

LIQUOR ACT, 1982, No. 147

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

*** **

Act No. 147, 1982.

An Act to regulate the sale and supply of liquor. [Assented to, 21st December, 1982.]

See also Liquor (Repeals and Savings) Act, 1982: Registered Clubs (Liquor) Amendment Act, 1982.

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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:—

PART I.**PRELIMINARY.****Short title.**

1. This Act may be cited as as "Liquor Act, 1982".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Arrangement.

3. This Act is divided as follows:—

PART I.—PRELIMINARY—*ss.* 1–6.

PART II.—THE LICENSING COURT—*ss.* 7–17.

PART III.—LICENCES—*ss.* 18–71.

DIVISION 1.—*Classes of licences—ss.* 18, 19.

DIVISION 2.—*Conditions of licences—ss.* 20–23.

DIVISION 3.—*Trading hours—ss.* 24–35.

DIVISION 4.—*Making of applications—ss.* 36–42.

DIVISION 5.—*Objections to applications—ss.* 43–47.

DIVISION 6.—*Grant of applications—ss.* 48–62.

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DIVISION 7.—*Death or disability of licensee*—*ss.* 63–65.

DIVISION 8.—*Disciplinary provisions*—*ss.* 66–69.

DIVISION 9.—*General*—*ss.* 70, 71.

PART IV.—LIQUOR ADMINISTRATION BOARD—*ss.* 72–77.

PART V.—LICENSING PERIODS—*ss.* 78–86.

PART VI.—LICENSED PREMISES—*ss.* 87–105.

PART VII.—INSPECTORS—*ss.* 106–111.

PART VIII.—OFFENCES, ETC.—*ss.* 112–145.

DIVISION 1.—*Offences*—*ss.* 112–139.

DIVISION 2.—*Evidence*—*ss.* 140–142.

DIVISION 3.—*General*—*ss.* 143–145.

PART IX.—APPEALS—*ss.* 146–149.

PART X.—MISCELLANEOUS—*ss.* 150–156.

Interpretation.

4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“airport” means a public aviation station established and maintained under section 490 of the Local Government Act, 1919;

“application” includes an application for a conditional grant of the application;

“assessment period” in relation to a licence fee, means the period prescribed by the regulations for the purposes of this definition that, by an intervening period so prescribed, last preceded the licensing period in respect of which the fee is payable;

“auctioneer” means a person who is licensed under the Auctioneers and Agents Act, 1941, as an auctioneer;

“Australian wine” means wine, cider, mead or perry that is the produce of fruit grown or honey produced, in Australia;

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“Board” means the Liquor Administration Board **constituted by section 72**;

“brewer” means a person who, for the purposes of **sale, makes beer, ale, porter, stout or any other fermented malt liquor or any fermented liquor made from sugar or saccharine matter**;

“Chairman” where occurring otherwise than in relation to the Board means Chairman of the Licensing Court;

“Chairman of the Board” means Chairman of the **Liquor Administration Board**;

“college” has the same meaning as it has in the **Colleges of Advanced Education Act, 1975**;

“condition”, in relation to a licence, includes a **provision operating otherwise than as a condition**;

“conditional application” means an application **that may only be granted conditionally**;

“court” means the Licensing Court **constituted as provided by section 9 or 10**;

“defined premises”, in relation to a registered club, means the premises that are, within the meaning of the **Registered Clubs Act, 1976**, the defined premises of that club;

“dining room”, in relation to licensed premises, means **a part of the licensed premises used permanently and primarily for the consumption at tables of meals served otherwise than by self-service**;

“entertainment” means entertainment provided by a **person or persons physically present and actually providing the entertainment**;

“entertainment area” means an area to which an **authorisation granted by the Board under section 89 relates**;

“function” means—

- (a) a function that is held in a building **and is a dinner, convention, seminar or the like, or is a sporting event, ball or trade fair**; or

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(b) a function that is not held in a building and is a race-meeting, regatta, sporting event, agricultural show, horticultural show, pastoral show, industrial show, trade or other fair, fete, carnival or other function similar to the functions specified in this paragraph and conducted for public amusement or entertainment;

“Governor’s licence” means a licence the issue of which is authorised under section 19;

“hotelier’s licence” means a licence that, subject to this Act and the conditions of the licence, authorises the licensee to sell liquor by retail on the licensed premises, whether or not for consumption on those premises;

“justice” means a Justice of the Peace;

“lease” includes a letting, whether oral or in writing and, if in writing, whether or not by deed;

“licence” means a licence issued under this Act and, in relation to licensed premises, means the licence authorising the sale of liquor on those premises;

“licence fee” means the fee payable for a licence in respect of a licensing period;

“licensed premises” means premises, or part of premises, on which the sale of liquor is authorised by a licence being, in the case of an on-licence to sell liquor at a function, the premises or part of premises in which the function is held;

“Licensing Court” means the Licensing Court of New South Wales;

“licensing inspector” means a licensing inspector appointed under section 107;

“licensing period” means a period prescribed for the purposes of section 80 (1);

“liquor” includes wine, spirits, beer, porter, stout, ale, cider, perry, mead or any spirituous or fermented fluid or prescribed substance capable of producing intoxication;

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- “meal” means a genuine meal, not in sandwich form, partaken of by a person seated at a dining table;
- “non-proprietary association” means an incorporated or unincorporated body or association of persons (including a registered or unregistered club) that, by its constitution or any law that governs its activities—
- (a) is required to apply its profits, if any, and other income to the promotion of its objects or to purposes provided for by any such law; and
 - (b) is prohibited from paying dividends, or distributing profits or income, to its shareholders or members;
- “off-licence” means a licence that, subject to this Act and the conditions of the licence, authorises the licensee to sell liquor on the licensed premises, but only for consumption otherwise than on those premises;
- “on-licence” means a licence that, subject to this Act and the conditions of the licence, authorises the licensee to sell liquor on the licensed premises, but only for consumption on those premises;
- “owner”, in relation to premises, means the person entitled to the rents or profits of the premises;
- “person authorised to sell liquor” means a licensee, a registered club or a person authorised, by the law of another State or a Territory of the Commonwealth, to sell liquor;
- “premises” includes land, a vessel and an aircraft and, in relation to a conditional application, includes premises proposed to be erected and premises as proposed to be altered or added to;
- “prescribed place” means a city, town or place declared by or under section 5 to be a prescribed place;
- “Principal Registrar” means the registrar of the court at Sydney;
- “public hall” means a public hall licensed under Part II of the Theatres and Public Halls Act, 1908;
- “race-meeting” has the same meaning as it has in the Gaming and Betting Act, 1912;
- “reception area” means a part of a restaurant in which the sale, supply and consumption of liquor otherwise than at dining tables is authorised;

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“record” includes any book, account, document, paper or other source of information compiled, recorded or stored in written form or on microfilm, or by electronic process, or in any other manner or by any other means;

“refreshments” does not include liquor;

“registered club” has the same meaning as it has in the Registered Clubs Act, 1976;

“registrar” means registrar of the court appointed under section 17;

“regulations” means regulations made under this Act;

“restaurant” means premises in which meals are, or upon the issue of a licence in relation to the premises are proposed to be, regularly supplied on sale to the public for consumption on the premises;

“restricted area”, in relation to premises to which a hotelier’s licence relates, means a part of the premises in which liquor is ordinarily sold or supplied for consumption on the premises, not being—

- (a) a dining room in which meals are being served;
- (b) a part of the premises to which an authorisation under section 87 relates; or
- (c) a part of the premises in which liquor is, otherwise than as authorised under section 21 (2), sold or supplied exclusively to lodgers or inmates or both;

“restricted trading day” means Good Friday, Christmas Day and any day declared by the Governor, by proclamation published in the Gazette, to be a restricted trading day for the purposes of this Act;

“sell” includes—

- (a) barter or exchange;
- (b) offer, agree or attempt to sell;
- (c) expose, send, forward or deliver for sale; and
- (d) cause or permit to be sold or offered for sale;

“special inspector” means an inspector appointed under section 109;

“spirits” includes any liquor prescribed as spirits;

“spouse” includes, in relation to a licensee, a person who, although not legally married to the licensee, ordinarily lives with the licensee as the spouse of the licensee on a permanent and domestic basis;

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“supply” includes dispose of and deliver;

“theatre” means a theatre (not being a drive-in theatre or an open-air theatre) licensed under Part II of the Theatres and Public Halls Act, 1908;

“this Act” includes regulations;

“trading hours”, in relation to licensed premises, means the times at which, subject to this Act and the conditions of the licence, the sale of liquor on the premises pursuant to the licence is authorised;

“university” means a university established by an Act;

“unregistered club” means a club that is not a registered club within the meaning of the Registered Clubs Act, 1976;

“wine” includes any liquor prescribed as wine.

(2) In this Act, except in so far as the context or subject-matter otherwise indicates or requires, a reference to the registrar or the licensing inspector in relation to any application, licence or licensed premises is a reference to the registrar or, as the case may be, the licensing inspector for the prescribed place at which the court would sit to hear the application or, as the case may be, an application relating to the licence or licensed premises.

(3) Where the situation of the licensed premises is relevant for any purpose relating to an on-licence for a vessel or an aircraft, the licensed premises shall be deemed to be situated—

- (a) in the case of a vessel—at the usual port or place of departure or arrival of the vessel; or
- (b) in the case of an aircraft—at Sydney.

(4) Notwithstanding anything in the Theatres and Public Halls Act, 1908, or the Sunday Entertainment Act, 1966, the provision of entertainment in compliance with this Act and a condition of a licence is not a contravention of those Acts.

(5) For the purposes of this Act, a licence is removed if, with the consent of the court given otherwise than pursuant to section 93, the authority conferred by the licence ceases to be exercisable at the premises to which the licence relates at the time of the grant of the application for removal and becomes exercisable at the premises to which the removal was sought.

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(6) A requirement under this Act to produce a record is, where the record is not written or not written in the English language, a requirement to produce a statement, written in the English language, setting forth such of the particulars in the record as are not written or are not written in the English language.

(7) In this Act, a reference to the exercise of a function includes a reference to the exercise or performance of a power, authority or duty.

Prescribed places.

5. (1) For the purposes of this Act, Sydney is a prescribed place.

(2) The regulations may declare any city, town or other place to be a prescribed place for the purposes of this Act.

(3) Where a city, town or other place ceases to be a prescribed place, the regulations may include such provisions of a saving or transitional nature as are necessary or convenient as a consequence of that city, town or other place ceasing to be a prescribed place.

Application of Act.

6. Nothing in this Act applies to or in respect of the sale of—

- (a) liquor in Parliament House under the control of the proper authority;
- (b) liquor on such trains under the control of the State Rail Authority as are determined by that Authority;
- (c) spirituous or distilled perfume where the sale is as perfumery only and not for drinking;
- (d) liquor where the sale is for medicinal purposes only and is made by a medical practitioner registered under the Medical Practitioners Act, 1938, or a pharmacist registered under the Pharmacy Act, 1964;

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- (e) liquor at the time it is auctioned by an auctioneer who is the holder of an off-licence, but only to the extent that the owner of the liquor would otherwise be required to be the holder of a licence, the liquor is auctioned on the premises to which the licence relates and the auction is on behalf of a person not authorised to sell liquor on those premises at the time of the auction;
- (f) liquor taken in execution or under similar process, or forfeited to the Crown, where the sale is by the sheriff or a sheriff's officer, or a bailiff or a member of the police force;
- (g) liquor where the sale is made by or on behalf of the master or captain for the time being of a vessel engaged in interstate or overseas voyages where the liquor is sold at a function held on board the vessel and the proceeds are given to a charity; or
- (h) liquor where the sale is authorised by a law of the Commonwealth for the export of the liquor from the Commonwealth.

PART II.**THE LICENSING COURT.****Licensing Court of New South Wales.**

7. (1) The Licensing Court of New South Wales is a court of record with the prescribed seal and is constituted as provided by sections 9 and 10.

(2) The court has the jurisdiction and powers conferred on it by or under this or any other Act and shall record its decisions in such manner as it thinks fit.

(3) Subject to this Act, the court, wherever sitting, has jurisdiction throughout New South Wales.

Appointment of licensing magistrates.

8. (1) The Governor may—

- (a) appoint as licensing magistrates not less than 3 persons each of whom is a stipendiary magistrate or a person eligible to be appointed as a stipendiary magistrate; and

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- (b) by the same or a different instrument, appoint one of those persons as Chairman of the Licensing Court of New South Wales and another of them as Deputy Chairman of the Licensing Court of New South Wales.

(2) In the absence of the Chairman, the Deputy Chairman shall be deemed to be the Chairman.

(3) Subject to this section, a licensing magistrate—

- (a) holds office for such period, not exceeding 7 years, as is specified in the instrument of his appointment;
- (b) is eligible for re-appointment;
- (c) may not, without the approval of the Governor, engage in any business or employment outside the duties of his office; and
- (d) is entitled to be paid remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975.

(4) The Public Service Act, 1979, does not apply to or in respect of—

- (a) the appointment of a licensing magistrate; or
- (b) a licensing magistrate during his term of office as such,

but a licensing magistrate who, immediately before his appointment as a licensing magistrate, was a stipendiary magistrate does not, by reason of that appointment, cease to be a stipendiary magistrate and a licensing magistrate who, immediately before his appointment as a licensing magistrate, was not a stipendiary magistrate becomes, by virtue of that appointment, a stipendiary magistrate.

(5) Subsection (4) does not affect any right accrued or accruing under the Public Service Act, 1979, or the Superannuation Act, 1916, at the time of his appointment to a person appointed as a licensing magistrate and he may continue to contribute to any fund or account, and is entitled to receive any payment, pension or gratuity, as if subsection (4) had not been enacted.

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(6) The Governor may remove a licensing magistrate from office for inability or misbehaviour subject to—

- (a) not less than 21 days' notice being given to the licensing magistrate of the proposal to remove him from office; and
- (b) the licensing magistrate being given, before expiration of the notice, an opportunity to make representations to the Governor and to be heard before the Governor in Council.

(7) A licensing magistrate vacates his office as such if he resigns the office by writing under his hand addressed to the Minister and the Governor accepts the resignation.

(8) If the Chairman, or the Deputy Chairman, ceases to hold office as a licensing magistrate, he ceases to hold office as Chairman or, as the case may be, as Deputy Chairman and, if a licensing magistrate ceases to hold office as a stipendiary magistrate, he ceases to hold office as a licensing magistrate.

Constitution of court at first instance.

9. (1) Except to the extent that this Act otherwise provides, the Licensing Court of New South Wales is constituted by—

- (a) a licensing magistrate sitting alone;
- (b) a stipendiary magistrate (other than a licensing magistrate) sitting alone in accordance with a delegation to him of any or all of the jurisdiction of a licensing magistrate (either generally or in a particular case) by the Chairman; or
- (c) if the Chairman so directs (either generally or in a particular case)—2 or more licensing magistrates, which number shall include the Chairman or the Deputy Chairman and may include both.

(2) Where the court is constituted as provided by subsection (1) (c), the Chairman or, if the Chairman is not sitting, the Deputy Chairman shall preside.

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(3) Where the court is constituted as provided by subsection (1) (c) and there is a difference of opinion among the members of the court, the opinion of the majority is the opinion of the court and, where there is an equality of votes, the Chairman or, if the Chairman is not sitting, the Deputy Chairman has a casting vote as well as a deliberative vote.

(4) The court may not be constituted under subsection (1) (c) for the hearing and determination of the matter of a complaint under section 67.

Constitution of the court on appeal.

10. (1) For the purpose of hearing and determining an appeal to the court under this or any other Act, the Licensing Court of New South Wales is constituted by—

- (a) 3 or more licensing magistrates; or
- (b) if the Chairman so directs—2 licensing magistrates sitting with a stipendiary magistrate (other than a licensing magistrate) appointed by the Chairman,

none of whom constituted, or was a member of, the court from the adjudication of which the appeal lies.

(2) Where the court is constituted as provided by subsection (1)—

- (a) the Chairman shall preside if he is sitting;
- (b) the Deputy Chairman shall preside if he is sitting and the Chairman is not; or
- (c) where neither the Chairman nor the Deputy Chairman is sitting, the magistrate nominated for the purpose by the Chairman shall preside.

(3) Where the court is constituted as provided by subsection (1) and there is a difference of opinion among the members of the court, the opinion of the majority is the opinion of the court and, where there is an equality of votes, the presiding magistrate has a casting vote as well as a deliberative vote.

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Sittings of the court.

11. (1) Sittings of the court shall be held at prescribed places.

(2) The sittings and constitution of the court pursuant to section 9 or 10 shall be arranged by the Chairman or, to the extent directed by the Chairman, by the Deputy Chairman.

(3) The venue for the hearing of a matter by the court shall be laid as provided by the regulations.

(4) A person is disqualified from sitting in or as the court for the hearing and determination of a matter under this Act if—

- (a) he is beneficially interested in the manufacture or sale of liquor;
- (b) he has a beneficial interest in any licensed premises or any premises proposed as licensed premises;
- (c) he holds a licence;
- (d) he is beneficially interested in a trade or calling carried on under a licence;
- (e) a person to or with whom he is, in the prescribed manner, related or connected is the holder of a licence in respect of premises in the neighbourhood of the premises in relation to which the matter is to be heard and determined; or
- (f) he is beneficially interested in a trade or calling carried on under a licence relating to premises referred to in paragraph (e).

Procedure before the Licensing Court.

12. (1) Except to the extent that this Act otherwise provides, proceedings before the court—

- (a) shall, except in the case of proceedings under section 145, be instituted by application; and
- (b) shall, as nearly as practicable, be regulated in the same way as summary proceedings before a court of petty sessions.

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(2) In any proceedings before it other than proceedings upon a complaint under section 67 or proceedings under section 145, the court—

- (a) is not bound by the rules of evidence and may inform itself on any matter in such manner as it thinks fit; and
- (b) shall act according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms.

(3) The magistrate who constitutes the court or, where the court is constituted by more than 1 magistrate, the presiding magistrate, may take, administer or cause to be taken or administered any oath, declaration, affirmation or deposition relating to a proceeding before the court.

(4) Without prejudice to the operation of subsection (5), section 61 of the Justices Act, 1902, and the other provisions of that Act relating to a summons under that section and proceedings on default in appearance to such a summons apply to and in respect of the appearance of a witness before the court in relation to a matter arising under this Act, his examination on oath and proceedings on default in appearance to such a summons in the same way as they apply to and in respect of the appearance of a witness before a court of petty sessions in relation to the matter of an information, his examination on oath and proceedings on default in his appearance to such a summons.

(5) The magistrate who constitutes the court or, where the court is constituted by more than 1 magistrate, the presiding magistrate, may of his own motion issue his summons for the attendance before the court of a person to be examined as a witness or to produce a document or writing required for the purpose of evidence and subsection (4) applies to and in respect of such a summons in the same way as it applies to and in respect of a summons under that section.

(6) The business of the court may be conducted in the absence of the public—

- (a) in the case of an application to which no objection has been taken; and
- (b) in such other cases as may be prescribed.

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Contempt of the Court.

- 13.** Where the court finds a person guilty of contempt of the court—
- (a) it may require the person to pay a penalty not exceeding \$1,000 and may, in default of payment of the penalty, by warrant under the seal of the court and the hand of the only or presiding magistrate, commit that person to prison for a term not exceeding 14 days or until the fine is sooner paid; or
 - (b) it may, by a like warrant, commit the person to prison for a term not exceeding 14 days.

Adjournments.

14. (1) The court may, of its own motion or on application, from time to time adjourn to the same or another court-house or another building.

(2) Where the court is not constituted in accordance with this Act by reason that a member of the court is absent, any member of the court who is present may, and if no member of the court is present a justice may, adjourn the court or the hearing of any application or matter.

(3) Where, before or upon the hearing by the court of an application or matter under this Act, a party to the proceedings applies for an adjournment, the court may, on such terms as to costs or otherwise as it thinks fit, adjourn the hearing to the same or another court-house or another building.

Amendment, etc.

15. On the hearing of an application under this or any other Act, the court may, of its own motion or, on such terms as to costs or adjournment as it thinks fit, on the application of a party to the proceedings—

- (a) permit the lodging or amendment of any notice or of any document or instrument necessary to the proceedings before the court; and

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- (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 or any other matter or thing not going to the substance of the matter before the court.

Costs.

16. (1) The costs of any proceedings in the court (other than proceedings for an offence) including the costs of any ancillary proceedings shall be paid by or apportioned between the parties in such manner as the court in its discretion orders and, in default of any such order, follow the event.

(2) Except in such circumstances as may be prescribed, costs shall not be awarded against an unsuccessful opponent of an application or a complainant on the ground specified in section 68 (1) (d) if the court is satisfied—

- (a) that the person opposing the application or making the complaint had no direct or indirect pecuniary interest in the refusal of the application and no expectation of such an interest; and
- (b) that his opposition or complaint was not malicious, vexatious or frivolous.

(3) Where an order for an amount of costs and expenses is made under subsection (1) and the prescribed documents are filed in the office of a court of petty sessions having jurisdiction under the Courts of Petty Sessions (Civil Claims) Act, 1970, at or nearest the prescribed place at which the application that led to the order was heard, the order may be enforced as a judgment of that court of petty sessions for the payment of that amount in accordance with the order of the court.

Registrars of the court.

17. (1) The Governor may, under and subject to the Public Service Act, 1979, appoint a Principal Registrar and a registrar of the court for each prescribed place other than Sydney.

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(2) Until some other person is appointed as registrar of the court for a prescribed place, the registrar of the court for the prescribed place is the person for the time being holding, or discharging the functions of, the office of clerk of petty sessions at the prescribed place or, if there is no such person, at another place specified by the Minister, instead of the prescribed place, by order published in the Gazette.

(3) The Principal Registrar is the registrar of the court at Sydney.

PART III.

LICENCES.

DIVISION 1.—*Classes of licences.*

Court may grant licences.

18. (1) Subject to this Act, the court may grant a licence in a form approved by the Board authorising the licensee to sell liquor on the premises specified in the licence.

(2) The court may, under subsection (1), grant—

- (a) a hotelier's licence, being a licence that, subject to this Act and the conditions of the licence, authorises the licensee to sell liquor by retail on the licensed premises, whether or not for consumption on those premises;
- (b) an off-licence, being a licence that, subject to this Act and the conditions of the licence, authorises the licensee to sell liquor on the licensed premises, but only for consumption otherwise than on those premises; or

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(c) an on-licence, being a licence that, subject to this Act and the conditions of the licence, authorises the licensee to sell liquor on the licensed premises, but only for consumption on those premises.

(3) An off-licence may be—

- (a) a licence to sell liquor by retail;
- (b) a licence for a vigneron;
- (c) a licence to sell liquor to persons authorised to sell liquor;
- (d) a licence for a brewer; or
- (e) a licence to auction liquor on behalf of a person not authorised to sell liquor.

(4) The premises in relation to which an on-licence (other than an on-licence to sell liquor at a function) may be granted are—

- (a) premises at an airport;
- (b) a public hall;
- (c) a restaurant;
- (d) a theatre;
- (e) premises within a university or college that are occupied by a union, association, club or other organisation within the university or college; and
- (f) a vessel or an aircraft.

(5) An on-licence may be granted to sell liquor at—

- (a) a function approved by the court when granting the licence; and
- (b) in the case of such a licence granted pursuant to an application made by or on behalf of a non-proprietary association—any additional function or functions approved by the court upon application subsequently made by or on behalf of the association.

(6) Where the court or, where there is no objection, the registrar grants an application by the holder of a hotelier's licence to sell liquor at a function to be held on premises other than the premises to which the hotelier's licence relates, the hotelier's licence has effect in relation to the function as if it were an on-licence to sell liquor at the function.

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(7) Notwithstanding anything in this Act, the authority conferred by a licence referred to in subsection (3) (a), (b) or (c) extends to supplying liquor to customers and intending customers for consumption on the licensed premises if the liquor—

- (a) is liquor that the licensee is authorised to sell;
- (b) is supplied gratuitously; and
- (c) is consumed for tasting purposes only.

(8) Notwithstanding subsection (3) (c), the authority conferred by a licence referred to in that paragraph includes authority, to the extent referred to in section 22 (3), to sell liquor to employees of the licensee.

(9) Subsections (1) and (2) do not authorise the court to grant a new hotelier's licence unless it is satisfied that an existing hotelier's licence is not available at a reasonable market price for removal to the premises or proposed premises to which the application for the new licence relates.

Governor may authorise issue of certain licences.

19. (1) The Governor may, on the recommendation of the Minister and subject to such conditions as he may impose, authorise the court to issue a licence authorising the sale of liquor—

- (a) in a refreshment room, or at a stall, at a specified railway station;
- (b) on premises vested in the Crown or a public authority constituted by an Act; or
- (c) in a canteen at a construction camp specified in the licence or at works of a public nature so specified,

subject to such conditions and exemptions as the Governor may impose and grant.

(2) Before making a recommendation for the purposes of subsection (1), the Minister may, if he thinks fit, obtain a report from the Board on any proposal that the court be authorised under subsection (1) to issue a licence.

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(3) The Governor may—

- (a) vary, add to or revoke any condition imposed, or exemption granted, under subsection (1); or
- (b) in the absence of any such condition or exemption, impose a condition or grant an exemption and, having imposed or granted it, vary, add to or revoke it.

DIVISION 2.—*Conditions of licences.*

Conditions of licences.

20. (1) The court may—

- (a) on the hearing of an application for the grant of a licence or of any matter relating to a licence—of its own motion or on the application of a party to the hearing or the licensing inspector; or
- (b) at any other time—on the application of the licensing inspector made in relation to a licence,

impose conditions not inconsistent with this Act without prior compliance with which the grant does not take effect or to which the licence is to be subject.

(2) A licence is subject to—

- (a) prescribed conditions;
- (b) any conditions imposed under subsection (1) or section 19;
- (c) any conditions imposed by the court on hearing a complaint under section 67 or 104; and
- (d) any other conditions the court is authorised by this Act to impose, whether or not any such condition is endorsed on the licence.

(3) A contravention of section 21, 22 or 23 is a breach of a condition of the licence in respect of which the contravention occurs.

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(4) It is a breach of a condition of a licence to sell or supply liquor on the licensed premises at a time other than a time permitted by Division 3 in relation to the licensed premises or otherwise than in accordance with the provisions of that Division.

(5) The court may vary or revoke a condition of a licence imposed by it (whether under this section or any other provision of this Act)—

- (a) at any time on the application of the licensee or the licensing inspector; or
- (b) of its own motion or on the hearing of any matter relating to the licence.

Hotelier's licence—miscellaneous conditions.

21. (1) Except as provided by subsection (2), liquor shall not, in a restricted area on premises to which a hotelier's licence relates, be sold or supplied to, or consumed by, a lodger, an inmate or an employee of the licensee—

- (a) on any day before 3 a.m. unless it is a restricted area in which liquor may be sold or supplied to, and consumed by, any other person pursuant to a variation of trading hours under section 25 (3); or
- (b) at any other time unless it is a time at which liquor may be sold or supplied in that or any other restricted area on the licensed premises to any other person.

(2) On the application of the holder of a hotelier's licence, the court may authorise the use, subject to such conditions as it may impose, of a restricted area on the licensed premises, for the sale or supply of liquor exclusively to lodgers or inmates seated at tables at a time at which liquor may not otherwise be sold or supplied in a restricted area on the licensed premises.

(3) The premises to which a hotelier's licence relates (except a part of the premises in which liquor is being sold or supplied with or as ancillary to a meal or supper served on the premises or in which meals or substantial refreshments are available with or without charge) shall not be open at any time for the sale or supply of liquor for consumption on the premises unless,

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in a part of the premises so open, at least a light meal is available, with or without charge, for consumption by persons to whom liquor is sold or supplied.

(4) The court may, on the application of a licensee to whom an authority has been granted under subsection (2), or on the application of the licensing inspector in relation to such an authority—

- (a) revoke the authority;
- (b) impose a condition, or further condition, to which the authority is to be subject; or
- (c) revoke or vary any condition imposed under subsection (2) or paragraph (b).

Off-licence—miscellaneous conditions.

22. (1) Where an off-licence is a licence for a vigneron, liquor shall not be sold or supplied by the licensee pursuant to the licence unless—

- (a) it is Australian wine substantially made by the licensee or Australian wine made on his behalf from fruit grown or honey produced by him;
- (b) it is sold at the premises where the wine is made or where the fruit is grown or the honey produced;
- (c) it is delivered and taken away at one time and not by instalments;
and
- (d) it is sold or supplied at any one time only in quantities prescribed for the purposes of this paragraph unless it is sold to a person authorised to sell liquor.

(2) Where an off-licence is a licence for a brewer, liquor shall not be sold or supplied pursuant to the licence except to persons authorised to sell liquor and, subject to subsection (3), to employees of the licensee.

(3) Where an off-licence is a licence to sell any liquor to persons authorised to sell liquor or a licence for a brewer, the value of liquor sold or supplied to employees of the licensee during an assessment period shall not exceed 5 per cent of the total value of sales pursuant to the licence during that period.

Liquor.

(3) Where an off-licence is a licence to auction any liquor, the licensee—

- (a) shall at all times be the holder of an auctioneer's licence under the Auctioneers and Agents Act, 1941;
- (b) shall not, pursuant to the licence under this Act, auction liquor more frequently than is prescribed; and
- (c) shall give to the Principal Registrar not less than 7 days' notice of each auction sale to be conducted pursuant to the licence under this Act.

On-licence—miscellaneous conditions.

23. (1) Liquor shall not be sold pursuant to an on-licence to sell liquor at a function except at, or as ancillary to, a function to which the licence relates.

(2) Where the licensed premises to which an on-licence relates are a public hall, liquor shall not be sold or supplied on the licensed premises except—

- (a) at, or as ancillary to, a dinner, reception, convention, seminar or the like, or a ball conducted by or on behalf of a body or association of persons; and
- (b) by serving it to persons seated at tables.

(3) Where the licensed premises to which an on-licence relates are a restaurant, liquor shall not be sold, supplied or consumed on the licensed premises except—

- (a) with or as ancillary to a meal and either at the table at which the meal is served or in the reception area, if any; or
- (b) as provided by section 31 (3) or (4) or 32 (3).

(4) Where the licensed premises to which an on-licence relates are a theatre, liquor shall not be sold or supplied on the licensed premises except in the part or parts of the theatre specified in the licence, being a part that is, or parts that are, accessible only to persons attending the entertainment at the theatre.

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(5) Where the licensed premises to which an on-licence relates are within a university or college, liquor shall not be sold or supplied on the licensed premises except—

- (a) to members, and invited guests of members, of the union, association, club or other organisation that occupies the licensed premises; and
- (b) when at least a light meal is available in a room on the licensed premises, with or without charge, for consumption by persons to whom the liquor is sold or supplied.

(6) Where the licensed premises to which an on-licence relates are a vessel or aircraft, liquor shall not be sold or supplied to the crew of the vessel or aircraft except, in the case of a vessel, as an allowance served out by order of the master.

DIVISION 3.—*Trading hours.*

Hotelier's licence—trading hours.

24. (1) Except where liquor is sold or supplied to, or consumed by, a lodger, an inmate or an employee of the licensee, liquor shall not, on premises to which a hotelier's licence relates, be sold, supplied or consumed, and the licensed premises shall not be kept open for the sale, supply or consumption of liquor, except at a time permitted by subsection (2).

(2) Subject to section 25, liquor may be sold, supplied or consumed on the licensed premises and the licensed premises may be kept open for the sale, supply or consumption of liquor—

- (a) on a day that is not a Sunday or a restricted trading day—from 10 a.m. to 11 p.m.;
- (b) on a Sunday that is not a restricted trading day—from noon to 10 p.m.;
- (c) on a restricted trading day, where the liquor is sold or supplied for consumption with or as ancillary to a meal served in a dining room on the licensed premises—from noon to 10 p.m.; and

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- (d) on a day that is 31st December and is not a restricted trading day (whether or not it is a Sunday)—from the earliest time permitted on that day by paragraph (a) or (b) to 2 a.m. on the next succeeding day, whether or not that next succeeding day is a Sunday or a restricted trading day.

Hotelier's licence—variation of trading hours.

25. (1) Subject to this section, the court may, in respect of particular licensed premises and on payment of the prescribed fee, vary the trading hours specified in section 24 (2) (a) or (b).

(2) Except to the extent permitted by subsection (3) or (6), a variation of trading hours under subsection (1) may not be granted to the extent that it would permit the sale, supply or consumption of liquor on the licensed premises—

- (a) on a day referred to in section 24 (2) (a)—before 5 a.m. or for a total period in excess of 14 hours; or
- (b) on a day referred to in section 24 (2) (b)—before 10 a.m. or after 10 p.m. or for a total period in excess of 10 hours.

(3) Subject to subsection (4), a variation of trading hours may be granted under subsection (1) to permit the sale or supply of liquor on the licensed premises with or as ancillary to entertainment provided by 2 or more persons after 11 p.m. on a day that is not a Sunday or a restricted trading day until 3 a.m. on the next succeeding day, whether or not that next succeeding day is a Sunday or a restricted trading day but nothing in this subsection precludes the court from granting in respect of those premises any other variation under subsection (1).

(4) The court may not, under subsection (3), grant an application for a variation of trading hours unless—

- (a) adequate staff, fittings, furniture, equipment and accommodation are available on the licensed premises in a dining room or in a room used permanently and primarily for dining (not in either case being a part of the licensed premises in respect of which an authorisation under section 87 is in force) for the provision of meals for at least 150 persons at one and the same time; and

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(b) it specifies the part, or each part, of the premises in which liquor may be sold or supplied before 3 a.m. on any day.

(5) A variation of trading hours granted under subsection (3) ceases to have effect if subsection (4) (a) ceases to be complied with.

(6) The court or, where there is no objection, the registrar may, in respect of particular licensed premises, grant a variation of the trading hours specified in section 24 (2) (a) or (b) for a special occasion on a specified date subject to the court or registrar, as the case may be, specifying the part of the licensed premises in which the variation will apply.

(7) Where trading hours are varied as provided by subsection (3) or (6), liquor shall not, during such part of the trading hours as so varied as extends beyond the limits prescribed by subsection (2)—

- (a) be sold or supplied except for consumption on the licensed premises; or
- (b) be sold or supplied to, or be consumed on the licensed premises by, a person other than a lodger, inmate or servant of the licensee except on a part of the premises specified by the court or registrar when granting the variation of trading hours,

but, where a variation of trading hours is in force under each of those subsections at the same time, the operation of paragraph (b) in relation to the variation under one of those subsections does not preclude the sale, supply or consumption of liquor, during the trading hours as varied under the other subsection, on any other part of the licensed premises so specified when granting the variation under that other subsection.

(8) The court may, at any time on the application of the licensee or the licensing inspector—

- (a) revoke a variation of trading hours granted under this section;
- (b) within the limits prescribed by subsection (2), vary such a variation (other than a variation referred to in subsection (3) or (6));
or
- (c) abridge the trading hours that would otherwise be permitted by a variation under subsection (3).

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Off-licence—trading hours.

26. (1) Subject to section 27, where an off-licence is a licence to sell liquor by retail, liquor shall not be sold or supplied on the licensed premises and the licensed premises shall not be kept open for the sale or supply of liquor except at a time permitted by subsection (2).

(2) Liquor may be sold or supplied on the licensed premises and the licensed premises may be kept open for the sale or supply of liquor—

- (a) on a Sunday that is not a restricted trading day—between noon and 8 p.m.;
- (b) on a day that is not a day referred to in paragraph (c), a restricted trading day or a Sunday—between 8 a.m. and 8 p.m.; and
- (c) on a day that is not a restricted trading day or a Sunday and is a day on which a general retail store trading in the area in which the licensed premises are situated would be permitted to open for general trading until 9 p.m.—between 8 a.m. and 9 p.m.

(3) The court may, if it thinks fit, by order fix the trading hours for a class of off-licence (other than an off-licence to sell liquor by retail) and, where an order fixing the trading hours for a class of off-licence is in force, liquor shall not be sold or supplied pursuant to an off-licence of that class except during the trading hours fixed by the order.

Off-licence (retail)—variation of trading hours.

27. (1) The court may, in respect of particular licensed premises and on payment of the prescribed fee, vary the trading hours specified in section 26 (2).

(2) A variation of trading hours under subsection (1) may not be made to the extent that it would permit the sale or supply of liquor on the licensed premises—

- (a) on a restricted trading day;
- (b) on a Sunday that is not a restricted trading day—before 10 a.m. or after 8 p.m. or for a total period in excess of 8 hours; or

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- (c) on a day that is not a restricted trading day or a Sunday—before 6 a.m. or after 8 p.m. or for a total period in excess of 12 hours.

(3) The court may, at any time on the application of the licensee or the licensing inspector, revoke a variation of trading hours granted under this section or, within the limits prescribed by subsection (2), vary the variation.

On-licence (airport)—trading hours.

28. Where the premises to which an on-licence relates are an airport, liquor shall not be sold or supplied on the licensed premises except at a time that is—

- (a) not earlier than 1 hour before an aircraft first departs from the airport after noon in the course of carrying passengers for reward on a scheduled flight; and
- (b) not later than 30 minutes after the latest time on that day at which an aircraft so departs from the airport.

On-licence (function)—trading hours.

29. (1) Liquor may be sold or supplied pursuant to an on-licence to sell liquor at a function—

- (a) from—
- (i) 30 minutes before the commencement of the function at which it may be sold or supplied; or
- (ii) a time fixed by the court in relation to the licence, whichever is the later; and
- (b) until—
- (i) 1 hour after the conclusion of the function at which it may be sold or supplied;
- (ii) where the function continues past midnight on any day— 3 a.m. on the next succeeding day; or
- (iii) a time fixed by the court in relation to the licence, whichever is the earliest.

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(2) For the purpose of this section, any day to which a function is postponed shall be deemed to have been approved by the court instead of the day from which it is postponed.

On-licence (public hall)—trading hours.

30. Where the premises to which an on-licence relates are a public hall and liquor is to be sold or supplied on the licensed premises otherwise than pursuant to an on-licence to sell liquor at a function, the liquor shall not be so sold or supplied except during a period—

- (a) that does not commence, although it may end, on a restricted trading day; and
- (b) is within the limits prescribed by section 29 (1) (a) and (b) in respect of the same kind of function as the function at, or as ancillary to which, the liquor is to be sold or supplied.

On-licence (restaurant)—trading hours.

31. (1) Where the licensed premises to which an on-licence relates are a restaurant, liquor shall not be sold or supplied on the licensed premises except at a time permitted by this section.

(2) Subject to section 32 and subsections (3) and (4), liquor may be sold or supplied on the licensed premises—

- (a) on a day that is not a Sunday or a restricted trading day—from noon to midnight;
- (b) on a Sunday or a restricted trading day—from noon to 10 p.m.;
and
- (c) on a day that is 31st December and is not a restricted trading day (whether or not it is a Sunday)—from noon to 2 a.m. on the next succeeding day, whether or not that next succeeding day is a Sunday or a restricted trading day.

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(3) Where the licensed premises of a restaurant to which an on-licence relates are defined to include a motel, liquor may be sold or supplied at any time—

- (a) to a lodger or an inmate, or the guest of a lodger or an inmate—
 - (i) in the bedroom set aside for the accommodation of the lodger or inmate; or
 - (ii) in any other part of the licensed premises set aside for the exclusive occupation of lodgers or inmates and their guests;
- or
- (b) to an employee of the licensee.

(4) Where the licensed premises of a restaurant to which an on-licence relates are defined to include a motel, liquor may be sold or supplied in a function room forming part of the motel to persons in attendance at a dinner, reception, convention, seminar or the like held by a body or association of persons—

- (a) from any time on a day that is not a Sunday or a restricted trading day to 3 a.m. on the next succeeding day, whether or not that next succeeding day is a Sunday or a restricted trading day; and
- (b) on any other day—as specified in subsection (2) (b) and (c).

On-licence (restaurant)—variation of trading hours.

32. (1) Subject to this section, the court may, in respect of particular licensed premises, and on payment of the prescribed fee, vary the trading hours specified in section 31 (2) in such manner as it thinks desirable.

(2) Where application is made under subsection (1) in relation to a special occasion on a specified date and there is no objection to the grant of the application, the jurisdiction of the court to grant the application may be exercised by the registrar.

(3) Where the court is satisfied that adequate staff, fittings, furniture, equipment and accommodation are available on the premises of a restaurant to which an on-licence relates for the supply of meals and entertainment for at least 150 persons at one and the same time, it may vary the trading hours of the restaurant to permit the sale or supply of liquor in the dining

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room, restaurant or reception area on the licensed premises otherwise than with or as ancillary to a meal from 11 p.m. on a day to which the variation relates that is not a Sunday or a restricted trading day until 3 a.m. on the next succeeding day if it is so sold or supplied with or as ancillary to entertainment provided by 2 or more persons and while a meal is available on the licensed premises, with or without charge, for consumption by persons to whom the liquor is sold or supplied.

(4) The court may, at any time on the application of the licensee or the licensing inspector—

- (a) revoke a variation of trading hours granted under this section;
- (b) vary a variation of trading hours granted under this section other than a variation under subsection (3); or
- (c) abridge the trading hours permitted by a variation of trading hours under subsection (3).

On-licence (theatre)—trading hours.

33. Where the premises to which an on-licence relates are a theatre, liquor shall not be sold or supplied on the licensed premises except—

- (a) on a day on which the theatre is open to enable the public to attend an entertainment of the stage or cinematographic entertainment, or both;
- (b) where that day is not a restricted trading day—at the times fixed by the court by an order in force in relation to the licence; and
- (c) where that day is a restricted trading day—in so far as the times referred to in paragraph (b) extend beyond midnight on the last preceding day that is not a restricted trading day.

On-licence (university or college)—trading hours.

34. Liquor shall not be sold or supplied on premises to which an on-licence relates that are within a university or college except at the times fixed by the court by an order in force in relation to the licence.

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On-licence (vessel or aircraft)—trading hours.

35. Liquor shall not be sold or supplied to a passenger on a vessel or aircraft to which an on-licence relates except—

- (a) in the case of a vessel—during a voyage or passage of the vessel after it has left its berth, not being a voyage or passage in the course of plying between places within the harbour of Port Jackson; or
- (b) in the case of an aircraft—during a flight of the aircraft after it departs from its airfield, not being a flight only over the City of Sydney and its suburbs.

DIVISION 4.—*Making of applications.***Restriction on certain applications.**

36. (1) An application for a licence may not be made—

- (a) by a corporation, except in the case of an application for an off-licence for a brewer;
- (b) by more than 1 person;
- (c) by a person who has not attained the age of 18 years;
- (d) by a person who is disqualified from holding a licence; or
- (e) by the holder of a suspended licence.

(2) An application for an off-licence to auction liquor may be made only by the holder of an auctioneer's licence for the time being in force under the Auctioneers and Agents Act, 1941.

(3) An application for an on-licence relating to premises within a university or college may be made only by a nominee of the university or college.

(4) An application for an on-licence to sell liquor at a function other than a trade fair may be made only by a person acting on behalf of, and with the authority of, a non-proprietary association and only in respect of a function of the association.

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(5) Application may not be made for an off-licence in respect of a vessel or an aircraft or for the removal of an on-licence.

(6) Where an application for the grant or removal of an off-licence to sell liquor by retail is refused upon an objection taken on the ground specified in section 45 (2) being upheld, application may not, within the period of 2 years that next succeeds the refusal, be made for the grant of such a licence relating to, or the removal of such a licence to—

- (a) the premises, or any part of the premises in relation to which the grant of a licence was refused; or
- (b) the premises, or any part of the premises to which the removal of a licence was refused.

(7) Where an on-licence relating to a restaurant is cancelled otherwise than for non-payment of the licence fee, an application for a licence relating to the premises, or any part of the premises, to which the cancelled licence related may not, except pursuant to section 42 (3), be made within the period of 2 years that next succeeds the cancellation.

Making of application.

37. (1) An application under this Act shall be made and advertised as prescribed, shall be accompanied by the prescribed documents and shall be lodged as prescribed.

(2) Where the venue for the hearing of the matter of an application to the court would not ordinarily be the prescribed place at which the application was lodged, the registrar for the prescribed place at which the application was lodged shall—

- (a) inform the applicant of the prescribed place that will be the venue for the hearing of the matter of the application; and
- (b) transmit to the registrar for that prescribed place the application and the papers relating thereto that are in his possession or under his control.

(3) A failure to comply with subsection (2) does not operate to prevent the court from hearing and determining at such prescribed place as it thinks fit the matter of an application to which that subsection applies.

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(4) An application for a licence shall be accompanied by the amount of the prescribed fee for the application and, if the application is granted, the fee prescribed by section 56 is reduced by that amount.

Affidavit as to interested persons.

38. (1) This section does not apply to or in respect of an application for a licence made under section 42, or an application for an on-licence relating to a vessel or an aircraft or to sell liquor at a function or to or in respect of an application for a Governor's licence.

(2) An application—

- (a) for a licence; or
- (b) for removal of a licence,

shall be accompanied by the affidavit referred to in subsection (3).

(3) The affidavit specified in this subsection is an affidavit by a person having knowledge of the facts stating—

- (a) whether or not there are any persons who will be directly or indirectly interested in the application or in the business, or the profits of the business, to be carried on pursuant to the licence if the application is granted; and
- (b) if there are any persons so interested—
 - (i) their names and dates of birth; and
 - (ii) where any such person is a proprietary company—the names of the directors and principal shareholders.

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Production of agreement required.

39. Where an affidavit referred to in section 38 (3) specifies the name of any person as referred to in that subsection, the applicant shall produce to the court, at or before the hearing of the application, an agreement between the applicant and each person whose name is so specified being an agreement evidencing—

- (a) that the applicant will have the full, free and unfettered control of the conduct of the business of the licensed premises; and
- (b) that no payment or part payment will 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.

Application for conditional grant.

40. (1) An application—

- (a) for a licence;
- (b) for removal of a licence;
- (c) for a variation of trading hours referred to in section 25 (3);
- (d) for a variation of trading hours under section 32 (3); or
- (e) under section 49 to modify or dispense with a requirement or condition for the provision of residential or other accommodation,

may be made as a conditional application if the premises to which the licence will relate, or to which the licence is to be removed, are premises proposed to be erected, or premises proposed to be added to or altered, in accordance with plans lodged with the application.

(2) Where a conditional application is made by an employee of a corporation in the course of his employment by the corporation, the corporation may, with the approval of the court, at any time before the final grant of the application, substitute another employee of the corporation as the applicant.

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(3) Upon the prescribed notice being given to any objectors to an application that has been conditionally granted, and upon such terms as the court thinks fit, the court may hear and determine an application—

- (a) to amend the plans lodged with the conditionally granted application; or
- (b) where the conditionally granted application relates to premises proposed to be erected—to approve an alternative site for the premises, being a site in the immediate vicinity of the site first approved.

Application for transfer of licence.

41. (1) Application for transfer of a licence (other than an on-licence to sell liquor at a function or relating to premises within a university or college) may be made by the licensee and the proposed transferee, except where, in the case of a transfer of a licence to sell liquor at a function where the licence is held by the secretary of a non-proprietary association, it is desired to transfer the licence to a person who succeeds him in that office.

(2) An application for the transfer of an on-licence relating to premises within a university or college may be made by a proposed transferee nominated for the purpose by the university or college.

(3) Where a licence to sell liquor at a function is held by the secretary of a non-proprietary association and he is succeeded in that office by another person, a transfer of the licence to that successor may be made by lodging with the registrar, within the prescribed time—

- (a) the licence; and
- (b) a notification of the name of that successor.

(4) An application under subsection (1) shall be accompanied by the affidavit referred to in section 38 (3), and section 38 applies in relation to that affidavit and the applicant in the same way as it applies in relation to an affidavit and applicant under section 38.

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Application on dispossession of licensee.

42. (1) This section applies—

- (a) where a licence is current or under suspension and—
 - (i) the licensee is evicted from the premises to which the licence relates; or
 - (ii) to the exclusion of the licensee, the owner of the premises to which the licence relates comes into, or becomes entitled to, possession of the premises; or
- (b) where a licence is cancelled and—
 - (i) the former licensee is evicted from the premises to which the licence relates; or
 - (ii) to the exclusion of the former licensee, the owner of the premises to which the licence relates comes into, or becomes entitled to, possession of the premises.

(2) Where this section applies as referred to in subsection (1) (a), application for a transfer of the licence may be made—

- (a) where the licensed premises are the subject of a lease or contract with the owner of the premises pursuant to which the licence is exercised—by the owner of the premises; or
- (b) in any other case—by a person directly or indirectly interested in the exercise of the licence.

(3) Where this section applies as referred to in subsection (1) (b), application for a licence of the same kind as the cancelled licence, and relating to the same premises, may be made by a person referred to in subsection (2) (a) or (b) by lodging the application with the Principal Registrar.

(4) An application under subsection (2) or (3) shall be lodged within 7 days, or such longer period as the court may allow, after the licensee was evicted or the owner came into, or became entitled to, possession of the premises.

(5) Where an application may be made under subsection (2) (a) in relation to licensed premises, the owner of the premises shall, until such an application has been granted, be deemed to be the licensee.

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(6) The court may not hear an application under subsection (1) unless it is satisfied—

- (a) that notice of the application was given to the dispossessed licensee at least 3 clear days before the hearing; or
- (b) that all reasonable steps necessary for giving notice in accordance with paragraph (a) were taken by or on behalf of the applicant and that failure to give the notice was not due to any neglect or default of the applicant or of any person employed by him for the purpose of giving notice.

DIVISION 5.—*Objections to applications.*

Interpretation.

43. In relation to removal of a licence, a reference in this Division to the premises to which an application relates is a reference—

- (a) in section 44—to both the premises from which, and the premises to which, if the application were granted, the licence would be removed; and
- (b) in any other case—to the premises to which, if the application were granted, the licence would be removed.

Who may object.

44. (1) Subject to this Division, an objection to the grant of an application by the court may, as prescribed, be taken by—

- (a) the owner of the premises to which the application relates;
- (b) a person authorised in writing by 3 or more residents of the neighbourhood within which those premises are, or will be, situated;
- (c) the licensing inspector or a person authorised by the superintendent of licences;

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- (d) the member of the police force in charge in the district or place in which those premises are, or will be, situated;
- (e) a person authorised by the council of the city (including the City of Sydney) municipality or shire within the boundaries of which those premises are, or will be, situated;
- (f) a person who satisfies the court that his interests, financial or other, are likely to be adversely affected by the grant of the application;
- (g) in the case of an application for removal of a hotelier's licence—a lessee or mortgagee of the licensed premises or a sublessee of a lessee or sublessee thereof;
- (h) the Principal Registrar; or
- (i) any other person with the leave of the court.

(2) An objection may not be taken by a person referred to in subsection (1) (a), (b), (f) or (i) unless it is accompanied by an affidavit by the objector specifying—

- (a) whether he has any direct or indirect pecuniary interest in the refusal of the application or any expectation of such an interest; and
- (b) whether any person other than the objector is interested in the lodging of the objection and, if so—
 - (i) the name of each such person; and
 - (ii) where that person is a proprietary company—the names of the directors and principal shareholders.

Grounds of objection.

45. (1) Objection to the grant of an application may be taken on the ground that it would not be in the public interest to grant the application.

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(2) Subject to section 57, objection to the grant of an application for, or for the removal of, a hotelier's licence or an off-licence to sell liquor by retail may be taken (whether or not an objection is also taken on a ground specified in subsection (1) or (3)) on the ground that the needs of the public in the neighbourhood of the premises to which the application relates can be met by facilities for the supply of liquor existing in, and outside, the neighbourhood.

(3) In addition to, or instead of, the ground specified in subsection (1) but without limiting its generality, objection to the grant of an application may be taken on one or more of the following grounds:—

- (a) that the applicant is habitually intoxicated or is of bad repute;
- (b) that, within the period of 12 months that last preceded the date of the application—
 - (i) the licence of the applicant was cancelled;
 - (ii) the applicant was convicted of selling liquor without a licence or of selling adulterated liquor; or
 - (iii) the applicant was convicted of an offence under section 117 (5);
- (c) that the premises to which the application relates do not have the minimum standard of accommodation prescribed by this Act for premises of that kind;
- (d) that the premises to which the application relates are in the immediate vicinity of, or of a site acquired for, a place of public worship, a hospital or a public school;
- (e) that the quiet and good order of the neighbourhood in which are situated the premises to which the application relates will be disturbed if the application is granted.

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(4) Where an objection to the grant of an application is taken on the ground specified in subsection (2), the onus is on the applicant to prove that the needs of the public in the neighbourhood of the premises to which the application relates cannot be met by facilities for the supply of liquor existing in, and outside, the neighbourhood.

Taking of objection.

46. (1) An objection under section 45 may be taken only by a written notice of objection that—

- (a) is signed by each objector and specifies his address; and
- (b) where a ground for the objection is the ground specified in section 45 (1)—specifies the reasons why the objector considers it would not be in the public interest to grant the application.

(2) Except as provided by subsection (3), an objection may not be heard and determined unless a copy of the notice of objection has been given to the applicant and the registrar at least 3 clear days before the hearing of the application.

(3) Notwithstanding subsection (2), the court may, in a proper case and subject to compliance with any conditions imposed by the court, hear and determine an objection to the grant of an application taken at the hearing of the application subject to the hearing, if the applicant so requests, being adjourned for such period of not less than 3 clear days as the court thinks fit.

Grant of application is discretionary in certain cases.

47. Notwithstanding a finding by the court that a ground of objection to the grant of an application specified in section 45 (2) or (3) has been made out, the court has a discretion to grant the application.

Liquor.

DIVISION 6.—*Grant of applications.***Application of Division.**

48. (1) Subject to sections 58, 59 and 60, the provisions of this Division apply to and in respect of the conditional grant of an application in the same way as they apply to and in respect of the unconditional grant of an application of the same kind.

(2) The requirements of this Division relating to premises apply to and in respect of a conditional application as if the premises to which the conditional application relates had been erected or, as the case may be, added to or altered, in accordance with the plans upon which the application is based.

Grant of hotelier's licence—accommodation.

49. (1) An application for a hotelier's licence may not be granted unless the premises to which the application relates contain at least—

- (a) such reasonable accommodation, if any, for the licensee and his family as the court thinks necessary;
- (b) such sanitary facilities for the use of customers as the court thinks necessary;
- (c) such accommodation for motor vehicles as the court thinks necessary; and
- (d) constantly ready and fit for public accommodation such residential accommodation, if any, and other facilities as the court thinks necessary having regard to the neighbourhood in which the premises are situated and such other matters as the court thinks relevant.

(2) Upon application by the applicant for, or holder of, a hotelier's licence, the court may modify or dispense with any requirement or condition for the provision of accommodation referred to in subsection (1) (a), (c) or (d) on the licensed premises or premises to which it is proposed to remove the licence.

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Grant of on-licence (airport).

50. An application for an on-licence relating to an airport shall not be granted unless the court is satisfied that the premises to which the application relates—

- (a) are situated within a public aviation station established and maintained under section 490 of the Local Government Act, 1919; and
- (b) have proper facilities available therein for the sale, supply and consumption of liquor.

Grant of on-licence (function).

51. (1) Where there has been no objection to the grant of an application for or relating to an on-licence to sell liquor at a function, the jurisdiction of the court to grant the application (other than the jurisdiction conferred on the court by section 20) may be exercised by the registrar.

(2) An application for an on-licence to sell liquor at a function that is a trade fair shall be granted only to a person approved by the court or, as the case may be, by the registrar.

(3) The number of functions at which liquor may be sold or supplied pursuant to an on-licence to sell liquor at a function shall not exceed the prescribed limits.

Grant of on-licence (public hall).

52. An application for an on-licence relating to a public hall shall not be granted unless the court is satisfied that the premises to which the application relates—

- (a) have adequate fittings, furniture and equipment for the accommodation of at least 300 persons at one and the same time; and
- (b) have proper facilities available therein for the sale, supply and consumption of liquor.

Liquor.

Grant of on-licence (restaurant).

53. (1) An application for an on-licence relating to a restaurant shall not be granted unless—

- (a) the court is satisfied that adequate staff, fittings, furniture, equipment and accommodation are, or will be, available on the premises to which the application relates for the supply of meals at one and the same time for at least 50 persons, or such lesser number of persons as the court may in special circumstances determine; and
- (b) the premises to which the application relates have, for both sexes, sanitary facilities of at least the prescribed standard and any additional sanitary facilities that the court thinks should, in the circumstances of the case, be provided.

(2) Where an on-licence is granted in relation to a restaurant that forms a contiguous part of a motel that contains not less than the prescribed number of bedrooms of a good standard each of which has separate sanitary and bathing facilities, the court may define the licensed premises to include the motel.

Grant of on-licence (theatre).

54. An application for an on-licence relating to a theatre shall not be granted unless the court is satisfied that the premises to which the application relates—

- (a) are a theatre (not being a drive-in theatre or an open-air theatre) licensed under Part II of the Theatres and Public Halls Act, 1908;
- (b) are regularly used for entertainments of the stage or for cinematographic entertainment, or both; and
- (c) have proper facilities available therein for the sale, disposal and consumption of liquor.

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Issue of licence, etc.

55. (1) Where the court grants an application for a licence or is authorised by the Governor to issue a licence, the licence shall not be issued by the registrar unless the fee prescribed by section 56 is paid and any condition without prior compliance with which the grant or authority does not have effect has been complied with.

(2) A grant of, or authority to issue, a licence does not have effect while the registrar is prohibited by subsection (1) from issuing the licence.

(3) Where a registrar grants an application for a licence, the licence shall be issued by him on payment to him of the fee prescribed by section 56 for the licence.

Fee for grant of licence, etc.

56. (1) Subject to this section, the prescribed fee for a licence is—

- (a) in the case of a hotelier's licence—the fee fixed by the Board for the licence;
- (b) in the case of an off-licence to sell liquor by retail—such fee, not exceeding \$20,000, as is fixed by the Board for the licence;
- (c) in the case of an off-licence for a vigneron—\$500;
- (d) in the case of an off-licence to sell liquor to persons authorised to sell liquor—\$1,000;
- (e) in the case of an off-licence for a brewer—\$1,000;
- (f) in the case of an off-licence to auction liquor—such fee, not exceeding \$1,000, as is fixed by the Board for the licence;
- (g) in the case of an on-licence relating to premises at an airport—\$250;
- (h) in the case of an on-licence to sell liquor at a function—
 - (i) where the application for the licence was in respect of fewer than 4 functions—\$25 per day for each counter at or over which liquor is served pursuant to the licence; or
 - (ii) where the application for the licence was in respect of more than 3 functions—\$250;

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- (i) in the case of an on-licence relating to a public hall—\$250;
- (j) in the case of an on-licence relating to a restaurant—
 - (i) where the application granted did not include an application for a variation of trading hours under section 32 (3) and the licensed premises do not include a motel—\$250;
 - (ii) where the application granted included an application for such a variation and the licensed premises do not include a motel—\$1,000; or
 - (iii) where the licensed premises include a motel—the fee that would have been payable under subparagraph (i) or (ii) if the premises had not included a motel, together with such fee, not exceeding \$2,000, as is fixed by the Board for the licence;
- (k) in the case of an on-licence relating to a theatre—\$250;
- (l) in the case of an on-licence relating to premises within a university or college—\$250; and
- (m) in the case of an on-licence relating to a vessel or an aircraft—\$250.

(2) Where an application for a hotelier's licence is granted in respect of premises on which, before the commencement of this Act, the sale of liquor was regulated by law and the premises have been renovated, rebuilt or restored in consultation with the Heritage Council of New South Wales and any other organisations prescribed for the purposes of this subsection, the Board may, in fixing the fee for the licence under subsection (1), have regard to the cost of the renovation, rebuilding or restoration.

(3) It is a condition of an on-licence to sell liquor at a function that no authority is conferred by the licence unless a fee of \$250 has, or fees totalling at least \$250 have, been paid in relation to the licence before liquor is sold pursuant to the licence at more than 3 functions.

(4) The regulations may, instead of an amount specified in subsection (1) (paragraph (a) excepted) or (3) prescribe a different amount and, where a different amount is so prescribed, that subsection shall be construed as if it prescribed the amount prescribed by the regulations instead of the amount prescribed by the subsection.

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Removal of a hotelier's licence or an off-licence (retail).

57. (1) The court shall not grant an application for removal of a hotelier's licence or an off-licence to sell liquor by retail to a place outside the neighbourhood of the premises from which it is proposed to remove the licence unless it is satisfied that the removal of the licence to the proposed new site will not affect detrimentally the interests of the public in the neighbourhood of the premises from which it is proposed to remove the licence.

(2) The court may refuse an application for removal of a hotelier's licence if it considers that the removal would adversely affect the interests of the owner or a lessee or mortgagee of the premises from which it is proposed to remove the licence, or a sublessee from a lessee or sublessee of those premises.

(3) The grant of an application for removal of a licence to premises other than those specified in the licence takes effect when the registrar endorses the licence to the effect that those other premises are the premises to which the licence relates.

(4) Section 45 (2) does not apply to a removal of a licence to premises within the same neighbourhood as the premises from which it is proposed to remove the licence.

Conditional grant of application.

58. (1) A conditional grant of an application remains in force until—

- (a) it is cancelled under section 59;
- (b) a licensing inspector has certified in the affirmative as provided by section 60; or
- (c) the expiration of the period prescribed by subsection (2),

whichever first occurs.

(2) The period prescribed by this subsection is the period of 12 months that next succeeds the recording of the decision to grant the application conditionally, together with any additional periods that the court from time to time thinks fit to allow upon application made before expiration of the period sought to be extended.

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Cancellation of conditional grant of application.

59. (1) Where an application has been granted conditionally—

- (a) the licensing inspector; or
- (b) any person with the leave of the court,

may, at any time later than 6 months after the recording of the decision to grant the application and before a licensing inspector has certified in the affirmative as provided by section 60, apply to the court, as prescribed, for the cancellation of the grant.

(2) The conditional grant of an application ceases to have effect if, upon the hearing of an application under subsection (1), the court orders cancellation of the grant—

- (a) because it is satisfied that reasonable steps have not been taken to carry out the erection of the premises, or the additions or alterations to premises, to which the conditional application relates; or
- (b) for any other reason.

Final grant of application.

60. (1) Where the licensing inspector is notified of the completion of the premises, or the completion of the additions or alterations to premises, to which a conditional grant of an application relates, he or another licensing inspector shall cause the premises to be examined and shall certify whether or not, in his opinion, the premises, or the additions or alterations, have been completed substantially in accordance with the plans approved by the court.

(2) Where a licensing inspector certifies under subsection (1) in the affirmative, the registrar shall, at the request of the applicant or such other person as the registrar thinks fit, finally grant the application unless, upon application, the court is of the opinion that the premises, or the additions or alterations, to which the certificate of the licensing inspector relates have not been completed substantially in accordance with the plans approved by the court.

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(3) Section 55 applies where an application is granted under subsection (2) in the same way as it applies where an application is granted by the court.

(4) A request under subsection (2) may not be made—

- (a) before the expiration of the period within which an appeal against the conditional grant of the application may be lodged;
- (b) where such an appeal is lodged—
 - (i) before the appeal is heard or determined or otherwise disposed of; or
 - (ii) if the appeal is upheld; or
- (c) if the person making the request has any knowledge of proceedings instituted in any court as a result of which, if determined at the time of the making of the request, the registrar or the Licensing Court might be precluded from finally granting the application.

Grant of transfer of licence.

61. (1) Subject to this section, the court may grant an application under section 41 or 42 for the transfer of a licence to a person approved by it who would be entitled to apply for the same kind of licence in relation to the licensed premises.

(2) Where there is no objection to an application under section 41 (3) for the transfer of a licence, the application may be granted by the registrar.

(3) Where the court is satisfied on the information before it that there is nothing that might preclude it from granting an application under section 41 or 42, the court may, at the request of the transferee and with the written consent of the transferor, make a provisional grant of the application.

(4) A provisional grant of an application for the transfer of a licence ceases to have effect, and the licence reverts to the transferor, unless the provisional grant is confirmed by the court before—

- (a) the lodging of an objection to the grant of the application;

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- (b) the expiration of a period specified by the court when provisionally granting the application together with such additional periods as the court thinks fit to allow upon application made before expiration of the period sought to be extended; or
- (c) the lodging of an application by the transferor for a transfer of the licence to a different transferee,

whichever first occurs.

(5) Subject to subsection (4), a provisional grant of an application has the same effect as a grant of the application under subsection (1).

(6) Subject to payment of the prescribed fee, a grant of an application for the transfer of a licence takes effect—

- (a) where the licence is produced to the registrar—when the registrar endorses the licence as to the effect of the grant of the application; or
- (b) where the licence is not so produced—in the manner and form prescribed.

(7) A transfer of a licence has effect as if the licence had been granted to the transferee.

(8) The prescribed fee for the transfer of a licence is—

- (a) where the licence is a hotelier's licence or an off-licence to sell liquor by retail—\$500; or
- (b) in any other case—\$100.

(9) The regulations may prescribe a different amount instead of an amount specified in subsection (8) and, where a different amount is so prescribed, that subsection shall be construed as if it prescribed the amount prescribed by the regulations instead of the amount prescribed by the subsection.

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Applications of equal merit.

62. In deciding which application it should grant where the applications before it are, apart from considerations arising from the order in which they were made, of equal merit, the court is not bound to grant the application made first.

DIVISION 7.—Death or disability of licensee.**Endorsement of licence after death or disability of licensee.**

63. (1) In this section, a reference to the business of a licensee is a reference to the business of the licensee carried on by him pursuant to his licence immediately before his death, bankruptcy or other disability referred to in this section.

(2) Where a licensee dies, the business of the licensee may be carried on for a period not exceeding 1 month by a person of or above the age of 18 years who—

- (a) was the spouse of the licensee;
- (b) is a member of the family left by the licensee; or
- (c) carries on the business on behalf of the family left by the licensee,

subject to the registrar being notified forthwith that the business of the licensee is being so carried on.

(3) Where, within the period of 1 month referred to in subsection (2), application is made to the court by—

- (a) the person carrying on the business of the licensee under subsection (2); or
- (b) a person who claims that, for the purpose of continuing to carry on the business, he should be preferred to the person referred to in paragraph (a),

for endorsement on the licence, as agent, of the name of the applicant, the person referred to in paragraph (a) may continue to carry on the business of the licensee until the application is heard and determined.

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(4) Where, under the Bankruptcy Act 1966 of the Parliament of the Commonwealth as from time to time in force, a trustee holds office in relation to the business of a licensee, the business of the licensee may be carried on by the trustee, or by a person authorised for the purpose by the trustee, subject to—

- (a) the registrar being notified forthwith that the business is being so carried on; and
- (b) application being made to the court by the trustee as soon as practicable for endorsement on the licence, as agent, of the name of the person so authorised.

(5) Where a licensee is, within the meaning of the Mental Health Act, 1958, a temporary patient, a continued treatment patient, a protected person or an incapable person, or a person under detention under Part VII of that Act, the business of the licensee may be carried on by the Protective Commissioner or a person authorised for the purpose by the Protective Commissioner, subject to—

- (a) the registrar being notified forthwith that the business of the licensee is being so carried on; and
- (b) application being made to the court by the Protective Commissioner as soon as practicable for endorsement on the licence, as agent, of the name of the person so authorised.

(6) A person who carries on the business of a licensee pursuant to this section shall, while he so carries on the business, be deemed to be the licensee.

Grant of application for endorsement of licence.

64. (1) The court may grant an application under section 63 (3), (4) or (5) if it is satisfied that the person whose name the applicant seeks to have endorsed on the licence is a fit and proper person to carry on the business to which the application relates and where, following the death of a licensee, it is so satisfied in relation to more than one such person, it may grant the application of such one of them as it thinks fit.

(2) A grant of an application under section 63 (3), (4) or (5) takes effect with respect to a licence when the registrar endorses the licence in accordance with the grant.

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(3) A person whose name is endorsed on a licence pursuant to subsection (2) shall, while the endorsement has effect, be deemed to be the licensee.

(4) An endorsement of a licence under subsection (2) does not have effect for a period in excess of 1 year unless the court allows an additional period, or additional periods, upon application made before expiration of the period sought to be extended.

Transfer of licence after death or disability of licensee.

65. (1) Where probate of the will of a deceased licensee is, or letters of administration of his estate are, granted, the executor or administrator shall forthwith apply to the court for the transfer of the licence to himself, or to a person nominated by him, as transferee.

(2) A trustee referred to in section 63 (4) who holds office in relation to the business of a licensee may apply under section 41 as transferor for the transfer of the licence to a person nominated by him.

(3) Where section 63 (5) applies in relation to a licensee, the Protective Commissioner may apply under section 41 as transferor for the transfer of the licence to a person nominated by him.

(4) Where a licence is transferred pursuant to an application authorised by this section, any endorsement of the licence under section 64 ceases to have effect.

*DIVISION 8.—Disciplinary provisions.***Interpretation.**

66. (1) For the purposes of this Division a reference to a conviction for an offence against this Act does not include a reference to a conviction for an offence under section 91 or 112 or any other offence prescribed by the regulations for the purposes of this section.

(2) In this Division, section 67 (3) (c) (ii) excepted, a reference to a licensee includes a reference to a former licensee.

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Summons to show cause against taking of disciplinary action.

67. (1) A complaint in relation to a licensee is an authorised complaint for the purposes of this section if it is made in writing by—

- (a) the owner of the licensed premises;
- (b) a person authorised in writing by 3 or more persons residing in the vicinity of the licensed premises;
- (c) the licensing inspector or a person authorised by the superintendent of licences;
- (d) a person authorised by the council of the city (including the City of Sydney) municipality or shire within the boundaries of which the licensed premises are situated; or
- (e) a person authorised by—
 - (i) an industrial union of employees registered under the Industrial Arbitration Act, 1940; or
 - (ii) an association of employees registered under the Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth, as from time to time in force; or
- (f) the Principal Registrar,

and specifies as its grounds one or more of the grounds specified in section 68.

(2) Upon the making of an authorised complaint, a licensing or stipendiary magistrate may summon the licensee to whom the complaint relates to appear before the court to answer the complaint and show cause why disciplinary action should not be taken against him in accordance with this Act.

(3) A summons under subsection (2)—

- (a) shall specify the grounds of the complaint on which it is issued;
- (b) where a ground of complaint is the ground referred to in section 68 (1) (d)—shall specify the reasons given by the complainant for making the complaint on that ground; and

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(c) shall be served—

(i) on the licensee personally; or

(ii) if the licensee evades service or an attempt is made to effect service on him on the licensed premises but he is absent therefrom—by posting it up in a conspicuous place on the licensed premises,

not less than 14 days before the day appointed for the hearing of the complaint.

(4) Where an authorised complaint relates to an on-licence for premises within a university or college, a copy of the complaint shall be served, not less than 14 days before the day appointed for the hearing of the complaint, on the university or college by leaving it at the office of the university or college and the university or college may, at the hearing of the complaint, be represented and be heard.

(5) Where a complaint is made under this section, a copy of the complaint shall be served, not less than 14 days before the day appointed for the hearing of the complaint, on the owner of the premises to which the complaint relates and he may, at the hearing of the complaint, be represented and be heard.

(6) Where, upon the final determination of a complaint on the ground referred to in section 68 (1) (d) a licence is cancelled after payment of the licence fee for the licensing period that next succeeds the licensing period during which the complaint was made, the Board shall, on application, refund to the former holder of the licence such part of the licence fee so paid as is proportionate to the unexpired portion of the licensing period in respect of which the payment was made.

Grounds for complaint.

68. (1) The grounds upon which a complaint may be made under section 67 in relation to a licensee are—

(a) that the licensee has, while holding a licence, been convicted—

(i) of an offence specified in the complaint (other than an offence against this Act) for which he has been sentenced to imprisonment; or

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- (ii) of an offence against this Act so specified;
- (b) that the licensee has been guilty of a breach of a condition of his licence so specified;
- (c) that the licensee has failed to comply with a direction or order of the Board or court given or made under this Act and specified in the complaint;
- (d) that the continuation of the licence is, for reasons specified in the complaint, not in the public interest; or
- (e) that the licensee is not a fit and proper person to be the holder of a licence.

(2) Without prejudice to any ground specified in subsection (1), the licensee under an on-licence relating to premises within a university or college may be summoned under section 67 upon a complaint under that section that a licensing inspector or other person has been obstructed, hindered or delayed in the exercise of the powers conferred on him by section 110 (6).

Disciplinary powers of court.

69. (1) Upon the appearance of a licensee in response to a summons under section 67 or in his absence after being duly summoned, the court shall proceed to hear and determine the matter of the complaint to which the summons relates and, if it is satisfied that the ground upon which the complaint was made has been made out may, subject to subsection (2), do any one or more of the following:—

- (a) reprimand the licensee;
- (b) order the licensee to pay to the Crown a monetary penalty not exceeding \$2,000;
- (c) impose a condition to which the licence is to be subject or revoke or vary a condition to which the licence is subject;
- (d) suspend the licence for such period, not exceeding 12 months, as the court thinks fit;
- (e) cancel the licence;
- (f) disqualify the licensee from holding a licence for such period, not exceeding 3 years, as the court thinks fit;

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- (g) where the ground made out is the ground referred to in section 68 (1) (d)—give such directions as to the exercise of the licence as it thinks fit,

or may take no action.

(2) Where, under subsection (1), a licensee is disqualified from holding a licence, the court may, on application by the spouse of the licensee, a member of the family of the licensee of or above the age of 18 years, the owner of the licensed premises or a person directly or indirectly interested in the business or the profits of the business carried on pursuant to the licence, transfer the licence to that spouse or member of the family or to some other person approved by the court.

(3) Where an order for the payment of money is made under subsection (1) (b) and the prescribed documents are filed in the office of the court of petty sessions having jurisdiction under the Courts of Petty Sessions (Civil Claims) Act, 1970, at or nearest the prescribed place at which the complaint that led to the order was heard, the order may be enforced as a judgment of that court of petty sessions for the payment of the money in accordance with the order.

DIVISION 9.—*General.*

Record of licences.

70. Records relating to licences shall be kept as prescribed.

Lost or destroyed licence.

71. Where the registrar is satisfied that a licence has been lost or destroyed, he may, upon payment of the prescribed fee, issue a duplicate of the licence.
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PART IV.

LIQUOR ADMINISTRATION BOARD.

Constitution of Board.

72. (1) There is hereby constituted the Liquor Administration Board comprising—

- (a) ex-officio members, being the licensing magistrates for the time being holding office under section 8; and
- (b) if the Minister so determines, such number of appointed members, not exceeding 3, as the Minister thinks fit and appoints to the Board.

(2) The holders for the time being of the offices of Chairman and Deputy Chairman of the Licensing Court hold office respectively as the Chairman and Deputy Chairman of the Board.

(3) An appointed member of the Board holds office for such term, not exceeding 3 years, as is specified in the instrument of his appointment but is eligible for reappointment from time to time.

(4) A person is not eligible to be an appointed member of the Board if he has attained the age of 65 years.

(5) A member of the Board is entitled to such travelling and subsistence allowances as the Minister may from time to time determine and an appointed member of the Board who is not an officer or employee under the Public Service Act, 1979, is entitled to such other remuneration as the Minister may from time to time determine.

(6) Where the Minister is satisfied that an appointed member of the Board is incapable or incompetent or has misconducted himself, he may remove him from office.

(7) An appointed member of the Board vacates his office if—

- (a) he dies;

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- (b) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (c) he resigns his office by writing under his hand addressed to the Minister; or
- (d) he is removed from office by the Minister under subsection (6).

Procedure at meeting of the Board.

73. (1) The Chairman of the Board or, in his absence, the Deputy Chairman of the Board, shall preside at a meeting of the Board.

(2) Where both the Chairman of the Board and the Deputy Chairman of the Board are absent from a meeting of the Board, a member of the Board elected for the purpose from among their number by the members present shall preside at the meeting.

(3) For the purposes of a meeting of the Board, 2 or more members constitute a quorum and a decision supported by a majority of votes of the members present and voting at a meeting of the Board at which a quorum is present is a decision of the Board.

(4) The member of the Board presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, a second or casting vote.

(5) The procedure for the calling of meetings of the Board and for the conduct of business at those meetings shall, subject to the regulations, be as determined by the Board.

(6) At a meeting of the Board—

- (a) the Board is not bound by the rules of evidence and may inform itself in any manner it thinks fit; and
- (b) appearances may be made in person or by solicitor or by counsel.

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Functions of the Board.

74. (1) In addition to the functions otherwise conferred on it by this or any other Act, the Board—

- (a) shall keep under constant review the operation of this Act and make such recommendations to the Minister in relation thereto as it thinks fit;
- (b) shall, upon being directed by the Minister so to do, inquire into, and make a report and recommendations to the Minister upon, any matter connected with the administration of this Act;
- (c) shall keep under constant review the standard of licensed premises;
- (d) may receive submissions or reports from any person with respect to the operation of this Act; and
- (e) may impose conditions with respect to any matter within its jurisdiction and revoke or vary any such condition.

(2) The Governor may, under and subject to the Public Service Act, 1979, appoint a secretary of the Board and such other officers as are necessary to enable the Board to carry out its functions.

Delegation of powers, etc., of Board.

75. (1) The Chairman of the Board may, by writing under his hand, delegate to a member or officer of the Board, or to a stipendiary magistrate, any function conferred on the Board by or under this or any other Act.

(2) The Chairman of the Board may, by writing under his hand, revoke wholly or in part a delegation under subsection (1).

(3) A delegation under subsection (1) may be made to a specified person or to the person for the time being holding a specified office and may be made generally or in a particular case.

(4) Anything done pursuant to a delegation under subsection (1) has the same force and effect as it would have had if done by the Board.

Liquor.

(5) A delegation of a function under subsection (1) does not prevent the exercise of the function by the Board.

(6) Where a person purports to perform a function conferred on the Board by or under this or any other Act, it shall be presumed, unless the contrary is proved, that the person is duly authorised as a delegate of the Board to exercise the function.

(7) A document purporting to have been signed by a person as a delegate of the Board shall be presumed, unless the contrary is proved, to have been signed by such a delegate and to have been so signed pursuant to the exercise of a function duly delegated to the person by the Board.

(8) A delegation under this section may be made subject to such conditions or limitations as to the exercise of the function delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

Disposal of money by Board.

76. (1) All money payable to the Board shall be collected and received by the Board on account of, and shall be paid into, the Consolidated Fund.

(2) The accounts of the Board shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of public accounts, and the Audit Act, 1902, applies to a member of the Board, the secretary of the Board and any person employed in the administration of this Act in the same way as it applies to accounting officers of public departments.

Annual report of Board.

77. (1) As soon as practicable, but not later than 6 months, after the end of a licensing period, the Board shall prepare and forward to the Minister a report upon—

- (a) the operation of this Act; and
- (b) the exercise by the Board of its functions,

during that licensing period.

Liquor.

(2) The Minister shall lay the report, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him of the report.

PART V.

LICENSING PERIODS.

Interpretation.

78. (1) A reference in this Part to the amount paid or payable by or on behalf of any person for any liquor is a reference—

- (a) except as provided in paragraph (b), to the sum of—
- (i) the amount paid or payable by or on behalf of that person for that liquor;
 - (ii) any amount paid or payable by or on behalf of that person for or for the hiring of any containers or packages (including corks, stoppers and labels attached thereto) in which that liquor is contained or packed when it is delivered to or purchased by or on behalf of that person or is to be contained or packed for sale or disposal by or on behalf of that person (whether or not any such amount is paid or payable to the supplier of that liquor);
 - (iii) any amount paid or payable for the packing or for the handling of that liquor and any such containers or packages or for putting it or them into the state in which it is or they are when it is or they are delivered to or purchased by or on behalf of that person (whether or not any such amount is paid or payable to the supplier of that liquor);
 - (iv) any amount paid or payable by or on behalf of that person as freight or other delivery charges in respect of the delivery of that liquor, being an amount so paid or payable to the supplier of that liquor but not being an amount so paid or

Liquor.

payable to that supplier as reimbursement for those freight or delivery charges if those freight or delivery charges are paid or payable by that supplier to a common carrier; and

- (v) any amount paid or payable for duties or sales tax in respect of that liquor; or
- (b) where the Board is of the opinion that any amount paid or payable for any thing or for the doing of any thing referred to in paragraph (a) (i), (ii), (iii) or (iv) is less than the value of that thing or of the doing of that thing, as the case may be, or where no amount is so paid or payable—to such amount as is determined by the Board having regard to the circumstances in which that liquor was delivered to or purchased by or on behalf of that person.

(2) A reference in this Part to any amount paid or payable by or on behalf of any person for any liquor includes a reference to any amount paid or payable by any other person for the acquisition of that liquor for sale, supply or disposal by that firstmentioned person.

Duration of licence.

79. (1) Except during any period of suspension and as provided by subsections (2) and (3), a licence remains in force until it is, in writing, surrendered to the Board or is sooner cancelled.

(2) An on-licence to sell liquor at a function that is a trade fair expires at the latest time at which liquor may be sold or supplied under the licence.

(3) Where, during a licensing period, an on-licence to sell liquor at a function (not being a licence referred to in subsection (2)) relates to fewer than 4 functions, the licence expires at the end of the licensing period.

Periodic licence fee.

80. (1) A fee is payable to the Board for a licence (other than a licence referred to in section 79 (2) or (3)) while the licence is in force or under suspension and is so payable in respect of each period that is prescribed for the purposes of this subsection and succeeds the grant of the licence, other than the period so prescribed during which the licence is granted.

Liquor.

(2) The fee payable under subsection (1) is—

- (a) in the case of a hotelier's licence—
 - (i) where the licence is not the subject of a variation of trading hours under section 25 (3)—10 per cent of the applicable amount prescribed by subsection (3); or
 - (ii) where the licence is the subject of such a variation of trading hours—\$1,000 plus 10 per cent of the applicable amount prescribed by subsection (3);
- (b) in the case of an off-licence for a vigneron—\$500;
- (c) in the case of an off-licence to sell liquor to persons authorised to sell liquor or an off-licence for a brewer—
 - (i) where an off-licence to sell liquor by retail is not held in respect of the same premises—\$1,000 or 10 per cent of the applicable amount prescribed by subsection (3), whichever is the greater; or
 - (ii) where an off-licence to sell liquor by retail is so held—\$1,000; or
- (d) in any other case—10 per cent of the applicable amount prescribed by subsection (3),

reduced, where the fee or any part thereof is calculated on a percentage basis, by the authorised deductions prescribed by section 81.

(3) The applicable amount prescribed by this subsection is—

- (a) in the case of a hotelier's licence, or an off-licence to sell liquor by retail—the amount paid or payable by or on behalf of the licensee for all liquor that, during the assessment period for the licence fee, was delivered upon or purchased for—
 - (i) the licensed premises;
 - (ii) any premises in which the licensee temporarily carried on business pursuant to an authority under section 93; and

Liquor.

- (iii) in the case of a hotelier's licence—premises in which the holder of the licence sold or supplied liquor pursuant to the licence by virtue of section 18 (6);
- (b) in the case of an off-licence to sell liquor to persons authorised to sell liquor, or an off-licence for a brewer, where in either case an off-licence to sell liquor by retail is not held in respect of the same premises—an amount equal to the sale price of all liquor that, during the assessment period for the licence fee, was sold pursuant to the licence to employees of the licensee;
- (c) in the case of an off-licence to auction liquor—the amount of the sale price of all liquor that, during the assessment period for the licence fee, was auctioned pursuant to the licence;
- (d) in the case of an on-licence to sell liquor at a function—the amount paid or payable by or on behalf of the licensee for all liquor that, during the assessment period for the licence fee, was purchased for sale or supply pursuant to the licence; or
- (e) in any other case—the amount paid or payable by or on behalf of the licensee for all liquor that, during the assessment period for the licence fee, was delivered upon or purchased for the licensed premises.

(4) Where a licence fee would, but for this subsection, be required to be calculated as a percentage of an amount paid or received for purchases or sales of liquor by or on behalf of the licensee or pursuant to the licence and there were no such purchases or sales, the licence fee is the amount prescribed by the regulations.

(5) Where an amount prescribed by subsection (2) is not assessed on a percentage basis, the regulations may prescribe instead a different amount and, where a different amount is so prescribed, that subsection shall be construed as if it prescribed the amount prescribed by the regulations instead of the amount prescribed by the subsection.

(6) Regulations may be made for and with respect to the times for payment of licence fees, the payment of those fees by instalments, penalties for late payment of those fees or instalments and the suspension or cancellation of a licence after a failure to pay the licence fee or any part thereof.

Liquor.

Licence fee—authorised deductions.

81. The authorised deductions from an amount calculated under section 80 on a percentage basis are—

- (a) such amount paid or payable for liquor—
 - (i) lost, stolen or damaged in transit;
 - (ii) sold for export from Australia and so exported; or
 - (iii) sold to an embassy or consulate,as the Board is satisfied is included in the amount referred to in section 80 (3) (a), (b) or (c);
- (b) in the case of a hotelier's licence or an off-licence to sell liquor by retail where, in either case, an off-licence to sell liquor to persons authorised to sell liquor is not held in respect of the same premises—such amount as the Board thinks fit to allow in respect of liquor sold to persons authorised to sell liquor where the Board is satisfied that the sale was made in an emergency and not in the course of a business of selling liquor to persons authorised to sell liquor; and
- (c) in the case of an off-licence to auction liquor—the amount of the sale price of liquor auctioned pursuant to the licence that was purchased by persons authorised to sell liquor.

Assessment of fee.

82. (1) The Board shall assess the amount of a licence fee in so far as it is payable on a percentage basis.

(2) Where—

- (a) a licence fee is to be assessed for the first time after the grant of the licence; or
- (b) in the opinion of the Board, no information or insufficient information has been furnished, within the time prescribed by section 84 (2), to enable it to make an assessment under subsection (1),

the Board may assess the fee that it would otherwise be required to assess on a percentage basis at such amount as it thinks reasonable.

Liquor.

(3) A fee assessed under subsection (2) shall be deemed to have been assessed on a percentage basis.

(4) The Board—

- (a) may, for the purpose of making an assessment under subsection (1), convert to the nearest dollar the amount of which the licence fee assessed is required to be a percentage; and
- (b) shall, where such an assessment would not, but for this paragraph, be a number of whole dollars, assess the fee at the next lower amount that is a number of whole dollars.

(5) An assessment made by the Board under this section is, subject to any reassessment made under section 83, final and conclusive.

Reassessment of fee.

83. (1) In this section, a reference to the reassessment of a licence fee is a reference to the reassessment of that fee as assessed under section 82 or, where that fee has previously been reassessed under this section, that fee as last so reassessed.

(2) The Board may, from time to time, reassess a licence fee, and any such reassessment is, subject to any further reassessment, final and conclusive.

(3) Where the Board decides to reassess a licence fee previously assessed under section 82 (2) (b) or, in deciding to reassess any other fee, does so by reason of incorrect information furnished in a statutory declaration under section 84, and—

- (a) the amount at which, but for this subsection, it would have reassessed the fee would be greater than the amount of the fee before reassessment; and
- (b) where the information furnished was incorrect, the Board is of the opinion that the person who furnished the information knew, or ought to have known, it to be incorrect,

the reassessment may be of an amount not exceeding the sum of—

- (c) the amount at which, but for this subsection, the fee would have been reassessed; and

Liquor.

- (d) an amount not exceeding the difference between the amount of the fee before reassessment and the amount referred to in paragraph (c).

(4) Where—

- (a) a licence fee is reassessed after the fee, as previously assessed, has been paid in full; and
- (b) the amount paid is equal to, or greater than, the fee as reassessed, the Board shall refund to the person who paid the fee any difference between the amount paid and the amount of the fee as reassessed.

(5) Where—

- (a) a licence fee is reassessed after part only of the fee, as previously assessed, has been paid;
- (b) the amount paid is less than the fee as reassessed; and
- (c) the sum of—
 - (i) the amount paid; and
 - (ii) the balance of the fee before reassessment, is greater than the fee as reassessed,

that balance is reduced by the amount of the difference between the amount of the fee as previously assessed and the amount of the fee as reassessed.

(6) Where—

- (a) a licence fee is reassessed after part only of the fee, as previously assessed, has been paid; and
- (b) the sum of—
 - (i) the amount so paid; and
 - (ii) the balance of the fee before reassessment, is less than the fee as reassessed,

that balance is increased by the amount of the difference between the amount of the fee before reassessment and the amount of the fee as reassessed.

Liquor.

(7) Where—

- (a) a licence fee is reassessed after the fee, as previously assessed, has been paid in full;
- (b) the fee as reassessed is greater than the fee as previously assessed;
- (c) the licensee at the time the Board notifies the reassessment is the same person as the licensee at the time of payment of the fee to which the reassessment relates; and
- (d) the amount by which the reassessment is greater than the fee as previously assessed is not paid on or before a date specified by the Board when notifying the reassessment or such later date as the Board may allow,

the licence is suspended until the amount referred to in paragraph (d) is paid to the Board or the licence is cancelled, whichever first occurs.

(8) Where—

- (a) a licence fee is reassessed after the fee, as previously assessed, has been paid in full; and
- (b) at the time the Board notifies the reassessment—
 - (i) the premises to which the licence related are no longer licensed premises; or
 - (ii) the licensee at that time is not the same person as the licensee at the time of payment of the fee to which the reassessment relates,

responsibility for payment of the amount of the difference between the amount of the fee paid and that fee as reassessed may be apportioned by the Board, in such manner as it thinks fit, between—

- (c) the licensee at the time the fee was previously assessed;
- (d) the persons who, at the time of payment of the fee to which the reassessment relates, were directly or indirectly interested in the business, or the profits of the business, carried on under the licence at the time of payment of the fee; and

Liquor.

- (e) the person who furnished the incorrect information, or failed to furnish any information,

or any of them.

(9) Each amount apportioned under subsection (8) is a debt due to the Crown by the person to whom the amount is so apportioned.

Statement of liquor purchases.

84. (1) In this section, a reference to a licence does not include a reference to an off-licence for a vigneron or an on-licence referred to in section 79 (2) or (3).

(2) A person who holds a licence immediately before the end of an assessment period for the licence shall, during the month that next succeeds the end of that assessment period, lodge with the Board a statutory declaration by him setting forth such information as may be prescribed in relation to sales and purchases of liquor.

Penalty: \$2,000 or imprisonment for 1 year or both.

(3) Where an application for transfer of a licence is lodged with the registrar, the prospective transferor shall, before the application is granted, lodge with the registrar for transmission to the Board a statutory declaration by him setting forth in relation to the period for which he was the holder of the licence since the end of the last preceding assessment period, the information prescribed for the purposes of subsection (2) in respect of the same kind of licence.

Sales to authorised sellers.

85. (1) A licensee who sells liquor to a person authorised to sell liquor shall, during the month that next succeeds the end of an assessment period for the licence, forward to the Board a statement in the prescribed form specifying, in relation to that assessment period, such information in relation to liquor so sold as may be prescribed.

Penalty: \$2,000 or imprisonment for 1 year or both.

Liquor.

(2) It is a defence to a prosecution for an offence under subsection (1) if it is proved that the defendant had reasonable cause or excuse for his contravention of that subsection.

(3) An information for an offence under subsection (1) may be laid at any time within 5 years after commission of the offence.

Records to be kept.

86. (1) A licensee shall, as prescribed, make and keep up-to-date the prescribed records in the English language containing the prescribed particulars relating to—

- (a) all liquor purchased, or otherwise acquired, by him or to be sold by him on behalf of another at auction;
- (b) all liquor sold or supplied to a person authorised to sell liquor; and
- (c) all liquor in respect of which he is entitled to make an authorised deduction under section 81,

in connection with the business carried on pursuant to the licence or to be sold at a function.

Penalty: \$2,000.

(2) A record made under subsection (1) shall, until the day that is 5 years after its making, be kept on the licensed premises to which it relates by—

- (a) the licensee by whom it was made; or
- (b) where that licensee ceases to hold the licence, any person to whom the licence is transferred.

Penalty: \$2,000.

(3) A licensing or special inspector may, after giving reasonable notice of his intention so to do, require a licensee or former licensee—

- (a) to produce to the inspector, or at a place specified in the notice, a record referred to in subsection (1) or any other record relating to the business carried on pursuant to the licence; and

Liquor.

(b) to permit the inspector to inspect any such record and—

- (i) make copies thereof or take extracts therefrom, or do both;
or
- (ii) remove it from the licensed premises and keep it in his custody or under his control for such period as he considers necessary.

(4) A person shall not, without reasonable excuse, fail to comply with a requirement applicable to him that is made by an inspector under subsection (3).

Penalty: \$2,000.

(5) Where an inspector removes a record under subsection (3) (b) (ii)—

- (a) the record shall, for the purposes of subsection (2) and during the period that elapses before it is returned to the licensed premises, be deemed to be kept on the licensed premises;
- (b) the inspector shall, at all reasonable times, permit inspection of the record, or the making of additions thereto, by any person who, if the record were not in the possession of the inspector, would be entitled to inspect the record or, as the case may be, make those additions; and
- (c) the inspector shall, as soon as practicable, return the record, or cause it to be returned, to the person required by subsection (1) to keep it.

PART VI.

LICENSED PREMISES.

Authority for use of part of premises by minor.

87. (1) The court may, on the application of the licensee or the licensing inspector and subject to any conditions that it may impose, authorise the use by a minor in the company of an adult of a part of the licensed premises to which a hotelier's licence relates.

Liquor.

(2) The court may, on the application of the licensee or the licensing inspector—

- (a) revoke or vary an authorisation under subsection (1);
- (b) impose any condition, or any further condition, to which such an authorisation is to be subject; or
- (c) revoke or vary any condition imposed under subsection (1) or paragraph (b).

(3) An authorisation under subsection (1) is in force only while all conditions to which it is subject are being complied with.

Reception areas.

88. (1) The court may, when granting an on-licence relating to a restaurant or on the application of the holder of an on-licence relating to a restaurant, and subject to such conditions as it may impose, authorise the use of a specified part of the licensed premises as a reception area.

(2) The court may, on the application of the licensee or the licensing inspector—

- (a) revoke or vary an authorisation under subsection (1);
- (b) impose any condition, or any further condition, to which such an authorisation is to be subject; or
- (c) revoke or vary any condition imposed under subsection (1) or paragraph (b).

(3) An authority under subsection (1) is in force only while all conditions to which it is subject are being complied with.

Entertainment areas.

89. (1) The Minister may, by order published in the Gazette, notify a day on and after which the Board may, on the application of a member of a class of licensees specified in the order and subject to compliance with such conditions as the Board thinks fit to impose, authorise the use of an area on the licensed premises of the applicant for the provision of entertainment or music for dancing, or both.

Liquor.

(2) Subject to subsection (3), on and from the day that is 6 months after the day notified by an order under subsection (1), it is a condition of the licence held by a member of the class of licensees specified in the order that entertainment or music for dancing shall not be provided on the licensed premises except in an area the use of which for the provision thereof has been authorised by the Board under subsection (1).

(3) Where a licensee makes an application pursuant to an order under subsection (1) before the expiration of the period of 6 months referred to in subsection (2), the condition imposed by subsection (2) does not have effect in relation to his licensed premises until the application has been finally dealt with.

(4) The Board may, of its own motion or on the application of the licensee or the licensing inspector—

- (a) revoke an authorisation under subsection (1);
- (b) impose any condition, or any further condition, to which such an authorisation is to be subject; or
- (c) revoke or vary any condition imposed under subsection (1) or paragraph (b).

(5) An authorisation under subsection (1) has effect only while any conditions to which it is for the time being subject are being complied with.

Boundaries of licensed premises.

90. (1) The Board may define or redefine the boundaries of licensed premises or proposed licensed premises on the application of—

- (a) the owner of the premises;
- (b) the licensee; or
- (c) the applicant for a licence,

subject to each part of the licensed premises, as so defined or redefined, being contiguous with all other parts thereof.

Liquor.

(2) The Board may redefine the boundaries of licensed premises in respect of which there is an on-licence relating to a restaurant in order to include premises contiguous with the restaurant that comprise a motel containing not less than the prescribed number of rooms of a good standard each of which has separate sanitary and bathing facilities.

(3) A redefinition of boundaries under subsection (2) does not take effect until the prescribed fee has been paid.

Name of licensed premises.

91. (1) A licensee (other than the licensee under an on-licence to sell liquor at a function) shall, not later than the expiration of the prescribed period after the commencement of this Act, cause to appear and be maintained on the front of the licensed premises, as prescribed, a sign that specifies—

- (a) a name for the licensed premises (not being a name, or a name of a kind, that the Board has directed the licensee not to use);
- (b) the name of the licensee; and
- (c) any other prescribed particulars.

(2) A licensee shall not alter the name referred to in subsection (1) (a) unless—

- (a) he has obtained the authority of the Board so to do; and
- (b) the registrar has endorsed the change of name on the licence.

Penalty: \$250.

Cleanliness of licensed premises.

92. A licensee shall—

- (a) if the licence is a hotelier's licence—cause the licensed premises to be furnished, and kept furnished, with proper sanitary appliances sufficient for any lodgers and inmates on the premises and for the business carried on pursuant to the licence;

Liquor.

- (b) in the case of an on-licence—cause the licensed premises to be furnished, and kept furnished, with proper sanitary appliances sufficient for the business carried on pursuant to the licence;
- (c) maintain in a good and sanitary condition the sanitary appliances with which the licensed premises are furnished and any room or place in which they are situated;
- (d) keep the licensed premises free from offensive and unwholesome matter; and
- (e) take all reasonable steps to keep his licensed premises free from vermin of any description.

Penalty: \$500.

Temporary premises.

93. (1) Where premises in respect of which a hotelier's licence or an off-licence to sell liquor by retail is held are, from any cause, rendered unfit for the carrying on of business thereon, the licensee may, if he is authorised by the Board so to do, temporarily carry on business pursuant to the licence either on some part of the licensed premises approved by the Board or on some neighbouring premises so approved.

(2) A licensee may not carry on business pursuant to an authority granted under subsection (1) for a period of more than 12 months and any additional periods that the Board from time to time thinks fit to allow upon application made before the expiration of the period sought to be extended.

Voluntary alterations, etc., to licensed premises.

94. (1) The owner or licensee of premises in respect of which a licence is held shall not, without the authority of the Board, make a material alteration or addition to the licensed premises except by carrying out work pursuant to an order of the Board under section 95.

Penalty: \$500.

(2) An application by the holder of an on-licence relating to premises within a university or college for an authority referred to in subsection (1) may not be made without the consent of the university or college.

Liquor.

(3) An authority referred to in subsection (1) ceases to have effect on the expiration of—

- (a) a period specified by the Board when granting the application for the authority; and
- (b) any additional periods that the Board from time to time thinks fit to allow upon application made before the expiration of the period sought to be extended.

Compulsory alterations, etc., to licensed premises.

95. (1) On being satisfied of the necessity for additional accommodation in, or the renovation, structural alteration or rebuilding of, the whole or any part of licensed premises, or for the carrying out on licensed premises of any work specified in a notice served on it under section 97, the Board may order the owner of the premises to carry out on the premises work specified in the order and to carry out the work so specified within a reasonable time so specified or such extended time as the Board may allow.

(2) If the person against whom an order is made under subsection (1) refuses or fails to comply with the order, the occupier of the premises to which the order relates may, if upon application by him the Board authorises him so to do, carry out the work within a reasonable time specified by the Board when granting the authority or such extended time as the Board may allow.

(3) An order under subsection (1) is complied with if the work to which the order relates is carried out in accordance with the order—

- (a) within the time, or any extended time, referred to in subsection (1);
- (b) where it is not so carried out within the time, or any extended time, referred to in paragraph (a) but an authority is granted under subsection (2)—within the time, or any extended time, referred to in subsection (2); or
- (c) where it is not so carried out within the time, or any extended time, referred to in paragraph (a) or (b) but further time is allowed under subsection (4)—within any further time allowed under subsection (4).

Liquor.

(4) Where, in relation to a licensee, and whether or not pursuant to this subsection, the court acts under section 69 (otherwise than by cancelling his licence) pursuant to a complaint made under section 67 on the ground of a failure to comply with an order under subsection (1) the Board may allow further time for compliance with the order to which the complaint relates and, if the order is not complied with, the court may, pursuant to a further complaint on that ground, again act under section 69.

(5) The Board may, subject to compliance with such conditions as it thinks fit to impose, revoke or vary an order under subsection (1) or an authority under subsection (2).

(6) An order under subsection (1) may be made by the Board of its own motion or, subject to the prescribed notice being given in the prescribed manner, on application to the Board.

(7) Without prejudice to the generality of subsection (1), a reference therein to additional accommodation includes a reference to—

- (a) the provision of bedrooms and sitting rooms;
- (b) provision for the consumption of liquor at tables in lounges or gardens, under awnings or in the open air;
- (c) the provision of a bottle department;
- (d) the provision of bathing facilities or sanitary appliances or both;
- (e) the installation of a water storage and reticulation system; and
- (f) the provision, repair or restoration of fences or verandahs,

or any one or more of them.

Additional equipment for licensed premises.

96. (1) On being satisfied of the necessity for the provision, renewal or repair of bedding, bed-clothes, furniture or dining room utensils, or any equipment of a like nature, on licensed premises, the Board may order the licensee to provide, renew or repair the equipment as specified in the order and to do so within a reasonable time so specified or such extended time as the Board may allow.

Liquor.

(2) Where, in relation to a licensee and whether or not pursuant to this subsection, the court acts under section 69 (otherwise than by cancelling the licence) pursuant to a complaint made under section 67 on the ground specified in section 68 (1) (c) in relation to this section, the Board may allow further time for compliance with the order to which the complaint relates and, if the order is not complied with within that time, the court may, pursuant to a further complaint on that ground, again act under section 69.

(3) An order under subsection (1) may be made by the Board of its own motion or, subject to the prescribed notice being given in the prescribed manner, on application to the Board.

Orders under Local Government Act, 1919.

97. (1) A council within the meaning of the Local Government Act, 1919, may serve on the Board a notice under section 267 (1), 288c (2) or 317D (1) of that Act with respect to licensed premises.

(2) Where a notice is served under subsection (1), the Board may, to such extent as it thinks fit, make an order under section 95 or 96 with respect to the requirements of the notice.

(3) Subsection (1) does not affect the operation of section 10 of the Local Government Act, 1919, in so far as that section relates to this Act.

Authority to be on licensed premises.

98. The person against whom an order is made under section 95, or to whom an authority is granted under section 95, and persons authorised by him may, for the purpose of doing such things as are connected with preparing or tendering for, or carrying out and completing, the work to which the order or authority relates, enter and remain upon the licensed premises at such times as are reasonably necessary for that purpose.

Liquor.

Apportionment of cost of compulsory alterations.

99. (1) Where work on licensed premises is carried out pursuant to an authority granted under section 95 (2) the Board may, if it thinks fit so to do, determine the extent to which the cost of the work is to be borne by—

- (a) the owner of the premises;
- (b) sublessors and sublessees of the premises; or
- (c) the occupier of the premises,

or any 2 or more of them.

(2) In exercising its powers under subsection (1), the Board may—

- (a) order a person referred to in subsection (1) (a), (b) or (c) to pay to any other such person an amount certified by the Board as payable by him under this section and, where such an order is made, the amount ordered to be paid is a debt due by the person ordered to make the payment to the person to whom payment is ordered to be made; or
- (b) order the amount of any rent payable in respect of the licensed premises to be increased or reduced to an amount specified in the order and, where such an order is made, the lease pursuant to which the rent is payable shall be deemed to have been amended to provide for the payment of rent in accordance with the order of the Board,

or it may make an order under both paragraph (a) and paragraph (b).

(3) In deciding whether, and in what manner, it should exercise its powers under this section the Board shall have due regard to any agreement or covenant entered into by a person referred to in subsection (1) (a), (b) or (c) in relation to the licensed premises.

(4) Where an order is made under subsection (2) (a) and the prescribed documents are filed in the office of a court of petty sessions having jurisdiction under the Courts of Petty Sessions (Civil Claims) Act, 1970, at or nearest the prescribed place at which the application that led to the order was heard, the order may be enforced as a judgment of that court of petty sessions for the payment of that amount in accordance with the order of the Board.

Liquor.

Common inns.

100. (1) Premises to which a hotelier's licence relates are a common inn.

(2) Subsection (1) does not operate to preclude premises that are not premises to which a hotelier's licence relates from being a common inn.

(3) This Act does not prejudice or affect the operation of the Innkeepers Act, 1968.

Control of licensed premises.

101. (1) A licensee shall not—

- (a) without the previous written consent of the Board, permit any person to manage, superintend or conduct the sale of liquor on the licensed premises during the absence of the licensee for a longer continuous period than 6 weeks;
- (b) where the licence is a hotelier's licence and any requirement or condition for the provision of the accommodation referred to in section 49 (1) (a) or (d) has not been dispensed with—cease to use the licensed premises as his usual place of residence without the previous written consent of the Board;
- (c) let or sublet the right to sell liquor on his licensed premises;
- (d) let or sublet any part of his licensed premises on which liquor is ordinarily sold or supplied; or
- (e) without the previous written consent of the Board, let or sublet any other part of, or the right to supply any services in, his licensed premises.

Penalty: \$500.

(2) A person who is, in accordance with subsection (1) (a), authorised to manage, superintend or conduct the sale of liquor on licensed premises shall, while so authorised and during the absence of the licensee, be deemed for all purposes to be the licensee.

Liquor.

(3) Except to the extent that he may otherwise act without contravening subsection (1) (a), it is a condition of a licence that the licensee shall have the immediate supervision of the conduct of the licensed premises.

(4) Where a person other than the licensee becomes interested in the business, or the conduct of the business, of the licensed premises, it is a condition of the licence that the licensee shall, within 14 days after becoming so interested, produce to the registrar an agreement between the licensee and that other person, being an agreement evidencing—

- (a) that the licensee will have the full, free and unfettered control of the conduct of the business of the licensed premises; and
- (b) that no payment or part payment will be made to the licensee by way of commission or allowance from or upon the receipts of the business of the licensed premises for liquor sold or supplied.

(5) Subsection (4) does not apply to or in respect of an on-licence relating to a vessel or aircraft or to sell liquor at a function.

Register of guests, etc.

102. (1) This section does not apply to the holder of a hotelier's licence where, under section 49, the provision of residential accommodation in the licensed premises is not required.

(2) The holder of a hotelier's licence to whom this section applies shall keep, in a form and manner approved by the Board, a register in which he shall enter, or cause to be entered—

- (a) the number of bedrooms in the licensed premises, the number of those rooms occupied by himself, his family and his employees and the number of those rooms available for the public;
- (b) at the time of reception of each lodger, boarder or guest who takes up residence in the licensed premises—his name, the number of the bedroom occupied by him and the date and time of his reception;
- (c) at the time of departure of each lodger, boarder or guest—the date and time of his departure; and

Liquor.

- (d) at the time of refusal of a request for accommodation—a record of, and of the date and time of, the refusal.

Penalty: \$500.

(3) The holder of a hotelier's licence to whom this section applies shall, on demand made by a member of the police force of or above the rank of sergeant produce for inspection the register kept under subsection (2).

Penalty applying to this subsection: \$500.

Exclusion of persons from licensed premises.

103. (1) A licensee or his employee may refuse to admit to the licensed premises and may turn out, or cause to be turned out, of the licensed premises any person—

- (a) who is then intoxicated, violent, quarrelsome or disorderly;
- (b) who, for the purposes of prostitution, engages or uses any part of the licensed premises;
- (c) whose presence on the licensed premises renders the licensee liable to a penalty under this Act; or
- (d) who hawks, peddles or sells any goods on the premises.

(2) Where, pursuant to subsection (1), a person has been refused admission to, or has been turned out of, licensed premises, the licensee or his employee may, at any subsequent time or from time to time, refuse to admit that person into the licensed premises or may turn him out, or cause him to be turned out, of the licensed premises.

(3) Where a person to whom a licensee is, under subsection (1) or (2), entitled to refuse admission to the licensed premises is on the premises he shall, upon being required so to do by the licensee, his employee or a member of the police force, quit the premises.

Penalty: \$500.

Liquor.

(4) Where a member of the police force is requested by a licensee or his employee to turn out, or to assist in turning out, of the licensed premises a person whom the licensee is entitled under subsection (1) or (2) to turn out of the premises, it is the duty of the member of the police force to comply with the request and he may, for that purpose, use such reasonable degree of force as may be necessary.

Quiet and good order of neighbourhood.

104. (1) Where, with respect to licensed premises, a complaint in writing is made by—

- (a) the licensing inspector;
- (b) the council of the city (including the City of Sydney) municipality or shire in which the licensed premises are situated; or
- (c) any person authorised in writing by 3 or more persons who reside in the vicinity of the licensed premises,

that the quiet and good order of the neighbourhood of the licensed premises are frequently unduly disturbed, a licensing or stipendiary magistrate may summon the licensee to appear before the court to answer the complaint and show cause why he should not be dealt with in accordance with this section.

(2) A summons under subsection (1) shall be served—

- (a) on the licensee personally; or
- (b) if the licensee evades service or an attempt is made to effect service on him on the licensed premises but he is absent therefrom—by posting it up in a conspicuous place on the licensed premises,

not less than 14 days before the day appointed for the hearing of the complaint.

(3) Where a complaint under subsection (1) relates to premises within a university or college, a copy of the complaint shall be served, not less than 14 days before the day appointed for the hearing of the complaint, on the university or college by leaving it at the office of the university or college and the university or college may, at the hearing of the complaint, be represented and be heard.

Liquor.

(4) The court—**(a) shall—**

(i) upon the appearance of a licensee in response to a summons under subsection (1); or

(ii) in the absence of the licensee upon his failure to appear in answer to such a summons,

proceed to hear the matter of the complaint to which the summons relates; or

(b) may, on the application of the complainant or the licensee, adjourn the hearing from time to time subject to compliance with any conditions it thinks fit to impose.

(5) Where the court is satisfied that the matter of a complaint under subsection (1) has been made out, and that the cause of the disturbance to which the complaint relates is—

(a) the manner in which the business of the licensed premises is conducted;

(b) the behaviour of persons after they have left the licensed premises; or

(c) the manner in which the business of the licensed premises is conducted and the behaviour of persons after they have left the licensed premises,

the court may exercise all or any of the powers conferred on it by subsection (6).

(6) For the purposes of subsection (5), the court may—

(a) revoke or vary any variation of the trading hours of the licensed premises;

(b) impose conditions to which the licence is to be subject; or

(c) revoke or vary any condition to which the licence is subject.

Breach of the peace.

105. Where, upon application by any person, a licensee is directed by a licensing or stipendiary magistrate to close his licensed premises because, in the opinion of the magistrate, there is, or is likely to be, a breach of the

Liquor.

peace in the neighbourhood of the licensed premises, the licensee shall close his premises from a time specified by the magistrate when giving the direction until a later time, whether on the same or a different day, so specified.

Penalty: \$1,000 or imprisonment for 6 months or both.

PART VII.

INSPECTORS.

Superintendent of licences.

106. (1) The Governor may appoint a member of the police force holding the rank of superintendent to be superintendent of licences for the purpose of ensuring the enforcement of this Act by licensing inspectors and other members of the police force.

(2) The superintendent of licences may exercise all or any of the functions of a licensing inspector (including the Metropolitan licensing inspector), whether conferred by this or any other Act.

Licensing inspectors.

107. (1) The Governor may appoint a member of the police force to be the Metropolitan licensing inspector.

(2) The Metropolitan licensing inspector is, and has the functions of, the licensing inspector for Sydney.

(3) The Metropolitan licensing inspector may, if he thinks fit, exercise concurrently with any other licensing inspector all or any of the functions of that other licensing inspector, whether conferred by this or any other Act.

(4) For the purpose of assisting the Metropolitan licensing inspector in the exercise of his functions, the Commissioner of Police may appoint such members of the police force of or above the rank of inspector as he thinks fit as licensing inspectors for Sydney.

Liquor.

(5) The Commissioner of Police may appoint a member of the police force of or above the rank of sergeant, or a member of the police force in charge of a police station, as licensing inspector for a prescribed place other than Sydney.

Duties of licensing inspector.

108. (1) It is the duty of licensing inspectors and other members of the police force to use all due diligence, and to take all lawful means, to ensure compliance with this Act.

(2) It is the duty of licensing inspectors and other members of the police force to assist the Board in the exercise of its functions.

(3) The regulations may define duties for licensing inspectors and may prescribe the modes, times and conditions of the performance of those duties.

Special inspectors.

109. The Minister may appoint an officer or temporary employee of the Public Service as a special inspector for the purposes of this Act.

Powers of entry.

110. (1) Where—

- (a) a member of the police force of or above the rank of sergeant or for the time being in charge of a police station;
- (b) a member of the police force authorised by any general authority under the seal of the court;
- (c) a licensing inspector; or

Liquor.

- (d) a constable authorised in writing by a licensing magistrate, justice or superintendent of police,

has reasonable grounds to believe that unlawful or disorderly conduct is taking place, or that a breach of this Act has been, or is in the process of being, committed on licensed premises he may, at any time of the day or night, enter the premises with such constables as he thinks fit.

(2) Where a person referred to in subsection (1) or any constable with him is refused entry into licensed premises, or his or the constable's entry into licensed premises is unreasonably delayed, whether by the absence of any person authorised to admit him or otherwise, he or the constable may break into the premises with such assistance as he deems necessary.

(3) A licensing inspector or other member of the police force may at any reasonable time enter any licensed premises and may—

- (a) examine each room and part of the premises;
- (b) take an account of any or all liquor that is on the premises; or
- (c) demand, select, obtain and carry away any sample of that liquor, subject to—
 - (i) the sample being sealed by him in the presence of the licensee or person in charge of the premises and, if the licensee or that person so requires, by the licensee or that person; or
 - (ii) payment being made or tendered for the sample.

(4) A special inspector may, at any reasonable time, enter any licensed premises and may—

- (a) take an account of all or any stocks of liquor therein; and
- (b) examine any record that relates to the business carried on pursuant to the licence and make copies of or take extracts therefrom.

(5) The licensee or person in charge of licensed premises shall not refuse or fail to admit to the licensed premises a person requiring entrance under subsection (1), (3) or (4) or obstruct or delay him in the exercise of his powers.

Penalty: \$2,000.

Liquor.

(6) Where, for the purpose of obtaining access from a public place to premises within a university or college to which an on-licence relates it is necessary to enter land, or a building or part of a building, that is within the university or college but does not form part of the licensed premises, a person authorised by this section to enter the licensed premises may, to obtain access to the licensed premises in order to enter them pursuant to this section or to obtain access from those premises to a public place, enter that land, building or part of a building.

Obstruction of inspector, etc.

111. A person who hinders or obstructs a licensing inspector, special inspector, member of the police force or any other person in the exercise by him of a function conferred on him by or under this Act is guilty of an offence and liable, where no other penalty or punishment is provided therefor, to a penalty not exceeding \$2,000.

PART VIII.**OFFENCES, ETC.****DIVISION 1.—Offences.****Production of licence.**

112. (1) A licensee shall not, upon demand being made on his licensed premises by—

- (a) a licensing inspector or other member of the police force;
- (b) a special inspector; or
- (c) a justice,

refuse or neglect, without reasonable excuse, to produce his licence.

Penalty: \$500.

(2) The onus of proving a reasonable excuse for a contravention of subsection (1) is on the licensee.

Liquor.

Holding more than one licence, etc.

113. A person shall not, at any one time—

- (a) hold more than 1 hotelier's licence;
- (b) without the consent of the Board, have a financial interest in a hotelier's licence and a restaurant (whether or not the premises of the restaurant are licensed premises); or
- (c) hold an off-licence to sell liquor by retail and an off-licence for a vigneron.

Penalty: \$500.

Sale or supply of liquor to a minor.

114. (1) A licensee shall not, on his licensed premises, sell or supply liquor, or allow liquor to be sold or supplied, to a person under the age of 18 years.

Penalty: \$1,000.

(2) A person who is not the licensee shall not, on licensed premises, sell or supply liquor to a person under the age of 18 years.

Penalty: \$500.

(3) It is a defence to a prosecution for an offence under subsection (1) or (2) if it is proved that the person to whom the liquor was sold or supplied was of or above the age of 14 years and was, on reasonable grounds, believed by the defendant to be of or above the age of 18 years.

Consumption, etc., of liquor by minor.

115. (1) A person under the age of 18 years shall not—

- (a) consume liquor on licensed premises;
- (b) obtain, or attempt to obtain, liquor for consumption on licensed premises; or

Liquor.

- (c) carry liquor away, or attempt to carry liquor away, from licensed premises.

Penalty: \$200.

(2) It is a defence to a prosecution for an offence under subsection (1) (c) if it is proved that the accused was ordered or requested to carry the liquor away from the licensed premises.

(3) A person shall not—

- (a) send a person under the age of 18 years to licensed premises; or
(b) order or request a person under the age of 18 years to go to licensed premises,

for the purpose of obtaining liquor.

Penalty applying to this subsection: \$500.

Sale or supply of liquor by a minor.

116. Except where the Board has given its consent (proof whereof lies on the defendant) a licensee shall not allow a person under the age of 18 years to sell, supply or serve liquor on his licensed premises.

Penalty: \$500.

Minors on licensed premises.

117. (1) In this section “licensed premises” means premises in relation to which a hotelier’s licence is held.

(2) A person under the age of 18 years shall not, for any purpose, enter a restricted area on licensed premises.

Penalty: \$500.

(3) A person under the age of 18 years shall not, for any purpose, enter or remain in a part of licensed premises authorised under section 87 for use by a minor in the company of an adult except in the company and immediate presence of a person of or above that age.

Liquor.

(4) If a person under the age of 18 years—

- (a) enters a restricted area on licensed premises; or
- (b) enters a part of licensed premises authorised under section 87 for use by a minor in the company of an adult otherwise than in the company and immediate presence of a person of or above that age,

the licensee is guilty of an offence and liable to a penalty not exceeding \$1,000.

(5) If a person under the age of 18 years—

- (a) is in a restricted area on licensed premises; or
- (b) is in a part of licensed premises authorised under section 87 for use by a minor in the company of an adult otherwise than in the company and immediate presence of a person of or above that age,

the licensee shall forthwith remove the person under that age, or cause the person under that age to be removed, from the licensed premises.

Penalty: \$1,000.

(6) It is a defence to a prosecution for an offence under subsection (4) or (5) if it is proved that the defendant had taken all reasonable precautions to detect the entry into, and to supervise the presence on, the licensed premises of persons under the age of 18 years and—

- (a) that the person under the age of 18 years was above the age of 14 years and was believed by the defendant on reasonable grounds to be of or above the age of 18 years; or
- (b) that there was other reasonable cause or excuse for the failure of the defendant to prevent the occurrence of the state of affairs that, but for this paragraph, would have resulted in his being guilty of an offence.

(7) If a person under the age of 18 years is lawfully on licensed premises by reason of being in the company and immediate presence of a person of or above that age, the person of or above that age shall not—

- (a) permit the person under that age to consume liquor on the licensed premises; or

Liquor.

- (b) leave the person under that age on the licensed premises deprived of his company and immediate presence without first informing the licensee or an employee of the licensee.

Penalty: \$500.

(8) A licensee shall cause to be continuously displayed in each restricted area on his licensed premises a notice complying with any requirements prescribed for the purposes of this subsection, and containing such particulars as may be so prescribed, with respect to the exclusion from the restricted area of persons under the age of 18 years.

Penalty: \$1,000.

(9) A separate offence under subsection (8) is committed in relation to each restricted area in respect of which the subsection is contravened.

(10) Where a licensee or his servant or agent, or a member of the police force, has reasonable cause to suspect that a person in a restricted area on licensed premises is under the age of 18 years—

- (a) he may require that person to state his correct age, name and address; and
- (b) if he has reasonable cause to suspect that the age, name or address given in response to the requirement is false—he may require that person to produce evidence of its correctness.

(11) A person the subject of—

- (a) a requirement under subsection (10) (a)—shall not refuse or fail to comply with the requirement; or
- (b) a requirement under subsection (10) (b)—shall not, without reasonable cause, refuse or fail to comply with the requirement.

Penalty: \$200.

(12) Where a person the subject of—

- (a) a requirement of a member of the police force under subsection (10) (a)—fails to comply with the requirement; or

Liquor.

- (b) a requirement of a member of the police force under subsection (10) (b)—fails without reasonable cause to comply with the requirement,

the member of the police force may apprehend him and, as soon as practicable, bring him before a justice to be dealt with according to law.

Closing of restricted areas and certain other areas.

118. (1) The holder of a hotelier's licence shall—

- (a) at any time when his licensed premises should not be open for the sale or supply of liquor; and
- (b) at any time before 3 a.m. on any day when a part of his premises specified by the court under section 25 (4) or 25 (6) is open for the sale or supply of liquor,

close and keep closed to the public every restricted area on his licensed premises, and every other part of his licensed premises in which liquor is ordinarily sold or supplied to the public, except a restricted area or other part open in accordance with the conditions of the licence in a part of the premises referred to in paragraph (b).

(2) The holder of an off-licence to sell liquor by retail shall, at any time when his licensed premises should not be open for the sale of liquor pursuant to the licence, close and keep closed to the public that part of any counter or place at or in which liquor is usually sold or supplied pursuant to the licence.

Penalty: \$1,000.

Sale, etc., of liquor outside trading hours.

119. (1) A licensee shall not—

- (a) keep his licensed premises open for the sale or supply of liquor;
or
- (b) sell or supply liquor,

at a time at which he is not, by this Act or under the conditions of his licence, permitted to effect the sale or supply.

Penalty: \$500.

Liquor.

(2) It is a defence to a prosecution under subsection (2) if it is proved that, at the time at which the offence is alleged to have been committed, the person charged was a lodger or inmate, or an employee of the licensee.

(3) Except as provided by subsection (4), a person shall not—

- (a) carry liquor away from premises the subject of a hotelier's licence or an off-licence to sell liquor by retail at a time when the premises should not be open for the sale or supply of liquor; or
- (b) carry liquor away from premises the subject of a hotelier's licence at a time before 3 a.m. on any day when the premises are lawfully open for the sale or supply of liquor only for consumption on the licensed premises.

Penalty: \$200.

(4) Notwithstanding subsection (3), the holder of a hotelier's licence, his employee or a lodger in premises the subject of a hotelier's licence, may at any time carry away from the licensed premises liquor that is reasonably required for consumption by the licensee or lodger on the day on which the liquor is carried away.

Person on licensed premises outside trading hours.

120. (1) A person shall not on any day be found in a part of licensed premises at a time that is—

- (a) later than 15 minutes after the commencement of any period on that day when that part should not be open for the sale of liquor; and
- (b) earlier than the end of that period.

Penalty: \$200.

(2) It is a defence to a prosecution for a contravention of subsection (1) if it is proved that, at the time at which the offence is alleged to have been committed, the person charged—

- (a) was a lodger or inmate, or an employee of the licensee; or
- (b) was present in the part of the premises to which the charge relates for a lawful purpose.

Liquor.

(3) A member of the police force authorised by section 110 to enter licensed premises—

- (a) may require a person found on licensed premises in contravention of subsection (1) to state his correct name and address; and
- (b) if he has reasonable cause to suspect that the name or address given is false—he may require that person to produce evidence of its correctness.

(4) Where a person the subject of—

- (a) a requirement of a member of the police force under subsection (3) (a)—refuses or fails to comply with the requirement; or
- (b) a requirement of a member of the police force under subsection (3) (b)—without reasonable cause (proof whereof lies on the defendant) refuses or fails to comply with the requirement,

the member of the police force may apprehend him and, as soon as practicable, bring him before a justice to be dealt with according to law.

(5) Where a person is found on licensed premises in contravention of subsection (1), the licensee is guilty of an offence and liable to a penalty not exceeding \$500 unless it is proved—

- (a) that the person was on the premises for a lawful purpose;
- (b) that the licensee had taken all reasonable care to prevent the person coming or remaining on the premises for an unlawful purpose;
- (c) that the licensee had taken all reasonable care to ascertain, and believed, that the purpose for which the person had come and remained on the premises was a lawful purpose; or
- (d) that, at the time the offence is alleged to have been committed, the person so found was a lodger or inmate or an employee of the licensee.

Unauthorised sale of liquor by licensee.

121. (1) A person authorised under this Act to sell liquor shall not sell or supply liquor, or cause or suffer liquor to be sold or supplied—

- (a) in a quantity other than a quantity that he is authorised under this Act to sell or supply; or

Liquor.

- (b) otherwise than in accordance with the authority conferred on him by or under this Act.

(2) An agent or servant of, or person purporting to act on behalf of, a person authorised under this Act to sell liquor shall not sell liquor, or cause or suffer liquor to be sold—

- (a) in a quantity other than a quantity that the person of whom he is the agent or servant, or on behalf of whom he purports to act, is authorised by or under this Act to sell; or
- (b) otherwise than in accordance with the authority conferred by or under this Act on the person so authorised.

Penalty: \$1,000 or imprisonment for 6 months, or both.

Sale of liquor without licence.

122. (1) A person who is not the agent or servant of a person authorised to sell liquor under this Act shall not sell liquor, or cause or suffer liquor to be sold, unless—

- (a) he is authorised under this Act to sell the liquor; or
- (b) he does so on the defined premises of a registered club on behalf of, and with the authority of, the club.

Penalty: \$1,000 or imprisonment for 6 months, or both.

(2) A person who is the occupier, manager or person apparently in control of any premises on or from which liquor is sold in contravention of subsection (1) shall be deemed to have sold the liquor unless it is proved that—

- (a) he had no knowledge of the sale; and
- (b) he had used all due diligence to prevent the sale of liquor on or from the premises.

Liquor.

(3) A person shall not, unless he has, upon application to the court, been exempted by the court from the operation of this subsection—

(a) intimate or state—

(i) by an advertisement or notice displayed on premises that are not licensed under this Act and are not the defined premises of a registered club;

(ii) by publication of an advertisement or notice in a newspaper;

(iii) by means of circulars; or

(iv) by radio or television broadcast,

that he will, or is prepared to, accept orders from, or act as agent for, another person for the purchase, supply or delivery of liquor; and

(b) deliver liquor ordered by any person, or obtained by him as agent for any person, on or from premises that are not licensed premises under this Act and are not the defined premises of a registered club.

Penalty applying to this subsection: \$1,000 or imprisonment for 6 months or both.

Unlicensed premises.

123. (1) A person shall not—

(a) open, keep or use any premises;

(b) knowingly and wilfully permit any premises to be opened, kept or used by another person;

(c) have the care or management of any premises opened, kept or used; or

(d) assist in conducting the business of any premises opened, kept or used,

for the purpose of—

(e) the owner, occupier or keeper of the premises;

(f) a person procured or employed by, or acting on behalf of, a person using the premises or the owner, occupier or keeper of the premises;

Liquor.

- (g) any person having the care or management of the premises or in any manner conducting the business of the premises,

selling liquor unless a licence is held in respect of the premises or the premises are the defined premises of a registered club.

Penalty: \$1,000 or imprisonment for 6 months or both.

(2) A licensee shall not sell, or employ or permit another person to sell, liquor on premises, or in a place, other than the premises on which, or the place at which, the licensee is by his licence authorised to sell the liquor.

Penalty: \$500.

(3) A person shall not be found on premises opened, kept or used in contravention of subsection (1).

Penalty applying to this subsection: \$200.

Brewers to be licensed.

124. A person shall not carry on business as a brewer unless he is the holder of an off-licence for a brewer.

Penalty: \$2,000.

Conduct on licensed premises.

125. (1) A licensee shall not—

- (a) permit his licensed premises to be used for the purposes of prostitution; or
- (b) permit intoxication, or any indecent, violent or quarrelsome conduct, on his licensed premises.

Penalty: \$500.

Liquor.

(2) A person shall not use any part of licensed premises for the purposes of prostitution.

Penalty: \$500.

(3) A person (whether or not he is the licensee) shall not, on licensed premises, sell or supply liquor to any person who is at the time in a state of intoxication.

Penalty: \$500.

(4) Where a person is intoxicated on licensed premises, the licensee shall be deemed to have permitted intoxication on the licensed premises unless he proves that he and his employees took all reasonable steps to prevent intoxication on the licensed premises.

Gaming on licensed premises.

126. (1) A licensee shall not—

- (a) permit or suffer any gaming for stakes on his licensed premises;
- (b) permit or suffer the playing of an unlawful game on his licensed premises; or
- (c) in contravention of the Gaming and Betting Act, 1912—
 - (i) open, keep or use his licensed premises; or
 - (ii) suffer his licensed premises to be opened, kept or used.

Penalty: \$1,000.

(2) A servant of a licensee or a person, other than the licensee, in charge of licensed premises shall not permit the playing of an unlawful game on the licensed premises.

Penalty: \$1,000.

(3) The conduct on licensed premises of a lottery or game of chance pursuant to and in accordance with section 4 or 4A of the Lotteries and Art Unions Act, 1901, does not render a person liable to a penalty under subsection (1) or (2).

Liquor.

Sign on unlicensed premises.

127. A person who is not a licensee shall not, on his premises, exhibit any sign, writing, painting or other mark that may imply, or give reasonable cause for the belief, that the premises are licensed premises or that liquor is sold or supplied therein.

Penalty: \$200.

Provision of, and charges for, meals, etc.

128. (1) This section does not apply to the holder of a hotelier's licence where, under section 49, a requirement or condition for the provision of residential accommodation in the licensed premises is dispensed with.

(2) The holder of a hotelier's licence to whom this section applies shall not, without reasonable cause (proof whereof shall lie on him)—

- (a) refuse to receive a person into his licensed premises as a guest;
- (b) refuse to provide a person with meals—
 - (i) at the usual meal hours ordinarily observed in the licensed premises; or
 - (ii) where the court has, by order having effect generally or in relation to particular licensed premises specified the hours during which meals are to be available on those premises—at the hours so specified; or
- (c) refuse to provide a person with accommodation.

(3) The holder of a hotelier's licence to whom this section applies shall not charge more than a reasonable amount for meals or accommodation provided on his licensed premises.

(4) The holder of a hotelier's licence to whom this section applies shall not fail to keep posted upon the main entrance to, and in each bedroom on, his licensed premises a printed list of charges for meals and sleeping accommodation.

Penalty: \$500.

Liquor.

Failure to pay for liquor, meals, etc.

129. (1) A person shall not—

- (a) at the time of being supplied with liquor on licensed premises—
refuse or fail to pay a reasonable amount for the liquor; or
- (b) if supplied with meals or accommodation on licensed premises—
 - (i) refuse or fail, on demand of payment made by the licensee, or his employee or agent, to pay reasonable charges therefor; or
 - (ii) by his actions, avoid such a demand or render it impossible.

Penalty: \$250.

(2) The court before which a person is convicted of an offence under subsection (1) may, on the conviction or at any time thereafter, order the offender to pay to the licensee such amount as it thinks reasonable for the provision of the liquor, meals or accommodation, as the case may be.

Liquor at auction sale.

130. A person who is, or is to be, the auctioneer at an auction sale or the owner of any property that is, or is to be, submitted for auction, or a person acting for or on behalf of such an auctioneer or owner, shall not bring or provide any liquor, or cause any liquor to be brought or provided, upon the premises at which the sale is to be held, or any premises appurtenant or adjacent thereto, for consumption by persons attending the auction unless the premises are licensed premises.

Penalty: \$500.

Carrying away of liquor.

131. (1) A person shall not carry away liquor from any premises in respect of which an on-licence is held.

Penalty: \$250.

(2) It is a defence to a prosecution for an offence under subsection (1) if it is proved that the liquor carried away was in the possession of the defendant when he entered the premises.

Liquor.

Obtaining liquor by false representation.

132. A person shall not obtain, or attempt to obtain, liquor on licensed premises by falsely representing—

- (a) that he is a lodger in, or inmate of, the premises;
- (b) that he is a guest of a lodger in, or of an inmate of, the premises;
- (c) that he intends to partake of, or has partaken of, a meal on those premises;
- (d) that he is in attendance at a dinner, reception, convention or the like, or at a ball conducted, on those premises;
- (e) that he is a guest at a function on those premises;
- (f) that he is an employee of the licensee; or
- (g) in the case of licensed premises within a university or college—
that he is a member, or the invited guest of a member, of the union, association, club or organisation that occupies the premises.

Penalty: \$250.

Liquor in unregistered club.

133. (1) A person shall not, except pursuant to the authority conferred by an on-licence to sell liquor at a function, or relating to premises within a university or college, sell or supply liquor on the premises of an unregistered club or authorise any other person to sell or supply liquor on the premises of an unregistered club.

Penalty: \$1,000.

(2) If any liquor is kept on the premises of an unregistered club for sale or supply, each officer and member of the club is guilty of an offence and liable to a penalty not exceeding \$200.

(3) It is a defence to a prosecution for an offence under subsection (2) if it is proved that the liquor was kept on the premises without the knowledge, or against the orders, of the defendant.

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(4) It is a defence to a prosecution for an offence under subsection (2) if it is proved—

- (a) that, at the time the liquor was kept, the premises were premises within a university or college in relation to which, at that time, an on-licence was in force or were premises in relation to which, at that time, an on-licence to sell liquor at a function was in force; or
- (b) that, at the time at which the liquor was kept—
 - (i) the premises were premises in relation to which, at that time, an on-licence to sell liquor at a function had been granted; and
 - (ii) where the liquor was kept on the premises before the commencement of the function to which the licence related—it had not been delivered on the premises unreasonably in advance of the commencement of the function.

Persons within unregistered club.

134. A person who is on the premises of an unregistered club (not being premises within a university or college that are premises to which an on-licence relates) entered by a member of the police force pursuant to a search warrant shall not, on being required by the member of the police force to state his name and address—

- (a) refuse or fail to state his name and address; or
- (b) wilfully give a false name or address.

Penalty: \$200.

Carrying of liquor for sale.

135. (1) A person shall not—

- (a) carry liquor about for the purpose of sale;
- (b) offer or expose liquor for sale at or upon any place other than a place at or upon which liquor may lawfully be sold; or
- (c) carry liquor, for the purpose of sale, to a place other than a place at or upon which liquor may lawfully be sold.

Penalty: \$500.

Liquor.

(2) Where liquor is carried, offered or exposed by a person in contravention of subsection (1) and is so carried, offered or exposed on behalf of another person, that other person shall be deemed to have contravened that subsection.

(3) It is a defence to a prosecution for a contravention of subsection (1) or (2) if it is proved that the liquor was carried, offered or exposed, as the case may be, for the purpose of a sale that may lawfully be made.

(4) In a prosecution for a contravention of subsection (1), the burden of proving that liquor that has been carried about, or carried to any place, was not so carried for the purpose of sale is on the person charged.

Communication between licensed and unlicensed premises.

136. A person shall not, without the consent of the Board, make or use, or allow to be made or used, an internal communication between—

- (a) premises that are not licensed premises or the defined premises of a registered club; and
- (b) premises that are licensed premises or the defined premises of a registered club.

Penalty: \$500.

Removal of bottles, etc., from tables.

137. The holder of an on-licence relating to a restaurant or premises within a university or college shall, before the expiration on any day of the period of 1 hour that next succeeds the commencement on that day of any period when liquor may not be sold pursuant to the licence, remove, or cause to be removed, from that part of the licensed premises in which liquor so sold may be consumed, all bottles and other containers in which liquor has been sold or supplied for consumption on that part of the premises and all drinking vessels used in the consumption of that liquor.

Penalty: \$500.

Liquor.

List of charges in restaurant.

138. The holder of an on-licence relating to a restaurant—

- (a) shall cause a printed list of the charges made for meals and liquor supplied in the restaurant to be exhibited—
 - (i) in any reception area in the licensed premises; and
 - (ii) at each table provided in the licensed premises for the use of customers; or
- (b) shall cause such a printed list—
 - (i) to be exhibited as prescribed by the regulations; and
 - (ii) to be available in the restaurant on request.

Penalty: \$500.

False or misleading statements.

139. (1) A person shall not, for the purposes of this Act, make an affidavit or statutory declaration—

- (a) that contains matter that is false in a material particular or materially misleading in the form and context in which it appears; or
- (b) from which material matter is omitted.

Penalty: \$2,000 or imprisonment for 12 months or both.

(2) It is a defence to a prosecution for an offence under subsection (1) if it is proved that, when the affidavit or statutory declaration was made, the defendant—

- (a) believed on reasonable grounds that the false matter was true;
- (b) believed on reasonable grounds that the misleading matter was not misleading; or
- (c) in the case of an omission, did not know that the omitted matter was material.

Liquor.

DIVISION 2.—*Evidence.***Averments.**

140. (1) In any proceedings under this Act, an allegation in an application, objection, information or complaint—

- (a) that a liquid is liquor;
- (b) that a specified person is the holder of a licence or a specified kind of licence;
- (c) that a specified person is not the holder of a licence or a specified kind of licence;
- (d) that a specified licence has been suspended;
- (e) that a specified person is the Principal Registrar;
- (f) that a specified person is the licensing inspector or a special inspector;
- (g) that a race-meeting or meeting for coursing specified in the information or complaint was held at a place and on a date so specified;
- (h) that a horse or dog specified in the information or complaint took part in a race, contest or course so specified; or
- (i) that a race, contest or course specified in the information or complaint started at a time so specified,

is evidence of the truth of the allegation.

(2) In any proceedings under this Act, an allegation in an information that, at a specified time after the commencement of this Act, a person was under the age of 18 years is evidence of the truth of the allegation unless, as prescribed, the defendant denies the allegation.

Evidence of certain matters.

141. (1) In any proceedings under this Act—

- (a) evidence of delivery or supply of liquor is evidence of a sale of the liquor; and

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(b) evidence of a sale of liquor on a vessel or an aircraft is evidence of a sale by the master of the vessel or the captain of the aircraft.

(2) In any proceedings under this Act, evidence as to the suitability of premises to be licensed premises may be given by means of a certificate of the Board.

(3) Where applications are heard together, the evidence relating to one of them is evidence relating to the other or others.

Licensee taking liquor off premises outside hours.

142. In any proceedings for a contravention of section 119 (1), liquor shall be deemed to have been sold or consumed on the licensed premises to which the proceedings relate notwithstanding that it is proved that the licensee took or carried, or employed or suffered another person to take or carry, the liquor out of the licensed premises for the purpose of being sold or consumed at a place in the occupation of the licensee or in a public street or other public place.

DIVISION 3.—General.**General penalty.**

143. The penalty for a contravention of a provision of this Act is \$1,000 unless some other penalty or punishment is provided for the contravention.

Licensee liable for act of employee, etc.

144. Where, in contravention of this Act, an agent or employee of the holder of a licence, or a person acting, or purporting to act, on behalf of the holder of a licence, sells or supplies liquor on the premises to which the licence relates, the licensee is guilty of an offence and liable to the punishment prescribed for the contravention.

Liquor.

Proceedings for offence.

145. (1) Proceedings under this Act whereby a person—

- (a) may be imprisoned; or
- (b) may be punished by the exaction of a penalty for the non-payment of which he is liable to be imprisoned,

may be disposed of summarily by the Licensing Court or by a court of petty sessions constituted by a stipendiary magistrate sitting alone.

(2) Proceedings referred to in subsection (1) may be instituted by an information laid within the period of 12 months that next succeeds the act or omission giving rise to the proceedings.

(3) Where the provisions of the Justices Act, 1902, require any jurisdiction conferred by that Act to be exercised only by a stipendiary magistrate, that jurisdiction may, for the purposes of subsection (1), be exercised by a licensing magistrate.

PART IX.**APPEALS.****Appeal to Supreme Court on question of law.**

146. (1) A person aggrieved by an adjudication of the Licensing Court may appeal therefrom to the Supreme Court of New South Wales on a question of law.

(2) On the determination of an appeal under subsection (1), the Supreme Court shall—

- (a) remit the matter to the Licensing Court for determination in accordance with the decision of the Supreme Court; or
- (b) make such other order in relation to the appeal as it thinks fit.

(3) An appeal under subsection (1) shall be made in accordance with rules of court of the Supreme Court.

Liquor.

Appeal to District Court from conviction.

147. Division 4 of Part V of the Justices Act, 1902, applies to **and in** respect of an adjudication of the Licensing Court exercising **jurisdiction** under section 145 in the same way as it applies to and in respect of a conviction or order of a justice or justices.

Appeal to Licensing Court.

148. (1) Except where an appeal lies by reason of section 146 or 147, a person aggrieved by an adjudication of the court constituted by **less than** 3 magistrates may appeal therefrom, as prescribed, to the court constituted as provided by section 10.

(2) An appeal under subsection (1) is an appeal by **way** of rehearing and the decision on such an appeal is, subject to section 146, final and conclusive and not subject to appeal.

(3) Where the court cancels or suspends a licence by reason of the condition of the licensed premises, the lodging of an appeal against the decision to suspend or cancel the licence does not operate as a **stay** of proceedings except to the extent that the court otherwise directs.

Appeal against suspension or cancellation of licence.

149. Subject to section 148 (3), where an appeal is lodged **against** suspension or cancellation of a licence, the suspension or cancellation **does** not take effect—

- (a) before the appeal is disposed of; or
- (b) if the appeal is upheld.

Liquor.

PART X.

MISCELLANEOUS.

Courses of instruction.

150. The regulations may provide that, unless the court otherwise determines in relation to a particular applicant or class of applicants, an application for, or for the transfer of, a licence of a specified kind shall not be granted unless the applicant has attended a course of instruction prescribed by the regulations in relation to that kind of licence.

Search warrants.

151. (1) Upon complaint on oath before a justice that there is reasonable ground to believe—

- (a) that liquor has been sold or is held for sale, on premises specified in the complaint (not being premises on which a person is authorised by this Act to sell liquor or premises that are the defined premises of a registered club); or
- (b) that liquor other than Australian wine has been sold, or is held for sale, at premises specified in the complaint (being premises to which an off-licence for a vigneron relates),

the justice may by warrant authorise and require any member of the police force to enter and search the premises.

(2) The provisions of section 354 of the Crimes Act, 1900 (subsection (1) of that section excepted) apply to and in respect of a warrant issued under this section and its execution in the same way as they apply to and in respect of a warrant issued under that section and its execution.

Liquor.

(3) A member of the police force who enters any premises pursuant to a search warrant granted under subsection (1) may search the premises and—

- (a) where the premises are premises referred to in subsection (1) (a)—may seize any liquor that he finds on those premises and the vessels in which it is contained;
- (b) where the premises are premises referred to in subsection (1) (b)—may seize any liquor other than Australian wine that he finds on the premises and the vessels in which it is contained;
- (c) may seize any books of account and documents that may reasonably be suspected to relate to—
 - (i) the sale or supply of liquor; or
 - (ii) the business of an unregistered club; and
- (d) if the premises are the premises of an unregistered club—may require any person on the premises to state his name and address.

(4) Where any liquor is seized under subsection (3), a licensing or stipendiary magistrate shall, on the application of a member of the police force or of his own motion, issue his summons calling upon the owner of the liquor or the occupier of the premises whereon it was seized to appear before the court and show how and for what purpose he came into possession of the liquor.

(5) Where a person summoned under subsection (4) appears in response to the summons, or if he fails so to appear, the court shall inquire into the matter and shall—

- (a) if satisfied that the liquor was on the premises on which it was seized for the purpose of being illegally sold—order the forfeiture to the use of the Crown of the liquor and the vessels in which it is contained; or
- (b) if not so satisfied—order the return to the person summoned of the liquor and the vessels in which it is contained.

Liquor.

Forfeiture of liquor, etc.

152. (1) Where, in proceedings for an offence under section 121 (1) (b), the holder of an off-licence is proved to have sold liquor that he is not authorised by his licence to sell, there shall be forfeited to the use of the Crown all liquor (other than liquor he is authorised by his licence to sell) found, at the time of the commission of the offence, in his possession or apparently under his control together with the vessels in which the liquor is contained.

(2) Where, in proceedings for an offence under section 122 (1), a person is proved to have committed the offence, there shall be forfeited to the use of the Crown all liquor found, at the time of the commission of the offence, in his possession or apparently under his control, or in the place where the offence was committed, together with the vessels in which the liquor is contained.

(3) Where, in proceedings for an offence under section 136, a person is proved to have committed the offence, there shall be forfeited to the use of the Crown—

- (a) all liquor that, in contravention of that section, was being, by the offender, carried about for sale, offered or exposed for sale or carried to any place for the purpose of sale together with the vessels in which the liquor is contained; and
- (b) any vehicle, boat or other conveyance in which the liquor was so carried, offered or exposed.

(4) A member of the police force may seize and carry away anything that he reasonably suspects may be liable to forfeiture under this section.

Redemption of mortgaged premises.

153. Where premises to which a hotelier's licence, or an off-licence to sell liquor by retail, relates are subject to a mortgage, section 93 of the Conveyancing Act, 1919, shall, for the purposes of its application to the mortgaged property, be deemed to have been amended—

- (a) by omitting therefrom the words “, in addition to any other” and by inserting instead the word “the”; and

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- (b) by omitting therefrom the word “, interest” and by inserting instead the words “but he shall not be required to pay interest”.

Liability of lessor for proportion of licence fee.

154. (1) This section has effect notwithstanding any agreement to the contrary, whether entered into before or after the commencement of this Act.

(2) Where the holder of a hotelier's licence is not the owner of the premises to which the licence relates, he may—

- (a) deduct from any rent payable by him in respect of the licensed premises an amount equal to two-fifths of each licence fee payable by him; or
- (b) recover that amount from his lessor as a debt.

(3) Where, pursuant to subsection (2) or this subsection, an amount referred to in subsection (2) is deducted from rent payable in respect of licensed premises or otherwise recovered from a lessor of the premises, that lessor may, if he is himself a lessee of the premises, deduct the same amount from rent payable to his lessor or recover the amount from his lessor as a debt.

Notices.

155. (1) Except to the extent to which this Act otherwise provides, a notice under this Act shall be in writing and may be served by post.

(2) The court may, at the hearing or adjourned hearing of a matter in relation to which a notice was served by post may, notwithstanding that service, order the service of the notice in the manner provided by section 63 (1) of the Justices Act, 1902, in relation to service of a summons (a reference in that section to “place of abode” being construed as including licensed premises, or proposed licensed premises, to which the notice relates) and may adjourn or further adjourn the hearing of the matter to enable the notice to be served in accordance with the order.

Liquor.

Regulations.

156. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) the assessment, payment and collection of licence and other fees payable under this Act and the period in respect of which the information required by section 84 is to be furnished;
- (b) the practice and procedure of the court including the practice and procedure relating to the hearing of applications separately or together;
- (c) the summoning of witnesses and the scale of expenses allowable to witnesses;
- (d) matters of procedure in relation to objections;
- (e) forms for use for the purposes of this Act;
- (f) scales of court fees;
- (g) the placing of notices on licensed premises and the content of those notices;
- (h) the endorsement of licences and their production for endorsement or for any other purpose;
- (i) entertainment areas, including applications for an authorisation under section 89 (2) and the consideration, and granting, by the Board of those applications;
- (j) reception areas and matters connected therewith; and
- (k) on-licences to sell liquor at a function and matters connected therewith.

(2) A regulation may impose a penalty not exceeding \$500 for a contravention thereof.

(3) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;

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- (b) apply differently according to different factors of a specified kind;
or
 - (c) authorise any matter or thing to be from time to time determined,
applied or regulated by any specified person or body,
- or may do any combination of those things.
-