitting subsection three of the same section;
- (iv) by omitting subsection (4A) of the same section and by inserting in lieu thereof the following subsection:—

(4A) A publican's license or a spirit merchant's license or an Australian wine license which is held in respect of premises which are not situated within the Metropolitan licensing district shall not be removed to premises situated within that district nor shall a publican's license, or a spirit merchant's license or an Australian wine license which is held in respect of premises which are not situated within the Newcastle licensing district be removed to premises situated within that district.

(v)

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(v) by omitting subsection (4c) of the same section;

(vi) by inserting at the end of the same section the following new subsection:—

(7) (a) The notice referred to in subsection one of this section shall be accompanied by a statement by the applicant verified by statutory declaration setting out the names of all persons directly or indirectly interested in the application or in the business or the profits of the business to be carried on under the license if and when removed.

(b) Where any body corporate is so interested and such body corporate is a proprietary company such statement shall set out the names of the directors and principal shareholders thereof.

Sec. 39A.  
(Conditional  
applications  
for removal  
of licenses.)

(p) (i) by omitting from subsection one of section 39A the words “And thereupon the court” and by inserting in lieu thereof the words “And, subject to the other provisions of this Act in respect to applications for removals of licenses and objections thereto, the court”;

(ii) by omitting from the same subsection the words “may furnish a copy of such record to the applicant” and by inserting in lieu thereof the words “the clerk of the court may furnish to the applicant a copy of the record in such book of proceedings certified by the said clerk and under the seal of the court”;

(iii) by omitting from the same subsection the words “in the case of a removal of a publican’s license”;

(iv) by inserting in the same subsection after the words “deposited with the clerk of the court” the words “and upon notice being given to any objectors to the conditional application

application and upon such terms as the court may deem fit, the court may hear and determine an application to amend the plans so initialled, or to approve an alternate site within the immediate vicinity of the site approved on the conditional application”;

- (v) by omitting from the same subsection the words “such plan” and by inserting in lieu thereof the words “the plan so furnished or amended”;
- (vi) by inserting in the same subsection after the words “the court shall,” the words “on the request of the applicant and”;
- (vii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection:—

(2) The provisions of subsections two, (2A), four, (4A), (4B) and seven of section thirty-nine of this Act shall apply to any application under this section.

- (q) (i) by omitting from subsection one of section forty the words “any licensing magistrate” and by inserting in lieu thereof the words “the licensing court”;
- (ii) by omitting from the same subsection the words “if he thinks fit so to do, by order under his hand” and by inserting in lieu thereof the words “if it thinks fit so to do”;
- (iii) by omitting from the same subsection the words “a licensing magistrate” and by inserting in lieu thereof the words “the licensing court”;
- (iv) by inserting in paragraph (a) of subsection two of the same section after the words “wine license” the words “or a spirit merchant’s license”;
- (v) by inserting in paragraph (b) of the same subsection after the word “thereto” the words “or of increasing or decreasing the area of the licensed premises”;

(vi)

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Sec. 40.  
(Temporary licenses may be granted in certain cases.)

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- (vi) by inserting in the same paragraph after the word "additions" where secondly occurring the words "or increase or decrease";
- (vii) by inserting in paragraph (c) of the same subsection after the word "additions" the words "or increase or decrease";
- (viii) by inserting in paragraph (d) of the same subsection after the word "thereto" the words "or increase or decrease of area thereof";
- (ix) by omitting from the same paragraph the words "the license shall be liable to cancellation, or to suspension for any period not exceeding six months" and by inserting in lieu thereof the words "he shall be liable to a penalty not exceeding one hundred pounds";
- (x) by inserting at the end of the same section the following new subsection:—

(3) The court may, on the application of the owner or the licensee of any licensed premises or of the district licensing inspector, define the boundaries and extent of any licensed premises.

**Sec. 40A.**  
(Renovation,  
etc., of  
premises.)

- (r) (i) by inserting in paragraph (a) of subsection one of section 40A after the words "rebuilding of" the words "the whole or any part of";
- (ii) by inserting at the end of subsection two of the same section the following words and new paragraphs:—

"or in addition to or substitution for such suspension or cancellation may impose a daily penalty not exceeding ten pounds for every day during which the order or authority has not been complied with.

Where

Where the court suspends a license or imposes a fine under paragraph (e) of this subsection it may extend the time specified in an order under paragraph (a) of subsection one of this section within which the work specified therein is to be carried out and thereupon the owner shall carry out such work within such extended time. Upon proof to the satisfaction of the court that the owner has failed to carry out such work within such extended time the court may further suspend the license for such period as it thinks fit, or may cancel the license, or in addition to or substitution for such suspension or cancellation may impose a daily penalty not exceeding fifty pounds for every day during which such work has not been carried out.

The court may, on application being made by the owner or occupier or district licensing inspector, subject to such conditions as it considers fit, revoke, or vary the terms of, an order made under paragraph (a) of subsection one of this section."

- (iii) by inserting in subsection six of the same section after the words "with the owner" the words "or his lessor, where his lessor is not the owner";
- (iv) by inserting in the same subsection after the words "the owner shall" the words "except as hereinafter provided";
- (v) by inserting in the same subsection after the words "by the owner" the words "or lessor, as the case may be";
- (vi) by inserting in the same subsection after the words "to the owner" the words "or to his lessor, as the case may be";
- (vii)

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(vii) by inserting at the end of the same subsection the following words, new paragraph and proviso:—

“and such lessor shall in like manner pay an equivalent amount to his lessor and so on until the lessor to whom the rent is payable is not himself a lessee of another person.

Where the occupier is not the immediate lessee from the owner, the occupier's lessor shall be entitled to recover from his lessor in any court of competent jurisdiction, or to deduct from any rent payable by him to his lessor any sum deducted from rent payable to him by the occupier or paid to the occupier or recovered from him by the occupier in respect of money expended as aforesaid, and such last-mentioned lessor may in like manner deduct from any rent payable by him or may recover as aforesaid a sum equal to the amount so deducted or paid or recovered, and so on until the lessor to whom the rent is payable is not himself a lessee of another person:

Provided that, in the absence of any covenant or agreement to the contrary, the provisions of this subsection shall not apply where the lease given by the owner is for a period exceeding ten years.”

(viii) by inserting at the end of subsection seven of the same section the words “and the provision, repair or restoration of fences or verandahs”;

(ix) by inserting next after the same subsection the following new subsection:—

(7A) (a) Where notice of intention to make application under paragraph (b) of subsection one of this section is given by a person other than a district inspector such notice

notice shall be accompanied by a statement No. 50, 1954.  
by the person giving such notice verified by  
statutory declaration setting out the names  
of all persons directly or indirectly  
interested in the application.

(b) Where any body corporate is  
so interested and such body corporate is a  
proprietary company such statement shall  
set out the names of the directors and  
principal shareholders thereof.

(s) (i) by inserting in subsection one of section Sec. 40B.  
40B after the word "provision" the words (Additional  
"renewal or repair"; equipment.)

(ii) by inserting in the same subsection after the  
word "provide" the words "renew or  
repair";

(iii) by inserting next after the same subsection  
the following new subsection:—

(1A) Upon proof that public convenience  
requires the provision of a home delivery  
service in respect of any premises in  
respect of which a publican's license is held  
the licensing court may order the licensee  
of such premises to provide a vehicle or  
vehicles suitable for the conduct of a home  
delivery service within a reasonable time  
to be set out in the order and thereafter to  
conduct such home delivery service.

For the purpose of this section the  
expression "home delivery service" means  
a service whereby liquor in quantities of not  
less than one gallon will within a reason-  
able time after request by a purchaser be  
delivered without any charge for delivery  
to the purchaser by the licensee, his agent  
or servant, to an address within a mile  
radius of the licensed premises of the  
licensee.

(iv)

No. 50, 1954.

- (iv) by inserting in subsection three of the same section after the word "equipment" the words "or vehicle or vehicles";
- (v) by inserting at the end of subsection four of the same section the words "or vehicle or vehicles, or revoke or vary the terms of any such order subject to such conditions as it thinks fit";
- (vi) by inserting in subsection five of the same section after the word "under" the words "subsection one of";
- (vii) by inserting at the end of the same section the following new subsection:—

(6) Upon proof to the satisfaction of the court that the licensee has failed to comply with an order under subsection (1A) of this section for the provision of a vehicle or vehicles suitable for the conduct of a home delivery service within the time allowed by the court, or thereafter has failed to conduct such home delivery service without reasonable cause, proof whereof shall be upon the licensee, the court may suspend the license for such period as it thinks fit or may impose a penalty not exceeding one hundred pounds.

(2) The amendment made by subparagraph (iii) of paragraph (g) of subsection one of this section shall be deemed to have commenced upon the thirteenth day of September, one thousand nine hundred and forty-six.

Further amendment of Act No. 42, 1912.

Subst. sec. 41.

No person to hold more than one license.

5. The Liquor Act, 1912, as amended by subsequent Acts, is further amended—

- (a) by omitting section forty-one and by inserting in lieu thereof the following section:—

41. (1) (a) If any person at any one time holds more than one publican's license or more than one Australian wine license he shall be liable,



liable, for every day during which he holds more than one such license, to a penalty not exceeding five pounds. No. 50, 1954.

(b) If any person at any one time holds a publican's license and an Australian wine license he shall be liable, for every day during which he holds such licenses, to a penalty not exceeding five pounds.

(2) If any person at any one time has a financial interest in a publican's license and in a restaurant, whether a permit under Part IIIA of this Act has been issued in respect of such restaurant or not, he shall be liable, for every day during which he has such interest, to a penalty not exceeding five pounds, unless such interest has been disclosed to the licensing court for the district in which the licensed publican's premises in which he has a financial interest are situated, and the permission of such licensing court to the having of such interest has been obtained.

- (b) (i) by inserting next after subsection one of section forty-three the following new subsection:—
- (1A) Every person being the occupier, manager or person apparently in control of any house, office, room, place or premises from which liquor is sold in contravention of subsection one of this section shall be deemed to have sold such liquor unless he proves that—

(a) he had no knowledge of such sale:  
and

(b) he has used all due diligence to prevent the sale of liquor from such house, office, room, place or premises.

In

No. 50, 1954.

In this subsection the expression "house, office, room, place or premises" includes a vessel or boat, whether used in navigation or not so used.

- (ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

(5) Upon the conviction for an offence against this section of a person who is the holder of an Australian wine license or of a permit issued under the provisions of Part IIIA of this Act the offender shall forfeit to the use of Her Majesty all liquor (other than liquor which he is authorised under his license or permit to sell) together with the vessels containing the same found in his possession at the time of the commission of the offence.

- (iii) by omitting subsection seven of the same section and by inserting in lieu thereof the following subsection:—

(7) Upon the conviction for an offence against this section of a person who is not authorised under this Act to sell liquor or where an offence against this section has been found proved against such person, all liquor, together with the vessels containing the same, which are—

- (a) found in his possession; or
- (b) found apparently under his control; or
- (c) found upon the premises or other place where the offence was committed,

shall be forfeited to the use of Her Majesty.

(c)

- (c) by omitting section fifty-two and by inserting in lieu thereof the following section:—

No. 50, 1954.  
Subst. sec.  
52.

52. If the holder of any license, allows any female under the age of twenty-one years, other than a near relative or connection, to sell, supply, deliver or serve liquor on the licensed premises in respect of which he holds such license, he shall be liable for every such offence to a penalty not exceeding twenty pounds.

Females  
selling,  
etc.

- (d) (i) by omitting from subsection one of section fifty-seven the word "licensee" and by inserting in lieu thereof the words "holder of a publican's license or Australian wine license";
- (ii) by inserting in paragraph (b) of the same subsection after the words "the day" the words ", not being a Sunday,";
- (iii) by omitting from paragraph (d) of the same subsection the words "six at night" and by inserting in lieu thereof the words "six-thirty o'clock in the evening and between the hours of seven-thirty o'clock in the evening and ten o'clock in the evening";
- (iv) by inserting next after the same subsection the following new subsections:—

Sec. 57.  
(Times when  
premises  
may not be  
open for  
sale of  
liquor.)

(1A) The licensing court may in respect of any particular licensed premises declare that in the application of paragraph (d) of subsection one of this section to the licensee of such premises the hours specified in the said paragraph shall be varied in such manner as the licensing court thinks desirable and thereupon the said paragraph shall in its application to such licensee be read and construed so as to give effect to such variation.

The

No. 50, 1954.

The licensing court in the exercise of its powers under this subsection shall not vary the hours as aforesaid in such a manner as to permit of the sale, supply, delivery or consumption of liquor on any licensed premises—

- (a) after ten o'clock in the evening;
- (b) for a total period in any one day in excess of eleven hours;
- (c) between the hours of six-thirty o'clock in the evening and seven-thirty o'clock in the evening.

(1B) No holder of a spirit merchant's license shall keep his licensed premises open for the sale of liquor, or shall sell or supply or deliver any liquor on the said premises—

- (a) upon any Sunday;
- (b) upon any Good Friday or Christmas Day or upon the morning of the day, not being a Sunday, upon which Anzac Day is observed in each year or upon any day named in any proclamation by the Governor published in the Gazette;
- (c) upon any other day except between the hours of six in the morning and six in the evening.

(1c) The provisions of subsection (1A) of this section shall apply, mutatis mutandis, to and in respect of licensed premises of spirit merchants. For the purposes of such application subsection (1A) of this section shall be deemed to be amended—

- (a) by omitting the words "paragraph (d) of subsection one" and by inserting in lieu thereof the words "paragraph (c) of subsection (1B)";

(b)

- (b) by omitting paragraph (b). No. 50, 1954.
- (v) by omitting subsection five of the same section.
- (e) (i) by inserting in subsection one of section 57A Sec. 57A.  
 after the word "meals" wherever occurring (Supply of  
 the words "or suppers"; liquor with  
bona fide
- (ii) by omitting subsections two, three, four and meals or  
 five of the same section and by inserting in suppers in  
 lieu thereof the following subsections:— licensed or  
club  
premises.)

(2) Nothing in this Act shall prevent the sale or disposal or supply of liquor on any such licensed premises or club premises with respect to which a permit under this section has been granted and is in force to any person other than a person referred to in section forty-nine of this Act, or member of a club, as the case may be, for consumption upon such premises with a bona fide meal or supper actually supplied at the same time, between the hours of twelve noon and two-thirty o'clock in the afternoon of the days specified in paragraphs (a), (b) and (c) of subsection one of section fifty-seven of this Act and between the hours of six-thirty o'clock in the evening and seven-thirty o'clock in the evening, and between the hours of ten o'clock in the evening and twelve o'clock midnight on any other day and the day, not being a Sunday, upon which Anzac Day is observed:

Provided that the meal or supper is served and the liquor sold, disposed of, supplied or consumed in the dining room or other part of the licensed premises or club premises specified in the permit granted under this section:

Provided further that on application to the licensing court for any special occasion on a stated date the licensing court may extend the permit to an hour and room or  
 part

No. 50, 1954.

part of the licensed premises or club premises to be specified notwithstanding that such room or part may be a bar within section sixty-four of this Act. For every extension of a permit under this section a fee of one pound shall be paid.

(3) Any person (other than a person then lawfully entitled to be supplied with liquor under the provisions of this Act) who, upon any licensed premises or club premises in respect of which a permit under this section has been granted, obtains or attempts to obtain liquor between the hours of twelve noon and two-thirty o'clock in the afternoon of any days specified in paragraphs (a), (b) and (c) of subsection one of section fifty-seven of this Act (the day, not being a Sunday, upon which Anzac Day is observed, excepted), or between the hours of six-thirty o'clock in the evening and seven-thirty o'clock in the evening, or between the hours of ten o'clock in the evening and twelve o'clock midnight on any other day and the day, not being a Sunday, upon which Anzac Day is observed, by falsely representing that he intends at the same time to partake of a meal or supper upon the said licensed premises shall be liable to a penalty not exceeding twenty pounds.

Sec. 60.  
(As to bona fide travellers.)

(f) by omitting from section sixty the words "in any other part of the State" and by inserting in lieu thereof the word "elsewhere";

Sec. 63.  
(Powers of police with respect to persons on licensed premises at prohibited times.)

(g) by omitting from subsection four of section sixty-three the words "five pounds" and by inserting in lieu thereof the words "fifty pounds";

(h)

(h) by omitting section sixty-four and by inserting No. 50, 1954.  
in lieu thereof the following section:—

Subst. sec.  
64.

64. (1) A bar-room or a bar within the mean- Bars.  
ing of this Act (section fifty-one excepted)  
means in respect of licensed premises any room  
in or place on such premises wherein or from  
which liquor is served to any person over a  
counter (other than a counter over which liquor  
is served exclusively to the licensee his servants  
or agents for supply to persons seated at tables  
in a lounge, beer garden or similar place):

Provided that the licensing court may, if it  
sees fit and subject to such conditions as it may  
impose, grant permission to use a bar-room or  
bar for the service of liquor to bona fide guests  
inmates or travellers seated at tables, but not  
otherwise, during hours when liquor may not  
lawfully be sold supplied or delivered in or at  
a bar-room or bar:

Provided further that every counter in such  
bar-room or place in which such bar is shall be  
effectively enclosed during such hours.

(2) The licensing court may, on the appli-  
cation of a licensee or of a district inspector  
declare any room place or part of licensed  
premises to be a bar-room or bar, whereupon  
notwithstanding anything to the contrary con-  
tained in this Act, any room place or part of the  
licensed premises so declared shall be and be  
deemed to be a bar-room or bar within the  
meaning of this Act.

(3) (a) At least one bar-room or bar on  
every licensed premises shall be a public bar.

(b) The licensing court may if it  
sees fit, declare any bar-room or bar on licensed  
premises to be a public bar.

(c)

No. 50, 1954.

(c) Where the licensing court has so declared a bar-room or bar to be a public bar on licensed premises, malted liquor shall not, during hours when liquor may be sold, supplied or delivered in the public bar, be sold, supplied or delivered to the public on any other part of such licensed premises unless malted liquor is also available for purchase and consumption by the public in the public bar:

Provided that the provisions of this paragraph shall not apply to the sale and supply of liquor by the bottle and not for consumption on the premises.

(4) No licensee shall let or sublet any bar-room or bar or the right to sell liquor on his licensed premises, or without the permission of the licensing court let or sublet any other part of, or the right to supply any services on, his licensed premises.

(5) Every applicant for permission under subsection one of this section, shall with notice of his application deposit with the clerk of the court a plan showing the position of the bar-room or bar in respect of which the permission is sought.

(6) The court may at any time, on the application of the licensee or district inspector, revoke any permission or declaration granted or made by it under this section.

(7) A licensee who contravenes any of the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

New sec.  
64A.

(i) by inserting next after section sixty-four the following new section:—

Closing of  
bars etc.

64A. (1) The holder of a publican's license shall, at any time when his licensed premises should not be open for the sale of liquor, close and keep closed to the public every bar-room or bar on such premises.

(2)



(2) The holder of an Australian wine license or of a brewer's or spirit merchant's license and the holder of a certificate of registration of a club shall, at any time when the premises in respect of which he holds such license or certificate should not be open for the sale of liquor, close and keep closed to the public that part of any counter or place at or in which liquor is usually sold in pursuance of such license or certificate. No. 50, 1954.

(3) If the holder of any license or certificate of registration fails to carry out any of the requirements of this section he shall be liable to a penalty not exceeding one hundred pounds.

- (j) (i) by omitting from subparagraph (i) of paragraph (b) of subsection (1A) of section sixty-six the words "and the minimum standard of sleeping accommodation"; Sec. 66.  
(Penalty on refusal to receive guests.)
- (ii) by omitting from the same subparagraph the words "and may prescribe the charges to be made therefor";
- (iii) by omitting from subparagraph (ii) of the same paragraph the words "and a higher standard of such sleeping accommodation, and may prescribe the charges to be made therefor";
- (iv) by omitting from subparagraph (iii) of the same paragraph the words "and charges";
- (v) by inserting next after the same paragraph the following new paragraph:—

(ba) The licensing court may either generally or in respect of particular premises, by order prescribe the maximum charges which may be made for meals and sleeping accommodation at licensed premises and the holder of any publican's license who charges more than the maximum charges so prescribed shall be liable to a penalty not exceeding fifty pounds.

(vi)

No. 50, 1954.

(vi) by omitting from paragraph (d) of the same subsection the words "this subsection shall be liable to a penalty not exceeding five pounds" and by inserting in lieu thereof the words "paragraph (e) of this subsection or who charges more than the charges shown on the printed list referred to therein or who on such printed list shows charges higher than the maximum charges prescribed under paragraph (ba) of this subsection in respect of the premises of which he is the holder of a publican's license shall be liable to a penalty not exceeding fifty pounds";

Sec. 67.  
(Liquor to  
be sold by  
measure.)

(k) by omitting subsection six of section sixty-seven and by inserting in lieu thereof the following subsection:—

(6) For the purposes of this section the term "fluid ounce" means one-twentieth part of one pint.

Subst. sec.  
68A.

(l) by omitting section 68A and by inserting in lieu thereof the following section:—

68A. (1) Every licensed publican shall keep a register in which there shall be entered legibly and in ink—

Duty of  
publican to  
keep  
register of  
lodgers, etc.

(a) the number of bedrooms in his licensed premises, the number of such rooms occupied by himself, his family and his staff, and the number of such rooms available for the public;

(b) the name of every lodger, boarder or guest who takes up his residence in the licensed premises and the number of the bedroom occupied by each such lodger, boarder or guest;

(c) the date, and the hour of the day or night, on or at which such residence is taken up and the date and time of departure of each such lodger, boarder or guest; and

(d)

- (d) a record of all instances where a request No. 50, 1954.  
is made for accommodation and such  
request is refused.

The entries required by paragraphs (b), (c) and (d) of this subsection shall be made immediately upon the reception of a lodger, boarder or guest, his departure or the refusal of a request for accommodation, as the case may require.

(2) A licensed publican shall on demand by any member of the police force of or above the rank of sergeant produce such register and permit such member of the police force to inspect the same and to take copies of or make extracts from any entries contained therein; and the licensing inspector for the district within which the licensed premises are situated shall inspect the register or cause the same to be inspected once at least in every period of three months.

(3) Every such publican who fails to comply with the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

- (m) by inserting in subsection one of section sixty-nine after the word "therefor" the words "or by his actions avoids such demand or renders such demand impossible and fails to pay a reasonable sum therefor"; Sec. 69. (Penalty on persons failing or refusing to pay for liquor, meals, or accommodation.)
- (n) (i) by omitting from paragraph (1) of section seventy the words "a licensing magistrate" and by inserting in lieu thereof the words "the licensing court"; Sec. 70. (Forfeiture of license in certain cases.)
- (ii) by omitting from the same section the words "his license shall be liable to cancellation" and by inserting in lieu thereof the words "he shall be liable to a penalty not exceeding one hundred pounds";
- (iii)

**Liquor (Amendment) Act.**

No. 50, 1954.

- (iii) by inserting at the end of the same section the following new paragraph:—

Where the licensing court has given its consent under paragraph (1) of this section the person managing, superintending or conducting the sale of liquor under the authority of such consent shall, during the period of absence of the licensee, be deemed to be the licensee and be subject to the same duties, liabilities, obligations, disqualifications and penalties as if he were the licensee.

Further  
amendment  
of Act No.  
42, 1912.

**6.** The Liquor Act, 1912, as amended by subsequent Acts, is further amended—

Sec. 78g.  
(Grant of  
permit.)

- (a) by omitting subsection four of section 78g;

Sec. 78h.  
(Fees.)

- (b) (i) by inserting at the end of subsection one of section 78h the following proviso:—

Provided that where a new permit is granted after the first day of July the sum payable therefor shall be such sum as bears to the sum which but for this proviso would have been so payable the same proportion as the period from the date of grant of the said permit to the thirtieth day of June next ensuing bears to the period of one year.

- (ii) by omitting from subsection three of the same section the words “subsection one” and by inserting in lieu thereof the words “subsections one and three”;
- (iii) by inserting next after the same subsection the following new subsection:—

(3A) The board in determining the gross amount paid or payable for liquor in accordance with the provisions of subsection two  
of

of this section may, on proof being given No. 50, 1954. to its satisfaction as to any liquor lost, stolen or damaged in transit, give credit therefor.

- (iv) by omitting from subsection five of the same section the words "two and three" and by inserting in lieu thereof the words "two, three and four";
- (c) by omitting from subsection three of section 78i Sec. 78i. the words "and thirty-six" and by inserting in (Renewals and transfers of permits.) lieu thereof the words "to thirty-eight inclusive";
- (d) (i) by omitting from subsection two of section Sec. 78k. 78k the words " and cooked vegetables"; (Effect of permit.)
- (ii) by omitting from subsection four of the same section the words "and eight-thirty o'clock";
- (iii) by inserting at the end of the same subsection the words "and twelve o'clock midnight";
- (iv) by inserting next after the same subsection the following new subsection:—
- (5) In every case in which any of the provisions of this section are contravened the holder of the permit for the restaurant concerned shall be liable to a penalty not exceeding one hundred pounds.
- (e) (i) by omitting from paragraph (b) of Sec. 78L. subsection one of section 78L the words (Removal of bottles from tables.) "and eight-thirty o'clock";
- (ii) by inserting in the same paragraph after the word "evening" where firstly occurring the words "and twelve o'clock midnight";
- (iii) by omitting from the same paragraph the words "nine o'clock in the evening of the same day" and by inserting in lieu thereof the words "twelve-thirty o'clock in the morning of the following day";
- (f)

**Liquor (Amendment) Act.**

- No. 50, 1954.  
Sec. 78M.  
(Prohibited days.)
- (f) (i) by inserting in section 78M after the words "light wine or malted liquor" the words "between the hours of six o'clock in the evening and twelve o'clock midnight";
- (ii) by inserting at the end of the same section the words "other than the day, not being a Sunday, upon which Anzac Day is observed";
- Sec. 78P.  
(Return of permit.)
- (g) by inserting in section 78P after the word "ceasing" the words "otherwise than upon transfer of such permit";
- Sec. 78S.  
(Application of certain provisions.)
- (h) (i) by omitting from section 78S the words "sections forty-six, forty-nine and fifty-three" and by inserting in lieu thereof the words "subsection two of section forty, and sections forty-six, forty-nine, fifty-three, 73A, 78B and one hundred and sixteen";
- (ii) by omitting subsection two of the same section.
- Further amendment of Act No. 42, 1912.  
Sec. 78X.  
(Methods of establishing community hotels.)
- 7.** The Liquor Act, 1912, as amended by subsequent Acts, is further amended—
- (a) (i) by omitting from subsection one of section 78X the word "either" and by inserting in lieu thereof the word "any";
- (ii) by inserting next after paragraph (a) of the same subsection the following new paragraph:—
- (a1) The council may, if it thinks fit, purchase any estate or interest, including the interest of the licensee, in premises of which it is the owner of the fee simple and in respect of which a publican's license is held.
- (iii)

(iii) by omitting subsection two of the same No. 50, 1954. section;

(iv) by inserting in subsection three of the same section after the letter and symbols “(a)” the word, letter and symbols “or (a1)”;

(b) (i) by inserting in section 78y after the words Sec. 78y. “the same” the words “, sections five (New license by council.) and six of the Liquor (Amendment) Act, 1919, as amended by subsequent Acts, excepted,”;

(ii) by omitting from the same section all the words following the word “accordingly”.

**8.** The Liquor Act, 1912, as amended by subsequent Further amend- ment of Act No. 42, 1912. Acts, is further amended—

(a) by omitting from the heading to Part VII the Heading to Part VII. word “Marriage” and by inserting in lieu thereof the word “Bankruptcy”;

(b) (i) by inserting next after subsection five of Sec. 116. (Death, bankruptcy, or lunacy of licensee.) section one hundred and sixteen the following new subsection:—

(5A) If any person whose name is endorsed on a license pursuant to this section ceases to carry on the business as the licensee of the premises to which the license relates application may be made for the endorsement of the name of another person for the unexpired term of the period endorsed on the license.

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

(10) The provisions of section thirty-seven of this Act shall apply, mutatis mutandis, to transfers under this section.

**Liquor (Amendment) Act.**

**No. 50, 1954.** **9.** The Liquor Act, 1912, as amended by subsequent Acts, is further amended—

Further  
amend-  
ment of  
Act No. 42,  
1912.

Sec. 119.  
(Appoint-  
ment of  
inspectors.)

- (a) by inserting next after subsection (1A) of section one hundred and nineteen the following new subsection:—

(1B) It shall be lawful for the Governor to appoint any officer of the police force of the rank of superintendent to be superintendent of licenses for the purpose of ensuring the enforcement of the provisions of this Act by district inspectors, district sub-inspectors and other members of the police force.

- (b) by inserting in subsection four of the same section after the word "Such" the words "superintendent of licenses and".

Further  
amend-  
ment of Act  
No. 42,  
1912.

Sec. 125.  
(Disqualifi-  
cation of  
licensee.)

**10.** The Liquor Act, 1912, as amended by subsequent Acts, is further amended—

- (a) by inserting at the end of section one hundred and twenty-five the following new subsection:—

(4) If upon such complaint it is proved to the satisfaction of the licensing court that the licensee has been guilty of conduct, whether in the exercise of his license or otherwise, which renders him unfit to be the holder of a license the court may declare and order such licensee to be and he shall thereupon be disqualified for such period not exceeding three years as the court directs from holding any license whatever under this Act, or any permit under Part IIIA of this Act.

- (b) by omitting from paragraph (a) of section one hundred and twenty-six the words "subsection (1A) of section sixty-six, or under sections 68A," and by inserting in lieu thereof the word "sections",

Sec. 126.  
(Provisions  
applicable  
to two  
last  
preceding  
section.)

(c)



- (c) by omitting from subsection three of section one hundred and twenty-eight all words after the words "where the occupier is not the owner" and by inserting in lieu thereof the words "means any person registered as owner of the premises under the regulations".

No. 50, 1954.  
Sec. 128.  
(Disqualification of premises on conviction of licensee.)

11. The Liquor Act, 1912, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 42, 1912.

- (a) (i) by inserting in section one hundred and thirty-three after the words "both inclusive" where secondly occurring the words "subsections (1A), (1B) and (1C) of section fifty-seven excepted,";
- (ii) by inserting in the same section after the words "sixty-three both inclusive," the word, figures and letter "section 64A,";
- (iii) by inserting in the same section after the word "sixty-six" the word, figures and letter " , section 78B";

Sec. 133.  
(Application of certain sections to registered clubs.)

- (b) by omitting section 133A;

Sec. 133A.  
(Maximum number of registered clubs.)

- (c) (i) by omitting paragraph (a) of section one hundred and thirty-four and by inserting in lieu thereof the following paragraph:—

Sec. 134.  
(Conditions of registration of clubs.)

- (a) In the case of a club established at any place within a radius of fifteen miles from the General Post Office in Sydney, the club must be a bona fide association or company of not less than sixty persons, if such club was registered immediately before the commencement of the Liquor (Amendment) Act, 1954, or of not less than two hundred persons or such lesser number as the licensing court may in special circumstances determine, if such club is registered after such commencement, and in the case of a club established elsewhere, the

No. 50, 1954.

the club must be a bona fide association or company of not less than thirty persons, if such club was registered immediately before the commencement of the Liquor (Amendment) Act, 1954, or of not less than one hundred persons or such lesser number as the licensing court may in special circumstances determine, if such club is registered after such commencement.

- (ii) by inserting in paragraph (e) of the same section after the word "accommodation" the words " , not being facilities for the supply of liquor, deemed by the licensing court requisite and";

Sec. 136.  
(Notice of application for registration.)

- (d) by omitting paragraph (b) of subsection one of section one hundred and thirty-six and by inserting in lieu thereof the following paragraph:—

- (b) publish a copy of such notice in a newspaper circulating in the licensing district at least seven days before he so applies.

Sec. 136A.  
(Conditional registration may be granted.)

- (e) (i) by inserting next after subsection four of section 136A the following new subsection:—

(4A) Upon such terms as the court may deem fit the court may hear and determine an application by the secretary to amend the plan previously approved in respect of the premises or to approve an alternate site within the immediate vicinity of the site previously approved on the conditional application.

- (ii) by inserting in subsection five of the same section after the word "premises" the words "and upon application being made by the secretary";

(iii)

(iii) by inserting in the same subsection after the word "plan" the words "or amended plan"; No. 50, 1954.

- (f) (i) by omitting from subsection one of section one hundred and thirty-seven the words "and in duplicate"; Sec. 137.  
(Notice of application for renewal.)
- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection:—

(2) Such notice shall be accompanied by a copy of the balance sheet submitted to the last preceding annual meeting of the club and by a statement verified by statutory declaration setting out:—

- (a) the number of bona fide members of the club at the date of the application; and
- (b) the amendments, if any, to the rules of the club approved since the last renewal of the certificate, or in the case of the first renewal since the date of grant of the certificate of registration.

Where the rules of the club have been amended a copy of the rules as amended shall accompany such statement.

(iii) by inserting at the end of the same section the following new subsection:—

(3) The licensing court may, if in the circumstances it thinks it reasonable so to do, hear and determine any such application, notwithstanding the fact that the prescribed notice has not been delivered to the clerk of the licensing court at least ten days prior to the holding of the court.

- (g) (i) by omitting from subsection one of section one hundred and thirty-eight the words "a copy of" where firstly occurring; Sec. 138.  
(Copy of application to be furnished to inspector.)
- (ii)

No. 50, 1954.

(ii) by inserting in the same subsection after the word "receipt" the words "from any person other than the inspector";

Sec. 140.

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

(h) (i) by omitting from paragraph (b) of subsection one of section one hundred and forty the words "sixty or thirty, as the case may be, according to the locality in which the premises are situated" and by inserting in lieu thereof the words "the number applicable thereto";

(ii) by inserting next after paragraph (li) of the same subsection the following new paragraphs:—

(lii) That having regard to the existing facilities for social amenities, recreation and refreshment or for cultural or political activities and to the objects of the club, the club is not required to meet a genuine and substantial need.

(liii) That the registration of the club will result in undue competition and economic waste: Provided that the onus of establishing this ground of objection shall rest upon the objector.

Sec. 141.

(Who may take objection.)

(i) (i) by inserting next after paragraph (c) of section one hundred and forty-one the following new paragraphs:—

(d) any person who is able to prove to the satisfaction of the court that his interests, financial or otherwise, would be adversely affected by the granting of the application.

Any person mentioned in paragraph (c) or (d) of this section shall furnish to the court an affidavit stating whether or not the objection is based exclusively on considerations of public interest, whether he

has

has any direct or indirect pecuniary interest No. 50, 1954.  
 in the refusal of the application or any  
 expectation of such interest, and whether  
 any person or body corporate other than the  
 objector is directly or indirectly interested  
 in the lodging of the objection, and if so  
 the name or names of such person or body  
 corporate.

- (ii) by inserting in the same section after the word and symbols "paragraph (c)" the words and symbols "or paragraph (d)";
- (iii) by inserting at the end of the same section the following new subsection:—

(2) The provisions of section thirty-three of this Act shall apply, mutatis mutandis, to and in respect of applications for the grant or renewal of any such certificate to the granting of which objection has been made as hereinbefore provided.

- (j) by inserting in section one hundred and forty-two after the word "purpose" the words "and shall notify the secretary to the licensing magistrates of the name and address so endorsed"; Sec. 142. (Change of secretary.)
- (k) by inserting in subsection four of section one hundred and forty-three after the words "name of the club" the words "and shall notify the secretary to the licensing magistrates of the new name so endorsed"; Sec. 143. (Change of name of club.)
- (l) (i) by inserting in subsection two of section one hundred and forty-five after the word "allow" the words "Upon such terms as the court may deem fit the court may hear and determine an application by the secretary of the club to amend the plan previously furnished in respect of the premises or to approve an alternate site within the immediate vicinity of the site previously approved"; Sec. 145. (Removal of club premises.)

(ii)

No. 50, 1954.

(ii) by inserting in the same subsection after the words "such new premises" the words "and upon application being made by the secretary";

(iii) by omitting from the same subsection the words "such plan" and by inserting in lieu thereof the words "the plan furnished or amended as aforesaid";

Sec. 145A.  
(Alteration  
of club  
premises.)

(m) (i) by inserting in section 145A after the words "additions to" the words "or increase or decrease in the area of";

(ii) by inserting in the same section after the word "additions" where secondly and thirdly occurring the words "or increase or decrease";

(iii) by inserting at the end of the same section the following new paragraph:—

On granting any permission under this section the court shall specify a period within which the proposed alterations or additions or increase or decrease shall be completed, and the permission shall remain in force until the expiration of such period or of such further period or periods (not exceeding six months at any one time) as the court upon application made for that purpose, may allow.

Sec. 150.  
(Search  
warrant.)

(n) by inserting at the end of subsection two of section one hundred and fifty the following new paragraph:—

The provisions of subsection two of section one hundred and sixty-one of this Act shall apply to liquor and the vessels containing the same seized under the provisions of this subsection.

Sec. 150A.  
(Fees.)

(o) (i) by inserting next after subsection two of section 150A the following new subsections:—

(2A) Notwithstanding the provisions of paragraph (b) of subsection one of this section the board in fixing the amount of  
**any**

any fee payable on renewal of a certificate of registration may, at its discretion, convert the amounts paid or payable and as furnished in accordance with section 151A of this Act to the nearest pound.

(2B) The board in determining the gross amount paid or payable for liquor in accordance with the provisions of paragraph (b) of subsection one of this section may, on proof being given to its satisfaction as to any liquor lost, stolen or damaged in transit, give credit therefor.

(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) Upon the first renewal after the grant of a new certificate of registration of a club or where no information or insufficient information is furnished within the time prescribed or within such further time as the board may allow, to enable the board to fix the fee upon a percentage basis, the board may, notwithstanding anything contained in this Act, fix the fee at such amount as it thinks fair and reasonable.

**12.** The Liquor Act, 1912, as amended by subsequent Acts, is further amended—

- (a) by omitting from subsection two of section one hundred and fifty-three the words "ten pounds" and by inserting in lieu thereof the words "one hundred pounds";
- (b) by inserting next after section one hundred and fifty-three the following new sections:—

153A. For each publican's license cancelled or not renewed under the provisions of this Act after the commencement of the Liquor (Amendment) Act, 1954, the board may authorise the issue of a new publican's license.

Such

Further  
amendment  
of Act No.  
42, 1912.  
Sec. 153.  
(Regula-  
tions.)

New secs.  
153A, 153B.

Issue of  
new  
licenses  
upon cancella-  
tion or non-  
renewal of  
existing  
licenses.

No. 50, 1954.

Such new publican's license shall be issued upon such conditions, including conditions as to the area within which such license is to operate and the disposal of such license whether by way of auction, public tender or otherwise, as the board may determine.

In the exercise of its powers under this section the board shall be subject to such regulations as the Governor may deem necessary or expedient to make for and with respect to licenses to be issued under this section.

The provisions of this section shall have effect notwithstanding anything contained in this Act, the Liquor (Amendment) Act, 1919, or any other Act.

Right to  
redeem  
mortgaged  
premises  
before time  
fixed for  
redemption.

153B. (1) A mortgagor is entitled to redeem the mortgaged property being land upon which any licensed premises are erected or being any estate or interest in such land or licensed premises although the time appointed for redemption has not arrived, and in such case he shall not be required to pay interest on the principal sum secured by the mortgage for the unexpired portion of the term of the mortgage, but in such case he shall pay the mortgagee all moneys then owing under the mortgage:

Provided that redemption under this subsection shall not prejudice the right of the mortgagee to any collateral benefit, or to enforce any burden or restriction to the extent to which he would be entitled under the mortgage or otherwise if the mortgage were paid off on the due date.

(2) For the purposes of this section "moneys owing under a mortgage" includes all costs, charges and expenses reasonably and properly incurred by the mortgagee—

- (a) for the protection and preservation of the mortgaged land or the title thereto, or otherwise in accordance with the provisions of the mortgage; and

(b)



- (b) with a view to the realisation of his No 50, 1954. security;

and in either case includes interest on the sums so expended after the rate expressed in the mortgage.

(3) This section applies to mortgages made either before or after the commencement of the Liquor (Amendment) Act, 1954, and shall have effect notwithstanding any stipulation to the contrary or anything contained in section ninety-three of the Conveyancing Act, 1919, as amended by subsequent Acts.

- (c) (i) by inserting in section one hundred and fifty-four after the words "any permit" the words "or certificate of registration of a club"; Sec. 154. (Duplicate license may be granted on proof of loss of original license.)
- (ii) by inserting in the same section after the words "such permit" the words "or certificate";
- (d) (i) by inserting in subsection one of section one hundred and sixty-one after the word "sold" the words "or held for the purpose of sale"; Sec. 161. (Liquors in any unlicensed house suspected to be for sale may be seized and forfeited.)
- (ii) by inserting in the same subsection after the word "contained" the words "and all books of account and documents which may reasonably be suspected to relate to the supply or sale of such liquor";
- (e) by omitting from paragraph (a) of subsection one of section one hundred and sixty-four the words "from place to place"; Sec. 164. (Liquors carried about etc., may be seized and forfeited.)
- (f) (i) by inserting in section one hundred and sixty-eight after the word "thereof" the words "and persons resorting to those portions of such refreshment-rooms or stalls where liquor is sold in pursuance of such license"; Sec. 168. (Licenses for railway refreshment rooms.)
- (ii)

No. 50, 1954.

Licenses for  
accommoda-  
tion hotels  
and  
accommoda-  
tion houses  
within  
parks and  
reserves.

- (ii) by omitting the proviso to the same section;
- (iii) by inserting at the end of the same section the following new subsection:—

(2) (a) Notwithstanding anything contained in this Act, the Governor may subject to such conditions as he may impose sanction and authorise the issue by the licensing court of licenses for the sale of liquor at any accommodation hotel or accommodation house within the Kosciusko State Park, or at the Jenolan Caves House, or at such other accommodation hotels or accommodation houses erected within a public reserve as he may approve.

The Governor may in imposing any conditions as aforesaid exempt any accommodation hotel or accommodation house and the licensee thereof from such provisions of this Act as he may determine.

Subject to any conditions imposed by the Governor as aforesaid the provisions of this Act relating to publicans' licenses, the holders thereof, licensed premises and persons resorting thereto, shall upon the issue of any license pursuant to this subsection apply, mutatis mutandis, to and in respect of any license issued pursuant to this subsection, the holder thereof, the premises in respect of which such license is issued, and persons resorting thereto.

(b) The Governor may, before sanctioning and authorising the issue of any license under this subsection, refer the matter to the licensing court for inquiry and report.

(c) In this subsection the expression "public reserve" means public park and any land dedicated or reserved from sale by the Crown for public recreation, enjoyment or other public purpose of a like nature.

**13.** The Liquor Act, 1912, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 42, 1912.

- (a) (i) by inserting in paragraph (a) of subsection five of section one hundred and seventy after the word "application" where thirdly occurring the words "or conditional application";
- (ii) by omitting from paragraph (b) of the same subsection the words "or police magistrate";
- (iii) by omitting from the same paragraph the word "three" wherever occurring;
- (iv) by inserting after the words "licensing magistrates" where secondly occurring the words "other than the licensing magistrate from whose adjudication such appeal is made";
- (b) by omitting from section one hundred and seventy-five the words "so as to support a conviction";
- (c) by inserting in paragraph (b) of section one hundred and seventy-eight after the word "instrument" the words "or in the giving of any notice".

Sec. 170.  
(Appeals.)

Sec. 175.  
(Delivery or supply of liquor prima facie evidence of sale.)

Sec. 178.  
(Powers of Court.)

**14.** The Liquor (Amendment) Act, 1916, as amended by subsequent Acts, is amended by omitting section nine.

Amendment of Act No. 68, 1916.  
Sec. 9.  
(Closing of bars.)  
(Consequential.)

**15.** The Liquor (Amendment) Act, 1919, as amended by subsequent Acts, is amended—

Amendment of Act No. 42, 1919.

- (a) (i) by omitting from subsection one of section eight the words "the first day of July, one thousand nine hundred and twenty-four" and by inserting in lieu thereof the words "commencement of the Liquor (Amendment) Act, 1954";

Sec. 8.  
(Constitution of Licenses Reduction Board.)

(ii)

No. 50, 1954.

(ii) by omitting from the same subsection the words "said day" and by inserting in lieu thereof the words "said commencement";

(iii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection:—

(2) The board shall consist of the licensing magistrates holding office under the Liquor Act, 1912, as amended by subsequent Acts.

(iv) by omitting from subsection five of the same section the words "as a majority";

Sec. 12.  
(Surrender  
and cancella-  
tion of  
publican's  
license by  
consent.

(b) by inserting at the end of section twelve the following new paragraph:—

The provisions of section 153A of the Principal Act shall apply, mutatis mutandis, to and in respect of any license ceasing to be in force under this section.

