

LIQUOR (AMENDMENT) ACT.

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 73, 1969.

An Act to make further provision with respect to the sale and supply of liquor, licensed premises, restaurants and registered clubs; for these and other purposes to amend the Liquor Act, 1912, the Liquor (Amendment) Act, 1963, and the Stamp Duties Act, 1920; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

BE

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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. **1.** This Act may be cited as the "Liquor (Amendment) Act, 1969".

Amendment
of Act No.
42, 1912.

2. The Liquor Act, 1912, is amended—

Sec. 13.
(Exemptions
from this
Part.)

(a) by inserting next after paragraph (10) of section thirteen the following new paragraph :—

(11) the sale, by or on behalf of the master or captain for the time being of any vessel engaged in overseas or interstate voyages, of liquor for consumption at any function held on board such vessel where the proceeds of such sale are to be given to a charity.

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

(b) by inserting at the end of section 15A the following proviso :—

Provided that nothing in this section shall prevent the consumption on such premises of wine or spirits supplied gratuitously and not otherwise to customers and intending customers for tasting purposes only.

Sec. 21.
(Fees
payable
for licenses
under this
Part.)

(c) (i) by inserting at the end of paragraph (b) of subsection one of section twenty-one the following new provisos :—

Provided that in respect of a publican's license which has been endorsed as a tavern the foregoing provisions of this paragraph

shall

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shall be deemed to be amended by omitting No. 73, 1969 the words "six per centum" and by inserting in lieu thereof the words "nine per centum":

Provided further that where a publican's license has been endorsed as a tavern after the first day of January in any year the sum payable pursuant to this paragraph shall be calculated at the rate of six per centum from the first day of January up to the date of endorsement as a tavern and at the rate of nine per centum from the date of such endorsement up to the thirty-first day of December next following.

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

- (c) For a new spirit merchant's license where the premises in which the business of such spirit merchant is to be carried on are situated within the boundaries of the Metropolitan or Newcastle or Wollongong Licensing Districts—the sum of five thousand dollars, and where such premises are situated elsewhere—such sum not exceeding two thousand dollars as may be fixed by the licensing court granting the license:

Provided that the fees payable in respect of a new spirit merchant's license granted on appeal against an adjudication made by the licensing court prior to the commencement of the Liquor (Amendment) Act, 1969, or in respect of a conditional application for a new spirit merchant's license granted before such commencement shall be those payable for a new spirit merchant's license before such commencement.

(iii)

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(iii) by omitting from paragraph (d) of the same subsection the words "metropolitan licensing district" and by inserting in lieu thereof the words "Metropolitan or Newcastle or Wollongong Licensing Districts";

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

(d) (i) by omitting subsection (2A) of section twenty-two;

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

(4) An applicant for endorsement of a publican's license as a tavern under section 26B of this Act shall, as required by the court, lodge with the clerk of the court at the place where such application is made a statutory declaration setting forth in respect of the period for which he was the holder of such license subsequent to the preceding thirty-first day of December and up to the time of endorsement as a tavern the particulars required by subsection one of this section, and the clerk shall, upon the granting of the application for endorsement as aforesaid, forthwith transmit such declaration to the board.

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

(e) by inserting next after paragraph (c) of subsection (1A) of section twenty-four the following new paragraph :—

(d) Where after the grant of a license there is any change in the person interested in the business or the profits of the business as aforesaid the licensee shall produce to the clerk of the licensing court a further agreement evidencing the matters specified in paragraphs (i) and (ii) of paragraph (c) of this subsection and for such purposes a reference in that paragraph to "the applicant" shall be read as a reference to "the licensee".

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(f) by inserting next after section 26A the following No. 73, 1969
new sections :—

New secs.
26B, 26C.

26B. (1) The holder of a publican's license ^{Taverns.}
desiring to have the premises to which such license
relates or to which he wishes or desires to have his
license removed under section thirty-nine or 39A of
this Act being used and regarded as a tavern for the
purposes of this Act may apply to the licensing
court for the endorsement of such license or the
grant or conditional grant of his application for
removal of his license as a tavern.

The provisions of sections twenty-four, twenty-
seven, twenty-nine, thirty, thirty-nine and 39A of
this Act relating to the giving of notice of applica-
tions to be made to the licensing court, applications
to the licensing court and objections to and in
respect of any application shall apply, *mutatis*
mutandis, to and in respect of applications under
this section : Provided that the grounds of objec-
tions provided for by paragraphs (d) to (g) of
section twenty-nine of this Act shall not be enter-
tained as grounds of objections to any application
for endorsement of a publican's license as a tavern
where the application is in respect of the premises
to which that license relates.

Where a publican's license has been endorsed as
a tavern the provisions of sections twenty-five,
twenty-six, sixty-six, 68A and paragraph five of
section seventy and such other provisions of this
Act as may be prescribed shall not apply to and
in respect of a publican's license endorsed as a
tavern.

(2) An application under this section shall
not be granted unless the licensing court is
satisfied—

- (a) that the demand for residential accom-
modation is being sufficiently met in the
neighbourhood in which the premises the
subject

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subject of the application are situated and that the cost of continuing to maintain the residential accommodation in those premises or the building, equipping, and establishing of residential accommodation on a new site is not or would not be a reasonably profitable undertaking;

- (b) that the licensed premises or the licensed premises as altered or rebuilt in a manner approved by the licensing court or the premises to which the license is to be removed are suitable for use as a tavern; and
- (c) that the licensed premises have a public bar room and such other bar rooms, lounge bar or beer gardens as may be suited to the neighbourhood and the public demand for such facilities, and in at least one of the bar rooms, liquor and light refreshments and chairs and tables or other facilities of a like nature at which liquor and light refreshments may be consumed are provided.

(3) In determining any application under this section the licensing court shall, in addition to the considerations set out in subsection two of this section, have regard to the effect that the grant of the application might have on the business of any other licensed premises in the neighbourhood.

Accommo-
dation
hotels.

26c. (1) The holder of a publican's license desiring to have the premises to which such license relates or to which he wishes or desires to have his license removed under section thirty-nine or 39A of this Act being used and regarded as an accommodation hotel for the purposes of this Act may apply to the licensing court for the endorsement of such license or the grant or conditional grant of his application for removal of his license as an accommodation hotel.

The

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The provisions of sections twenty-four, twenty-seven, twenty-nine, thirty, thirty-nine and 39A of this Act relating to the giving of notice of applications to be made to the licensing court, applications to the licensing court and objections to and in respect of any application shall apply, mutatis mutandis, to and in respect of applications under this section: Provided that the grounds of objections provided for by paragraphs (e) to (g) of section twenty-nine of this Act shall not be entertained as grounds of objections to any application for endorsement of a publican's license as an accommodation hotel where the application is in respect of the premises to which that license relates.

Where a publican's license has been endorsed as an accommodation hotel the provisions of subsection (1A) of section 40B, sections forty-eight, fifty-one, sixty-four and 64A and such other provisions of this Act as may be prescribed shall not apply to and in respect of a publican's license endorsed as an accommodation hotel.

(2) An application under this section shall not be granted unless the licensing court is satisfied—

- (a) that the demand for the supply of liquor at bars in licensed premises is being sufficiently met in the neighbourhood in which the premises the subject of the application are situated;
- (b) that the licensed premises or the licensed premises as altered or rebuilt in a manner approved by the licensing court or the premises to which the license is to be removed are suitable for use as an accommodation hotel; and

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- (c) that any bar room or bar within the meaning of section sixty-four of this Act is used solely in connection with the supply of liquor to persons for consumption with or as ancillary to a bona fide meal.

(3) In determining any application under this section the licensing court shall, in addition to the considerations set out in subsection two of this section, have regard to the effect that the grant of the application might have on the business of any other licensed premises in the neighbourhood.

(4) Nothing in this Act shall authorise the sale or disposal or supply of liquor on any premises with respect to which a publican's license endorsed as an accommodation hotel under this section is in force except in accordance with subsection five of this section.

(5) Liquor may be sold, disposed of or supplied on premises referred to in subsection four of this section—

- (a) to persons for consumption in a dining room upon the licensed premises with or as ancillary to a bona fide meal between the hours of twelve o'clock noon and three o'clock in the afternoon and between the hours of six o'clock in the evening and nine o'clock in the evening on any of the days specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act (except a Sunday on which the thirty-first day of December falls) and between the hours of twelve o'clock noon and three o'clock in the afternoon and between the hours of six o'clock in the evening and twelve o'clock midnight on any other day (including a Sunday on which the thirty-first day of December falls);

(b)

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(b) to any bona fide lodger, servant or inmate No. 73, 1969 at any time.

(6) Any person not being a bona fide lodger, servant or inmate who in any licensed premises used as an accommodation hotel pursuant to this section obtains or attempts to obtain liquor by falsely representing that he intends to partake of a meal in such licensed premises shall be liable to a penalty not exceeding one hundred dollars.

(g) (i) by omitting from paragraph (iv) of section Sec. 29. twenty-nine the words "would be" and by (Objections to applica- inserting in lieu thereof the words "are likely tions.) to be";

(ii) by inserting at the end of paragraph (f) of the same section the words "or a site acquired for a place of public worship, hospital, or public school";

(h) by inserting at the end of section thirty-four the following new subsection :— Sec. 34. (Renewal of applica- tions.)

(2) (a) Where an application or conditional application for the grant or removal of a spirit merchant's license has, before the commencement of the Liquor (Amendment) Act, 1969, been refused on the ground of objection referred to in paragraph (e) of section twenty-nine of this Act, the licensing court shall not have jurisdiction to hear and determine any application or conditional application by the same or any other person whether made before or after such commencement for the grant or removal of a spirit merchant's license in respect of the same premises or premises or proposed premises situate within a radius of one mile thereof before the expiration of twelve months from the date of such refusal.

Nothing in this subsection shall preclude the licensing court from hearing and determining any

appeal

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appeal under subsection five of section one hundred and seventy of this Act against the refusal before such commencement of any such application.

(b) Where an application or conditional application for the grant or removal of a spirit merchant's license has, after the commencement of the Liquor (Amendment) Act, 1969, been refused on the ground of objection referred to in paragraph (e) of section twenty-nine of this Act, no application or conditional application by the same or any other person shall be made for the grant or removal of a spirit merchant's license in respect of the same premises or premises or proposed premises situate within a radius of one mile thereof before the expiration of twelve months from the date of such refusal.

(c) Paragraphs (a) and (b) of this subsection shall not apply where the licensing court is satisfied that the license in respect of which the application is being made will be used substantially in connection with the sale of liquor to persons licensed to sell liquor.

In this paragraph the expression "persons licensed to sell liquor" includes not only persons licensed under this Act, but also persons holding any permit or certificate of registration under this Act and persons licensed to sell liquor in any State or Territory of the Commonwealth, under any law for the time being in force in such State or Territory.

(d) Where an application or conditional application for the grant or removal of a spirit merchant's license under paragraph (a) or (b) of this subsection has been refused after the expiration of twelve months from the date of a previous refusal on the ground of objection referred to in paragraph (e) of section twenty-nine of this Act, no application or conditional application for the
grant

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grant or removal of a spirit merchant's license by the same or any other person in respect of the same premises or premises or proposed premises situate within a radius of one mile thereof shall, notwithstanding anything in subsection one of this section, be made within three years from the last refusal. No. 73, 1969

- (i) by inserting next after paragraph (c) of subsection (1A) of section thirty-seven the following new paragraph :— Sec. 37.
(Transfer of licenses.)

(d) Where after the grant of transfer of a license there is any change in the person interested in the business or the profits of the business as aforesaid the transferee shall produce to the clerk of the licensing court a further agreement evidencing the matters specified in paragraphs (i) and (ii) of paragraph (c) of this subsection.

- (j) by inserting in paragraph (a) of subsection two of section thirty-eight after the word "section" where firstly occurring the words ", section thirty-five and section thirty-six"; Sec. 38.
(Transfer of license in certain cases.)

- (k) by inserting in subsection eight of section 40A after the words "wine license is held" the words "and the provisions of this section, subsections three and five excepted, shall extend and apply to premises in respect of which a spirit merchant's license is held"; Sec. 40A.
(Renovation, etc., of premises.)

- (l) by inserting next after section 40C the following new section :— New sec.
40D.

40D. Upon complaint made to a licensing inspector or a member of the police force of or above the rank of sergeant by three or more residents in the vicinity of premises in respect of which a publican's license or an Australian wine license is held that objectionable noises or noises at unreasonable hours or noises causing discomfort Control and regulation of noises.

to

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to or interfering with the quiet enjoyment of those residents are emitted therefrom the licensing inspector or member of the police force on being satisfied as to the reasonableness of the complaint may order the licensee or person for the time being having control of the premises to take such measures as may be necessary to discontinue or prevent such noises being created or modulate such noises to the extent the licensing inspector or member of the police force deems desirable.

If the licensing court considers that in the circumstances the giving of any such order is reasonable any person who fails to comply with any such order shall be liable to a penalty of one hundred dollars.

Nothing in this section shall affect the provisions of the Local Government Act, 1919, or any other law relating to the regulation, control or prevention of noises.

Sec. 43.
(Sale of
liquor
without
license or
in breach
of license.)

(m) by inserting next after subsection (1A) of section forty-three the following new subsection :—

(1B) Any person who—

(a) on premises not licensed under this Act by advertisement or notices displayed on such premises;

(b) by publication of advertisements or notices in any newspaper or of circulars; or

(c) by radio or television broadcast—

intimates or states that he will, or is prepared to, accept orders from or act as agent for any person for the purchase, supply or delivery of liquors and delivers liquor ordered by any person or obtained by him as agent for any person on or from premises not licensed under this Act shall be guilty of an offence against this section.

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Any person upon application to the licensing No. 73, 1969 court may be exempted from the provisions of this subsection.

- (n) by omitting section forty-seven; Sec. 47.
(Dancing not to be permitted.)
- (o) (i) by inserting in subsection (3A) of section forty-nine after the word "obtains" the words "or attempts to obtain"; Sec. 49.
(Unlawful supply of liquor by licensee.)
- (ii) by inserting in the same subsection after the word "away" the words "or attempts to carry liquor away";
- (p) by omitting paragraph (b) of subsection (1C) of section fifty-seven and by inserting in lieu thereof the following paragraph :— Sec. 57.
(Times when premises may not be open for sale of liquor.)
- (b) by omitting from paragraph (a) the word "ten" and by inserting in lieu thereof the word "eight";
- (q) (i) by inserting in section seventy after the words "wine license" the words "or spirit merchant's license"; Sec. 70.
(Forfeiture of license in certain cases.)
- (ii) by inserting at the end of paragraph (5) of the same section the words "without the previous consent in writing of the licensing court".
3. The Liquor Act, 1912, is further amended— Further amendment of Act No. 42, 1912.
- (a) (i) by inserting next after subsection two of section 78K the following new subsection :— Sec. 78k.
(Effect of permit.)
- (2A) No charge shall be imposed or payment demanded or accepted as a condition of admission to a restaurant in respect of which

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a permit is held under this Part and the holder of a permit under this Part shall not demand or accept payment for anything other than liquor or refreshments or other goods that have lawfully been supplied or sold in the restaurant: Provided that 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. Any such exemption shall be subject to such conditions as the Minister may impose.

- (ii) by inserting next after subsection (4c) of the same section the following new subsection:—

(4D) (a) The holder of a permit may, in respect of a special occasion on a stated date, apply for an extension of the hours during which liquor may be sold and supplied in the restaurant to which such permit relates.

(b) Such application may be granted by the licensing court, a licensing magistrate, or where no objection to the application is taken under this Act, the clerk of the licensing court, and shall be subject to such conditions and provisions as the court, magistrate or clerk, as the case may be, imposes when granting the application.

Upon grant of such application liquor may, notwithstanding any other provisions of this Act, be sold and supplied during such extended hours in accordance with any conditions and provisions imposed as aforesaid.

(c) A fee of ten dollars shall be payable in respect of each application granted under this subsection.

Sec. 78s.
(Applica-
tion of
certain
provisions.)

- (b) (i) by inserting in section 78s after the words "and sections" the figures and letter "40D";

(ii)

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- (ii) by inserting in the same section after the word "fifty-three" the words "seventy (paragraph five excepted)";
- (iii) by omitting from the same section the words "and one hundred and sixteen" and by inserting in lieu thereof the words "one hundred and sixteen and one hundred and thirty-one".

4. The Liquor Act, 1912, is further amended by inserting next after section one hundred and twenty-one the following new section :—

Further amendment of Act No. 42, 1912.
New sec. 121A.

121A. (1) In addition to the inspectors appointed under section one hundred and nineteen of this Act any officer of the Public Service may be appointed by the Minister as an inspector for the purposes of this section. Any person so appointed may at any reasonable time of the day or night enter any licensed premises and may examine all registers, books, records and documents and may take copies of or make extracts from any entries therein.

Special inspectors.

(2) If any licensee or person in charge of such premises refuses or fails to admit any such inspector demanding to enter any premises in pursuance of this section or obstructs or causes or permits such inspector to be obstructed or delayed in the discharge of his duty such licensee or other person shall be liable to a penalty not exceeding two hundred dollars.

5. The Liquor Act, 1912, is further amended by inserting at the end of section one hundred and twenty-four the following new proviso :—

Further amendment of Act No. 42, 1912.
Sec. 124.

Provided further that where a license has been transferred in accordance with the foregoing provisions of this section, the court may if it sees fit, upon the application of the person to whom it was transferred, re-transfer the license to the licensee from whom it was transferred.

(Grounds of cancellation.)

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6. The Liquor Act, 1912, is further amended—Further
amendment
of Act No.
42, 1912.Sec. 133.
(Application
of certain
sections to
registered
clubs.)

(a) by inserting in section one hundred and thirty-three after the word "Sections" the figures and letters "40A, 40D";

Sec. 134.
(Conditions
of registra-
tion
of clubs.)

(b) (i) by inserting at the end of paragraph (e) of section one hundred and thirty-four the words "but shall not contain a separate area for the sale or supply of liquor to be carried away from the club premises if that area has direct access from the external area of any building being part of the club premises";

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

(j) No servant of the club shall after the expiration of six months from the commencement of the Liquor (Amendment) Act, 1969, be a member, or be eligible to be elected a member, of the committee of the club or be entitled to vote at any meeting of the club.

(k) No persons under twenty-one years of age shall use or operate or be allowed to use or operate poker machines in the club premises.

New secs.
134A, 134B.

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

Limitations
on club
membership.

134A. (1) In this section—

"prescribed date" in the case of a club the certificate of registration of which was granted on or before the thirtieth day of June, one thousand nine hundred and sixty-nine, means the thirtieth day of June, one thousand nine hundred and sixty-nine, and in the case of a club

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club the certificate of registration of No. 73, 1969 which was granted after the said thirtieth day of June and before the commencement of the Liquor (Amendment) Act, 1969, means the date on which the certificate of registration was granted.

For the purposes of determining the membership of a club, members of the following classes shall be taken into consideration, that is to say, full members, ordinary members, restricted members, social members, associate members and members of any other class that may be prescribed. Honorary members of a club shall also be taken into consideration if the licensing court determines that the rules of the club provide for the admission of persons possessing qualifications other than those appropriate for honorary membership.

Regulations prescribing classes of members for the purposes of this section may apply to all clubs, certain specified clubs or classes of clubs or all clubs other than specified clubs or classes of clubs.

(2) No club in respect of which a certificate of registration has been granted before the commencement of the Liquor (Amendment) Act, 1969, shall continue to be registered under this Part if at the prescribed date applicable to that club—

(a) the membership of that club was five thousand persons or less and such membership has since that date been increased whether before or after the commencement of the Liquor (Amendment) Act, 1969, to more than six thousand two hundred and fifty persons;

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- (b) the membership of that club was more than five thousand persons but less than ten thousand persons and such membership has since that date whether before or after the commencement of the Liquor (Amendment) Act, 1969, been increased by more than twenty-five per centum;
- (c) the membership of that club was more than ten thousand persons and such membership has since that date whether before or after the commencement of the Liquor (Amendment) Act, 1969, been increased to more than twelve thousand five hundred persons or by more than twelve and one-half per centum, whichever is the greater.

(3) No certificate of registration shall be granted to a club after the commencement of the Liquor (Amendment) Act, 1969, nor shall a club the certificate of registration of which was granted after such commencement be continued to be registered under this Part if the membership thereof exceeds six thousand two hundred and fifty persons.

(4) (a) Where the licensing court on application by a club which by reason of the operation of subsection two of this section would not continue to be registered under this Part determines that the membership should be greater than that applicable to the club pursuant to that subsection that subsection shall be deemed to be amended in its application to that club by substituting such greater membership for that which but for such determination would be applicable to that club.

Any

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Any application under this paragraph shall be made within three years from the date of commencement of the Liquor (Amendment) Act, 1969, or such further time as the licensing court may in special circumstances allow. **No. 73, 1969**

Where a club has made an application under this paragraph it shall not be entitled to make any further application under this paragraph.

(b) On the hearing of any application under this subsection the court shall take into consideration, in addition to all other relevant matters—

- (i) any hardship which would be caused to the club if the application were not granted;
- (ii) the purposes for which the club is formed, or the activities pursued by its members and any special objects of the club which in the opinion of the court would render it desirable to allow the club to increase its membership beyond the number which would otherwise be applicable to the club;
- (iii) any financial or other embarrassment likely to be occasioned to a club which had at the date of the commencement of the Liquor (Amendment) Act, 1969, facilities sufficient to accommodate an increase in membership beyond the number which would otherwise be applicable to the club;
- (iv) any financial or other embarrassment likely to be occasioned to a club which on or prior to the prescribed date

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date applicable to the club, had approved of plans or proposals to increase the facilities available to the members of the club and which plans or proposals included provision for an increase in membership which would be beyond the number which would otherwise be applicable to the club.

(5) Nothing in this section applies to the Sydney Cricket Ground Club or any other club exempted from the operation of this section by proclamation made by the Governor and published in the Gazette.

Clubs to be
incorporated
bodies.

134B. (1) Subject to the other provisions of this Act in respect of the conditions of registration of clubs, no certificate of registration or conditional application for a certificate of registration of a club shall be granted unless such club is a company within the meaning of the Companies Act, 1961, or is a society registered under the Co-operation Act, 1923.

(2) No club shall after the expiration of three years from the commencement of the Liquor (Amendment) Act, 1969, continue to be registered under this Part unless such club is a company within the meaning of the Companies Act, 1961, or a society registered under the Co-operation Act, 1923 :

Provided that the licensing court may upon application made by a club extend the aforesaid period of three years for compliance by that club with the provisions of this subsection if it is satisfied that such compliance would cause financial hardship to the club.

(3)

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(3) Upon incorporation of a club No. 73, 1969 under the Companies Act, 1961, or the Co-operation Act, 1923—

- (a) all property real and personal which at the date of incorporation belonged to or was vested in any trustee or person for the use or benefit of the club or to which any such trustee or person was contingently entitled for the use or benefit of the club is hereby divested from the trustee or person in whom it was theretofore vested and shall without any further conveyance, transfer or assignment vest in the club as so incorporated;
- (b) any property vested in the club in pursuance of this subsection shall be subject to any debt, liability or obligation charged on or affecting that property immediately before the incorporation of the club;
- (c) all debts and liabilities whether certain or contingent and whether then existing or capable of arising at a future time, to or with which the club or any trustee or person for or on account of the club is, at the date of incorporation of the club as aforesaid, liable or charged shall by virtue of this Act become and be debts and liabilities of the club as so incorporated.

In this subsection "property" includes all estates and interests in property whether real or personal, vested or contingent, including all rights and choses in action whether by law assignable or not.

(4)

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(4) No purchaser, nor the Registrar-General, Crown Solicitor or other person registering or certifying title pursuant to the operation of this section shall be concerned to inquire or investigate any claim by or on behalf of a club that land has vested in the club pursuant to the operation of this section—

- (a) where the land is under the provisions of the Real Property Act, 1900, and a subsisting caveat by the Registrar-General indicates that the land to which the caveat relates is held on trust for the club;
- (b) where the land is under the provisions of the Real Property Act, 1900, and the registered proprietors thereof or any of them acknowledge or acknowledge that the land is held on trust for the club; or
- (c) where the land is or is not under the provisions of the Real Property Act, 1900, and the club has caused notice of its claim that the land is vested in it pursuant to the operation of this section to be advertised in a newspaper published in the district in which the land is situated and in a newspaper circulating throughout the State and has by such notice indicated that objections may be recorded in the manner set out in subsection five of this section and no objections have been so recorded within a period of six months from the date of publication of the later of such advertisements or where an objection has been so recorded such objection has been withdrawn or disposed of in favour of the club.

(5)

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(5) (a) Any person who disputes ^{No. 73, 1969} the claim of the club may record an objection if he claims that the land is vested in any person other than the club—

- (i) in the case of land under the provisions of the Real Property Act, 1900, by lodging with the Registrar-General a caveat under section seventy-two of that Act forbidding registration of the club as proprietor of the land;
- (ii) in the case of land not under the provisions of the Real Property Act, 1900, by causing to be entered in the Register of Causes, Writs and Orders affecting land kept at the office of the Registrar-General (which entry the Registrar-General is authorised to make) a notification that the land is vested in some person other than the club.

(b) A caveat may be lodged under this subsection notwithstanding the provisions of subsection one of section seventy-two of the Real Property Act, 1900, and notwithstanding that the caveator may not claim for himself any estate or interest in the land.

(c) On the lodging of a caveat under paragraph (a) of this subsection the Registrar-General shall, in addition to the notice directed by section ninety-seven of the Real Property Act, 1900, notify the same to the club to which the caveat relates.

(d) The person who causes a notification to be entered in the Register of Causes, Writs and Orders as provided by paragraph (a) of this subsection shall forthwith give written notice of such entry to the club to which the entry relates.

(6)

No. 73, 1969

(6) The provisions of this section shall not apply to any club incorporated under any Act other than the Companies Act, 1961, or the Co-operation Act, 1923, nor to Tattersall's Club referred to in the Tattersall's Club Act of 1888, City Tattersall's Club referred to in the City Tattersall's Club Act of 1912, Newcastle Tattersall's Club referred to in the Newcastle Tattersall's Club Act, 1945, nor to any club of the like nature which the Minister may by proclamation published in the Gazette exempt from the operation of this section.

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

- (c) (i) by inserting at the end of subsection one of section one hundred and thirty-five the following new proviso :—

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.

- (ii) by omitting subsection three of the same section;

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

- (d) (i) by omitting from paragraph (liii) of subsection one of section one hundred and forty the words "Provided that the onus of establishing this ground of objection shall rest upon the objector";

- (ii) by inserting at the end of paragraph (liv) of the same subsection the words "or a site acquired for a place of public worship, hospital, or public school";

(iii)

Liquor (Amendment).

(iii) by inserting next after paragraph (lv) of No. 73, 1969 the same subsection the following new paragraph :—

(lvi) That the secretary of the club is a person of drunken or dissolute habits or otherwise of bad repute.

(iv) by inserting at the end of the same subsection the following proviso and new subsection :—

Provided that, upon any application, any objection whatsoever (not being a frivolous or vexatious objection) may be taken which appears to the licensing court or magistrate to be sufficient. An 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.

(1A) Except where objection is taken on the ground specified in paragraph (lii) of subsection one of this section the onus of establishing the grounds of objection shall rest upon the objector; where objection is taken on the ground specified in paragraph (lii) aforesaid the onus shall be upon the applicant of proving that the club is required to meet a genuine and substantial need.

(v) by omitting from subsection two of the same section the words "the nature of the premises occupied by the club" and by inserting in lieu thereof the following words :—

(a) the nature of the premises occupied by the club;

(b) whether the club has engaged or advertised that it will engage in sales of liquor or the provision of food for consumption away from the club premises at functions sponsored by and paid for by persons who are not members of the club.

(e)

Liquor (Amendment).

No. 73, 1969

Sec. 141.
(Who may
take
objection.)

- (e) by omitting from paragraph (d) of subsection one of section one hundred and forty-one the words "would be" and by inserting in lieu thereof the words "are likely to be";

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

- (f) (i) by inserting in subsection one of section 145A after the word "premises" where firstly occurring the words "or to alter substantially the use of any portion of the club premises";
- (ii) by inserting in the same subsection after the words "proposed to be made" the words "or, as the case may be, indicating the proposed alteration of use";
- (iii) by inserting in the same subsection after the words "premises of a registered club" the words "or any substantial alteration in the use of any portion thereof is made";

New secs.
149A, 149B.

- (g) by inserting next after section one hundred and forty-nine the following new heading and sections :—

Unlawful use of poker machines.

Persons
under
twenty-one
not to play
poker
machines
in club
premises.

149A. Any person under twenty-one years of age who uses or operates poker machines in club premises shall be liable to a penalty not exceeding fifty dollars.

Powers of
secretary
and police
with respect
to persons
under
twenty-
one playing
poker
machines.

149B. (1) The secretary of a club or any servant of the club or any member of the police force may demand from any person using or operating poker machines in club premises and whom he has reasonable cause to suspect to be under the age of twenty-one years, the correct age, name and address of such person, and if he has reasonable grounds to suppose that the age, name or address so given is false, may require such person to produce evidence of the correctness of the age, name or address given by such person.

(2)

Liquor (Amendment).

(2) If any such person, on demand being made by any member of the police force as aforesaid, refuses or fails to give such age, name or address or, 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 as aforesaid refuses or fails without reasonable cause to give to the secretary or a servant or any member of the police force or to produce evidence as to his correct age, name or address, shall be liable for every such offence to a penalty not exceeding twenty dollars.

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

Further amendment of Act No. 42, 1912.

- (a) by inserting in section one hundred and fifty-six after the words "under this Act" where secondly occurring the words "or any person who on the licensed premises hawks, peddles, sells or offers for sale any goods";
- (b) (i) by omitting from paragraph (c) of subsection three of section one hundred and sixty-eight the words "Any preservation society shall be entitled to be heard and represented before the licensing court on any such reference" and by inserting in lieu thereof the words "Each preservation society shall be notified in writing by the clerk of the licensing court of any such reference and shall be entitled to be heard and represented before the licensing court thereon";

Sec. 156.
(Exclusion of inebriates and others from licensed premises.)

Sec. 168.
(Historic inns.)

(ii)

Liquor (Amendment).

No. 73, 1969

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

(e) Where any application is made pursuant to subsection two of section forty, or section 40A or section 40C of this Act in respect of an historic inn, the clerk of the licensing court shall cause a copy of such application to be forwarded to each preservation society and each preservation society shall be entitled to be heard and represented at the hearing of any such application.

(f) Where the court grants any authority pursuant to subsection two of section forty of this Act for the making of any material alterations or additions to an historic inn or makes an order pursuant to section 40A of this Act for the renovation, structural alteration or rebuilding of an historic inn or an order pursuant to section 40C of this Act for the removal of any obstruction or encroachment that forms part of an historic inn and is of opinion that the work proposed is likely to detract from the national, special historic or architectural interest of the premises, the court may refer the matter to the Minister for consideration as to whether the order declaring the premises to be an historic inn should be revoked.

The Governor may, if the Minister so recommends, revoke the order declaring the premises to be an historic inn and thereupon the premises shall cease to be regarded as an historic inn under this subsection.

(iii)

Liquor (Amendment).

- (iii) by inserting next after subsection four of the No. 73, 1969
same section the following new subsection :—

(5) (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 a license for the sale of liquor at the Sydney Opera House.

The Governor may in imposing any conditions as aforesaid exempt the Sydney Opera House and the licensee thereof from such provisions of this Act as he may determine. The Governor may, from time to time, vary, add to or revoke any conditions imposed or exemptions granted as aforesaid and may, in the absence of any such conditions or exemptions, from time to time impose or grant them.

(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.

8. The Liquor Act, 1912, 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 words "licensing court whereby" the words "an application or a conditional application for endorsement of a publican's license under section 26B or section 26C of this Act or";

(ii)

Liquor (Amendment).

No. 73, 1969

- (ii) by inserting in the same paragraph after the words "section 78D of this Act" the words "or an application under section 134A of this Act";

Sec. 178.
(Powers
of Court.)

- (b) (i) by inserting in paragraph (a) of section one hundred and seventy-eight after the words "permit the" the words "lodging or";

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

- (b) disregard any omission, error, defect, or insufficiency in any such notice, document or instrument or any failure, defect or insufficiency in respect of the giving, serving, affixing, keeping affixed, advertising or publishing thereof if the court is satisfied that injustice to any person will not thereby be occasioned.

Further
amendment
of Act No.
42, 1912.
(Penalties.)

9. The provision of the Liquor Act, 1912, specified in the first column of the Schedule to this Act is amended in the manner specified opposite that provision in the second column of that Schedule.

Amendment
of Act No.
17, 1963.

10. The Liquor (Amendment) Act, 1963, is amended—

Sec. 3.
(Liquor to
be sold by
measure.)

- (a) by omitting subparagraph (ii) of paragraph (i) of subsection one of section three;
- (b) by omitting subsection two of the same section.

11.

Liquor (Amendment).

11. The Stamp Duties Act, 1920, is amended by inserting next after paragraph (19) of the matter in the Second Schedule under the heading General Exemptions from Stamp Duty under Part III the following new paragraph :—

No. 73, 1969
Amendment
of Act No.
47, 1920.
(Second
Schedule—
General
Exemptions.)
New par. 20.

(20) In the case of a club which before its incorporation under the Companies Act, 1961, or Co-operation Act, 1923, was an unincorporated club, and the incorporation whereof was for the purpose of complying with the provisions of section 134B of the Liquor Act, 1912, the following instruments :—

- (a) any conveyance whereby property is conveyed to, or any receipt for money given by, the club as so incorporated where that property or money was immediately before incorporation held by or on behalf of the unincorporated club;
- (b) any request under section fourteen of the Real Property (Amendment) Act, 1921, relating to the vesting of land pursuant to the said section 134B;
- (c) the memorandum of association, articles of association and certificate of incorporation of such company;
- (d) any instrument relating to the reconstitution of a club superannuation scheme where such reconstitution became necessary solely as a result of the incorporation of the company;
- (e) any other instrument which in the opinion of the Commissioner was executed solely in association with that incorporation.

SCHEDULE.

Liquor (Amendment).

No. 73, 1969

SCHEDULE.

First Column	Second Column
Section 7	Omit the word "twenty" and insert in lieu thereof the word "fifty".
Section 41	Omit the word "ten" wherever occurring and insert in lieu thereof the word "twenty".
Section 43, subsection (4), paragraph (a).	Omit the words "two hundred" and insert in lieu thereof the words "four hundred".
Section 43, subsection (4), paragraph (b).	Omit the words "of not less than two hundred dollars and not exceeding four hundred dollars" and insert in lieu thereof the words "not exceeding eight hundred dollars".
Section 43A, subsection (2).	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 43A, subsection (3).	Omit the words "two hundred" and insert in lieu thereof the words "four hundred".
Section 43B	Omit the word "ten" and insert in lieu thereof the word "fifty".
	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 44	Omit the words "two hundred" and insert in lieu thereof the words "four hundred".
Section 45	Omit the word "sixty" and insert in lieu thereof the words "two hundred".
Section 46	Omit the word "sixty" wherever occurring and insert in lieu thereof the words "two hundred".
Section 46	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 49, subsections (1) and (2).	Omit the words "one hundred" wherever occurring and insert in lieu thereof the words "two hundred".
Section 49, subsection (3A).	Omit the word "twenty" and insert in lieu thereof the word "fifty".
Section 50	Omit the word "twenty" and insert in lieu thereof the word "fifty".
Section 51, subsection (1).	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".

SCHEDULE

*Liquor (Amendment).*SCHEDULE—*continued.*

No. 73, 1969

First Column	Second Column
Section 52	Omit the word "forty" and insert in lieu thereof the words "one hundred".
Section 53	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 54	Omit the word "twenty" and insert in lieu thereof the words "two hundred".
Section 55	Omit the word "ten" and insert in lieu thereof the words "one hundred".
Section 56	Omit the word "ten" and insert in lieu thereof the word "fifty".
Section 57, sub-section (3).	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 57A, sub-section (3).	Omit the word "forty" and insert in lieu thereof the words "one hundred".
Section 58	Omit the word "ten" wherever occurring and insert in lieu thereof the word "forty".
Section 58A	Omit the word "forty" and insert in lieu thereof the words "one hundred".
Section 61	Omit the word "ten" and insert in lieu thereof the word "forty".
Section 63, sub-section (3).	Omit the word "four" and insert in lieu thereof the word "forty".
Section 63, sub-section (4).	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 64, sub-section (7).	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 64A, sub-section (3).	Omit the words "two hundred" and insert in lieu thereof the words "four hundred".
Section 65, sub-section (2).	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 66, sub-section (1).	Omit the word "sixty" and insert in lieu thereof the words "two hundred".
Section 66, sub-section (1A).	Omit the words "one hundred" wherever occurring and insert in lieu thereof the words "two hundred".
Section 66, sub-section (3).	Omit the word "twenty" and insert in lieu thereof the words "one hundred".
Section 67, sub-section (5).	Omit the word "ten" and insert in lieu thereof the word "fifty".
Section 68A, sub-section (3).	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 69, sub-section (1).	Omit the word "forty" and insert in lieu thereof the words "one hundred".

SCHEDULE

Liquor (Amendment).

No. 73, 1969

SCHEDULE—*continued.*

First Column	Second Column
Section 70	Omit the words "two hundred" and insert in lieu thereof the words "four hundred".
Section 71	Omit the words "of not less than sixty dollars and not exceeding one hundred dollars" and insert in lieu thereof the words "not exceeding two hundred dollars".
Section 73A, subsection (4).	Omit the word "ten" and insert in lieu thereof the word "forty".
Section 74	Omit the words "not exceeding twenty nor less than four dollars" and insert in lieu thereof the words "not exceeding fifty dollars".
Section 75	Omit the word "twenty" and insert in lieu thereof the word "fifty".
Section 76	Omit the word "twenty" and insert in lieu thereof the word "fifty".
Section 78A . . .	Omit the word "forty" and insert in lieu thereof the words "one hundred".
Section 78K, subsection (5).	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 78L, subsection (2).	Omit the words "two hundred" and insert in lieu thereof the words "four hundred".
Section 78o . . .	Omit the word "forty" and insert in lieu thereof the words "one hundred".
Section 78Q, subsection (2).	Omit the word "forty" and insert in lieu thereof the words "one hundred".
Section 78R . . .	Omit the word "ten" and insert in lieu thereof the word "forty".
Section 78R . . .	Omit the word "forty" and insert in lieu thereof the words "one hundred".
Section 96	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 99	Omit the words "one hundred" and insert in lieu thereof the words "three hundred".
Section 101 . . .	Omit the word "ten" and insert in lieu thereof the word "fifty".
Section 101 . . .	Omit the words "four hundred" and insert in lieu thereof the words "one thousand".
Section 102 . . .	Omit the words "one thousand" and insert in lieu thereof the words "two thousand".

SCHEDULE

*Liquor (Amendment).*SCHEDULE—*continued.*

No. 73, 1969

First Column	Second Column
Section 103 . . .	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 104 . . .	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 105 . . .	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 111 . . .	Omit the words "four hundred" and insert in lieu thereof the words "one thousand".
Section 112 . . .	Omit the words "two hundred" and insert in lieu thereof the words "four hundred".
Section 113 . . .	Omit the words "of not less than twenty dollars nor more than one hundred dollars" and insert in lieu thereof the words "not exceeding two hundred dollars".
Section 120, sub-section (3).	Omit the words "two hundred" and insert in lieu thereof the words "four hundred".
Section 121 . . .	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 121 . . .	Omit the words "two hundred" and insert in lieu thereof the words "four hundred".
Section 122 . . .	Omit the words "of not less than one hundred nor more than four hundred dollars" and insert in lieu thereof the words "not exceeding eight hundred dollars".
Section 122 . . .	Omit the word "twenty" and insert in lieu thereof the words "one hundred".
Section 149, sub-section (1).	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 149, sub-section (2).	Omit the words "two hundred" and insert in lieu thereof the words "four hundred".
Section 149, sub-section (2).	Omit the word "twenty" and insert in lieu thereof the word "fifty".
Section 150, sub-section (3).	Omit the word "twenty" and insert in lieu thereof the words "one hundred".
Section 150, sub-section (4).	Omit the word "ten" and insert in lieu thereof the word "forty".
Section 151 sub-section (2).	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 155 . . .	Omit the word "four" and insert in lieu thereof the word "twenty".
Section 155 . . .	Omit the words "twenty or less than four dollars" and insert in lieu thereof the words "one hundred dollars".

SCHEDULE

Liquor (Amendment).

No. 73, 1969

SCHEDULE—*continued.*

First Column	Second Column
Section 156 ..	Omit the word "ten" and insert in lieu thereof the word "forty".
Section 159 ..	Omit the word "ten" and insert in lieu thereof the word "forty".
Section 160 . ..	Omit the word "forty" and insert in lieu thereof the words "one hundred".
Section 163 . ..	Omit the word "ten" and insert in lieu thereof the word "twenty".
Section 164, subsection (3).	Omit the words "one hundred or less than twenty dollars" and insert in lieu thereof the words "two hundred dollars".
Section 165 . ..	Omit the words "one hundred" and insert in lieu thereof the words "two hundred".
Section 166 . ..	Omit the word "ten" and insert in lieu thereof the word "forty".
Section 166 . ..	Omit the word "twenty" and insert in lieu thereof the words "one hundred".
Section 168B ..	Omit the words "two hundred" and insert in lieu thereof the words "four hundred".
Section 168C ..	Omit the words "two hundred" and insert in lieu thereof the words "four hundred".
Section 176A ..	Omit the word "sixty" and insert in lieu thereof the words "two hundred".
Section 177 . ..	Omit the word "twenty" and insert in lieu thereof the words "one hundred".

WHEAT