

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 April, 1963.*

New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

Act No. 17, 1963.

An Act to make further provision for the regulation of the sale of liquor; to provide for the increase of certain license and other fees payable under the Liquor Act, 1912, as amended by subsequent Acts; to amend the said Act, as so amended, in certain respects; and for purposes connected therewith. [Assented to, 8th April, 1963.]

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 :—

1. This Act may be cited as the "Liquor (Amendment) Act, 1963".
2. Short title.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

Liquor (Amendment).

Amendment
of Act No.
42, 1912.—

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

Sec. 1.
(Short title
and
division.)

- (a) by omitting from the matter relating to Part IIIA in section one the words "WINE AND MALTED LIQUORS IN RESTAURANTS" and by inserting in lieu thereof the words "LIQUOR IN RESTAURANTS";

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

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

(6) Notwithstanding paragraph (a) of subsection seven of section five of this Act the licensing court may adjourn to any building whether or not such building has been appointed pursuant to the said paragraph.

Sec. 13.
(Exemptions from
this Part.)

- (c) (i) by inserting next after paragraph (4) of section thirteen the following new paragraph :—

(4A) liquor at a trade fair under a permit granted by the licensing court. Such permit may be issued subject to such terms and conditions, including conditions prescribing the classes of liquor that may be sold or offered for sale and requiring any liquor so sold or offered for sale to be in sealed containers of a size specified in such permit, as the licensing court may impose. Any such permit may be revoked by the licensing court at any time if it thinks fit so to do—

- (ii) by omitting paragraph (10) of the same section and by inserting in lieu thereof the following paragraph :—

(10) the sale by or on behalf of the Commissioner for Railways on such trains as the Commissioner for Railways may determine of liquor for consumption on such trains by passengers.

(d)

Liquor (Amendment).

- (d) by omitting from section fourteen the words "or stand" wherever occurring; Sec. 14.
(Description
of liquor
licenses.)
- (e) (i) by omitting from section twenty the words "or stand" wherever occurring; Sec. 20.
(Booth or
stand
licenses.)
 - (ii) by inserting in subsection one of the same section after the words "in the license" the words "or, in lieu of any such day, on any day to which the function or event in respect of which the license is granted is postponed";
- (f) (i) by omitting from paragraph (a) of subsection one of section twenty-one the words "(not exceeding five hundred pounds)"; Sec. 21.
(Fees
payable for
licenses
under this
Part.)
 - (ii) by omitting from paragraph (b) of the same subsection the word "five" and by inserting in lieu thereof the word "six";
 - (iii) by omitting from the same subsection the words "or stand" wherever occurring;
 - (iv) by omitting from paragraph (d) of the same subsection the word "two" and by inserting in lieu thereof the word "four";
 - (v) by omitting from paragraph (g) of the same subsection the word "two" and by inserting in lieu thereof the word "four";
 - (vi) by omitting from paragraph (i) of the same subsection the word "two" and by inserting in lieu thereof the word "four";
- (g) by omitting from paragraph (a) of subsection one of section twenty-two the words "or stand"; Sec. 22.
(Particulars
to be
furnished by
licensees.)
- (h) by inserting at the end of subsection one of section twenty-three the following new paragraph:— Sec. 23.
(Board to
fix fee.)

In the assessment or reassessment of any such amount fractions of a shilling shall be disregarded.

 - (i)

Liquor (Amendment).

- (i) by inserting next after section twenty-six the following new section :—

Reduction of
accommoda-
tion pre-
scribed in
sections
25 and 26.

26A. An application may be made to the licensing court in respect of—

- (a) a house situated outside the Metropolitan, Newcastle and Wollongong Licensing Districts for a reduction in the public accommodation prescribed by section twenty-five of this Act in respect of such house; or
- (b) a house situated as referred to in section twenty-six of this Act for a reduction in the public accommodation prescribed by that section in respect of such house.

Where the licensing court is satisfied that the demand for such accommodation does not exist or is so small as not to justify the provision thereof it may authorise the reduction of such public accommodation in respect of any such house to not less than one good and substantial sleeping-room and the reduced public accommodation so authorised shall be the public accommodation prescribed by section twenty-five or section twenty-six, as the case may be, in respect of such house.

Sec. 27.
(Condi-
tional
license may
be granted.)

- (j) (i) by inserting in subsection one of section twenty-seven after the words "a license shall on the request of the applicant" the words "or of such other person as the court may see fit";
- (ii) by inserting in the same subsection after the words "the character of the applicant" the words "or of such other person, as the case may be,";

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

- (k) by omitting from section twenty-eight the words "or stand";

Sec. 29.
(Objections
to liquor
licenses.)

- (l) (i) by omitting from section twenty-nine the words "license under this Part" and by inserting in lieu thereof the words "application under this Part";
- (ii)

Liquor (Amendment).

- (ii) by omitting from the same section the word "license" where secondly, thirdly and sixthly occurring and by inserting in lieu thereof the word "application";
 - (iii) by omitting from the same section the words "a license" where seventhly occurring and by inserting in lieu thereof the words "the application";
 - (iv) by omitting from the same section the words "And the objections which may be taken to the renewal, transfer, or removal of any such license may, subject to the provisions of the next succeeding section, be any of the grounds of objection hereinbefore specified which the said court or magistrate may consider applicable, and the persons by whom any objections may be taken to the renewal, transfer or removal of any such license may be any of the persons referred to in paragraphs (i), (ii), (iii) and (iv) of this section.";
 - (v) by omitting from the same section the words "whether for the grant, renewal, removal, or transfer of a license";
 - (m) (i) by inserting in subsection one of section thirty after the words "provided for in" the words "or as reduced in accordance with";
 - (ii) by omitting subsections two and three of the same section;
 - (n) by inserting at the end of section thirty-three the following new subsection : —
 - (2) The sum ordered to be paid by the court under subsection one of this section shall be recoverable as a debt in any court of competent jurisdiction.
 - (o) by omitting from subsection one of section thirty-five the words "or stand";
- (p)

Sec. 30.
(Qualifica-
tion of
section
twenty-
nine.)

Sec. 33.
(Costs.)

Sec. 35.
(Renewal of
license on
production
thereof and
payment of
annual fee.)

Liquor (Amendment).

Sec. 36.
(Notice of
application
for renewal
to be given
to
inspector.)

(p) by inserting at the end of section thirty-six the following new subsection :—

(2) Where application for the renewal of a license has been made by a licensee who has complied with the requirements of subsection one of this section and the application has not been heard and determined by the court before the date of expiry of the license the license shall be deemed to continue in force until such application has been determined.

Sec. 37.
(Transfer of
licenses.)

(q) (i) by omitting from subsection one of section thirty-seven the words "or stand";

(ii) by inserting next after the proviso to the same subsection the words :—

Provided further that an intended transferor who has held the same premises as referred to in the preceding proviso may make application to the licensing court for its approval to the transfer of the license and if the licensing court is satisfied that the grounds upon which such application is based are well founded the licensing court shall not be entitled to refuse an application for transfer for the reason that he has not held the license for the period of twelve months.

(iii) by omitting from subsection four of the same section the words "or stand";

Sec. 38.
(Transfer of
license in
certain
cases.)

(r) by inserting in paragraph (b) of subsection two of section thirty-eight after the words "seven days" the words ", or such further period as the licensing court may allow,";

Sec. 39.
(Removal
of licenses.)

(s) by inserting at the end of subsection two of section thirty-nine the words "and to the council of the city, municipality, or shire within which the premises to which it is desired to remove the license are situated";

(t)

Liquor (Amendment).

- (t) by omitting subsection two of section 39A and by inserting in lieu thereof the following subsection : — Sec. 39A.
(Conditional applications for removal of licenses.)
- (2) The provisions of subsections two, (2A) and four of section thirty-nine of this Act shall apply to any application under this section, other than an application for the removal of a spirit merchant's license and the provisions of subsections (4A), (4B) and seven of section thirty-nine of this Act shall apply to any application under this section.
- (u) (i) by omitting from paragraph (a) of subsection one of section 40A the words "Upon proof that public convenience requires" and by inserting in lieu thereof the words "On being satisfied of the necessity for"; Sec. 40A.
(Renovation, etc., of premises.)
- (ii) by omitting from paragraph (d) of subsection two of the same section the words "within the prescribed period";
- (v) (i) by omitting from subsection one of section 40B the words "Upon proof that public convenience requires" and by inserting in lieu thereof the words "On being satisfied of the necessity for"; Sec. 40B.
(Additional equipment.)
- (ii) by omitting from subsection (1A) of the same section the words "Upon proof that public convenience requires" and by inserting in lieu thereof the words "On being satisfied of the necessity for".
3. (1) The Liquor Act, 1912, as amended by subsequent Acts, is further amended— Further amendment of Act No. 42, 1912.
- (a) (i) by inserting in subsection (1A) of section forty-three after the word "premises" where firstly occurring the words "on or"; Sec. 43.
(Sale of liquor without license or in breach of license.)
- (ii) by inserting in paragraph (b) of the same subsection after the word "liquor" the words "on or";

(b)

Liquor (Amendment).

- Sec. 46.
(Permitting
drunkenness
or riotous
conduct on
premises.)
- (b) by omitting from section forty-six the words "for the first offence to a penalty not exceeding five pounds and for the second or any subsequent offence to a penalty not exceeding thirty pounds" and by inserting in lieu thereof the words "to a penalty not exceeding fifty pounds";
- Sec. 47.
(Dancing not
to be
permitted.)
- (c) by inserting in paragraph (c) of subsection two of section forty-seven after the words "such permit" the words "any conditions including conditions specifying";
- Sec. 51.
(Person
under
eighteen
not allowed
in bar.)
- (d) by omitting from section fifty-one the word "two" and by inserting in lieu thereof the word "fifty";
- Sec. 57.
(Times when
premises may
not be open
for sale of
liquor.)
- (e) (i) by omitting from paragraph (b) of subsection one of section fifty-seven the words "or upon the morning of the day, not being a Sunday, upon which Anzac Day is observed in each year";
- (ii) by inserting next after the same paragraph the following new paragraph :—
- (c) upon any day, not being a Sunday, upon which Anzac Day is observed, except between the hours of twelve noon and ten o'clock in the evening;
- (iii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (d) upon any day, other than a day specified in paragraph (a), (b) or (c) of this subsection, except between the hours of ten o'clock in the morning and ten o'clock in the evening.
- (iv) by omitting from paragraph (b) of subsection (1A) of the same section the word "eleven" and by inserting in lieu thereof the word "twelve";
- (v) by omitting paragraph (c) of the same subsection ;
- (vi)

Liquor (Amendment).

- (vi) by omitting from paragraph (b) of subsection (1B) of the same section the words "or upon the morning of the day, not being a Sunday, upon which Anzac Day is observed in each year";
- (vii) by inserting next after the same paragraph the following new paragraph :—
 - (b1) upon any day, not being a Sunday, upon which Anzac Day is observed, except between the hours of twelve noon and six o'clock in the evening;
- (viii) by omitting from paragraph (c) of the same subsection the words "other day" and by inserting in lieu thereof the words "day, other than a day specified in paragraph (a), (b) or (b1) of this subsection,";
- (f) (i) by inserting in subsection two of section 57A ^{Sec. 57A.} after the words "member of a club" the words ^(Supply of liquor with bona fide meals or suppers in licensed or club premises.) "and his guests";
- (ii) by omitting from the same subsection the words "two-thirty o'clock in the afternoon" and by inserting in lieu thereof the words "three o'clock in the afternoon and between the hours of six o'clock in the evening and nine o'clock in the evening";
- (iii) by omitting from the same subsection the words "and between the hours of six-thirty o'clock in the evening and seven-thirty o'clock in the evening,";
- (iv) by omitting from the same subsection the words "and the day, not being a Sunday, upon which Anzac Day is observed";
- (v) by inserting at the end of the same subsection the following proviso :—

Provided further that the licensing court shall not in granting any such permit—

 - (a) authorise liquor to be sold, disposed of, supplied or consumed in any room or part

Liquor (Amendment).

part of the licensed premises or club premises other than the dining room, or

- (b) extend the permit to any hour between three o'clock in the afternoon and six o'clock in the evening or later than nine o'clock in the evening,

on any day specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act.

- (vi) by omitting from subsection three of the same section the words "two-thirty o'clock in the afternoon" and by inserting in lieu thereof the words "three o'clock in the afternoon and between the hours of six o'clock in the evening and nine o'clock in the evening";

- (vii) by omitting from the same subsection the words "(the day, not being a Sunday, upon which Anzac Day is observed, excepted), or between the hours of six-thirty o'clock in the evening and seven-thirty o'clock in the evening";

- (viii) by omitting from the same subsection the words "and the day, not being a Sunday, upon which Anzac Day is observed";

Sec. 64.
(Bars.)

- (g) by omitting from subsection one of section sixty-four the words "or place on such premises wherein or from" and by inserting in lieu thereof the words ", or place at,";

Sec. 64A.
(Closing of
bars, etc.)

- (h) (i) by inserting in subsection two of section 64A after the word "sold" the words "or supplied";
(ii) by inserting in the same subsection after the word "public" the words "or members of the club and their guests, as the case may require";

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

- (i) (i) by inserting in subsection one of section sixty-seven after the word "five," the words "or seven,";

(ii)

Liquor (Amendment).

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

(1A) No holder of a publican's license shall supply to any person for consumption on the premises of such holder any malted liquor unless the same is contained in a glass or other container which has been clearly marked in the prescribed manner to indicate the measure of the capacity thereof.

For the purpose of this subsection the prescribed manner of marking glasses or other containers shall be :—

- (a) where the glass or other container is manufactured in Australia, in a manner approved in writing by the Superintendent of Weights and Measures appointed under the Weights and Measures Act, 1915, as amended by subsequent Acts; and
 - (b) where the glass or other container is not so manufactured, in a manner approved by said Superintendent of Weights and Measures and under the supervision of an inspector of weights and measures appointed under the Weights and Measures Act, 1915, as amended by subsequent Acts and in accordance with such requirements as may be prescribed by regulations made under this Act.
- (iii) by inserting at the end of paragraph (a) of subsection four of the same section the following new paragraph :—
- (iii) for the exclusion from subsection one of this section of any number therein prescribed or for the inclusion therein of any other number.

(j)

Liquor (Amendment).

Sec. 70.
(Forfeiture
of license
in certain
cases.)

- (j) by inserting in section seventy after the words "one hundred pounds" the words "and in addition the licensing court may suspend the license of such licensee or holder for such period as it thinks fit or may cancel such license";

Sec. 77.
(Paying
wages in
public-
houses
prohibited.)

- (k) by omitting section seventy-seven.

(2) The amendment made by subparagraph (ii) of paragraph (i) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Further
amendment
of Act No.
42, 1912.

4. (1) The Liquor Act, 1912, as amended by subsequent Acts, is further amended—

Part IIIA.
(Heading.)

- (a) by omitting from the heading to Part IIIA the words "WINE AND MALTED LIQUORS IN RESTAURANTS" and by inserting in lieu thereof the words "LIQUOR IN RESTAURANTS";

Sec. 78C.
(Interpre-
tation.)

- (b) by omitting from section 78C the definition of "Light wines";

Sec. 78D.
(Court may
grant
permit.)

- (c) by omitting from section 78D the words "light wines and malted liquors" and by inserting in lieu thereof the word "liquor";

Sec. 78E.
(Applica-
tion.)

- (d) by inserting at the end of section 78E the following new subsection : —

(3) (a) The notice required by paragraph (a) of subsection two of this section shall be accompanied by a statement verified by statutory declaration setting out the names of all persons directly or indirectly interested in the application or in the business or the profits of the business to be carried on under the permit applied for.

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

(c)

Liquor (Amendment).

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

- (i) the applicant shall have the full free and unfettered control of the conduct of the business to be carried on under the permit applied for; and
- (ii) no payment or part payment shall be made to the applicant by way of commission or allowance from or upon the receipts of the business to be carried on under the permit applied for for liquor sold or supplied.

(e) by omitting paragraphs (b) and (c) of subsection Sec. 78F. two of section 78F and by inserting in lieu thereof (Objections.) the following paragraph :—

(b) by omitting all words commencing with the words “Where objection is taken” down to and including the words “or rebuilding of the premises”.

(f) (i) by omitting from subsection two of section Sec. 78H. 78H the word “five” and by inserting in lieu (Fees.) thereof the word “six”;

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

In the fixation or re-assessment of any such amount fractions of a shilling shall be disregarded.

(g) by omitting section 78K and by inserting in lieu Subst. sec. 78K. thereof the following section :—

78K. (1) A permit shall have the effect of Effect of permit. authorising the holder to sell and supply liquor in accordance with the provisions of this section.

(2) The liquor shall be sold and supplied in the restaurant specified in the permit for bona-fide consumption by persons partaking of a meal and not otherwise. For

Liquor (Amendment).

For the purposes of this subsection a meal shall mean a bona-fide meal, not in sandwich form, at which the persons partaking thereof are seated at a table.

(3) Liquor supplied in a restaurant pursuant to a permit, shall be served in a sealed bottle or other container at the table at which the purchaser is seated, and shall be opened at that table in his presence. And every bottle or other container so served shall bear a label showing thereon the name and address of the person responsible for the filling thereof, together with such further particulars as may be prescribed :

Provided that spirituous liquor and fortified wines may only be sold and supplied in bottles or other containers not exceeding six and one-half ounces capacity to a purchaser at the one time.

(4) Liquor shall not be sold or supplied in a restaurant pursuant to a permit except between the hours of twelve noon and three o'clock in the afternoon and between the hours of six o'clock in the evening and nine o'clock in the evening on any of the days specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act, and between the hours of twelve noon and three o'clock in the afternoon and between the hours of six o'clock in the evening and twelve o'clock midnight on any other day.

(5) In every case in which any of the provisions of this section are contravened the holder of the permit for the restaurant concerned shall be liable to a penalty not exceeding one hundred pounds.

Sec. 78L.
(Removal of
bottles from
tables.)

- (h) (i) by omitting from subsection one of section 78L wherever occurring the words "in which light wine or malted liquor" and by inserting in lieu thereof the words "and other containers in which liquor"; (ii)

Liquor (Amendment).

- (ii) by omitting from paragraph (a) of the same subsection the words "two-thirty" and "three" and by inserting in lieu thereof the words "three" and "three-thirty" respectively;
- (iii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph :—
 - (b) Where the liquor is served after the hour of six o'clock in the evening—
 - (i) on any of the days referred to in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act, the removal shall be completed before nine-thirty o'clock in the evening of the same day; and
 - (ii) on any other day, the removal shall be completed before twelve-thirty o'clock in the morning of the following day.
- (i) by omitting section 78M; Sec. 78M.
(Prohibited days.)
- (j) by omitting section 78P; Sec. 78P.
(Return of permit.)
- (k) by omitting from section 78Q the words "light wines and malted liquors" wherever occurring and by inserting in lieu thereof the word "liquor"; Sec. 78Q.
(Maximum charges may be prescribed.)
- (l) by omitting from section 78R the words "light wine or malted liquor" and by inserting in lieu thereof the word "liquor". Sec. 78R.
(Obtaining liquor by false representation.)
- (2) Any permit granted under Part IIIA of the Liquor Act, 1912, as amended by subsequent Acts, before the commencement of this Act, shall be deemed to be a permit granted under that Part as amended by this Act.

Liquor (Amendment).

Further
amendment
of Act No.
42, 1912.

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

Sec. 123.
(Cancella-
tion of
licenses.)

Sec. 132A.
(Effect of
certificate.)

Sec. 133.
(Applica-
tion of
certain
sections to
registered
clubs.)

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

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

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

(1c) The person who for the time being holds the office of superintendent of licenses shall have and may exercise and discharge all or any of the powers authorities duties and functions conferred or imposed on a district inspector.

- (b) by omitting from paragraph (c) of section one hundred and twenty-three the words “for such period as it thinks fit”;

- (c) (i) by omitting from section 132A the words “either before or after the commencement of Part IV of the Liquor (Amendment) Act, 1946,”;

(ii) by inserting in the same section after the word “sell” the word “, supply”;

- (d) by inserting in section one hundred and thirty-three after the word “sixty-six,” the word “sixty-seven,”;

- (e) (i) by omitting from paragraph (c) of section one hundred and thirty-four the words “upon premises of which such association or company are the bona-fide occupiers”;

(ii) by inserting in the same section next after the same paragraph the following new para-
graph :—

(c1) The club must be established with premises erected or in course of erection, or where it has no premises or has premises not the subject of the application, with land upon which it is proposed to erect premises and of which such association or company are the bona-fide occupiers. (iii)

Liquor (Amendment).

- (iii) by inserting in paragraph (d) of the same section after the words "under its rules" the words "or otherwise";
- (iv) by inserting in paragraph (i) of the same section after the word "registered" where firstly occurring the words "or has applied for registration";
- (v) by inserting in subparagraph (ii) of the same paragraph after the word "securities" the words "or loans";
- (f) by omitting from subsection two of section one hundred and thirty-six the words "Such application" and by inserting in lieu thereof the words "Such notice"; Sec. 136.
(Notice of application for registration.)
- (g) by omitting from subsection five of section 136A the words "and upon application being made by the secretary"; Sec. 136A.
(Conditional registration may be granted.)
- (h) (i) by inserting in subsection two of section one hundred and thirty-seven after the word "club" where firstly occurring the words "together with such further particulars as may be prescribed by regulation"; Sec. 137.
(Notice of application for renewal.)
- (ii) by inserting at the end of the same section the following new subsection : —
 - (4) Where application has been made in accordance with subsection one of this section to which an objection has been taken, and the application has not been heard and determined by the court before the date of expiry of the current certificate of registration, the certificate of registration shall be deemed to continue in force until such application has been determined.

(i)

Liquor (Amendment).

Sec. 138.
(Application
to be
furnished
to inspector.)

- (i) by inserting in subsection two of section one hundred and thirty-eight after the word "members" the words "and such other books and records as he deems necessary";

Sec. 139.
(Application
—how dealt
with.)

- (j) by inserting next after subsection one of section one hundred and thirty-nine the following new subsection : —

(1A) The licensing court may grant an application notwithstanding that the strict requirements of subsection one of this section have not been complied with if it is satisfied that the grounds of any objection or the relevant matters are of a trivial nature or such as not to warrant the refusal of a grant of such application.

The relevant date for determining whether or not an objection should be sustained shall be the date of the sitting of the licensing court named in the notice of the application.

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

- (k) by omitting paragraph (e) of subsection one of section one hundred and forty and by inserting in lieu thereof the following paragraph : —

(e) That liquor has been illegally sold supplied or disposed of on or from the club premises during the period of two years preceding the date of application.

Sec. 145.
(Removals
of club
premises.)

- (l) by omitting from subsection two of section one hundred and forty-five the words "and upon application being made by the secretary";

Sec. 148.
(Summons
to show
cause
against
cancellation.)

- (m) (i) by omitting paragraph (b) of subsection three of section one hundred and forty-eight and by inserting in lieu thereof the following paragraph : —

(b) suspend the certificate for such period as the licensing court deems fit; or;
(ii)

Liquor (Amendment).

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

In default of payment of any costs awarded against a club within the time allowed by the court the certificate of registration thereof shall be suspended until such costs are paid.

- (n) (i) by omitting from paragraph (a) of subsection **Sec. 150A.** one of section 150A the words “(not exceeding (Fees.) five hundred pounds)”;

- (ii) by omitting from paragraph (b) of the same subsection the word “five” and by inserting in lieu thereof the word “six”;

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

In the fixation or re-assessment of any such amount fractions of a shilling shall be disregarded.

- (o) by omitting from paragraph (i) of subsection one **Sec. 153.** of section one hundred and fifty-three the words **(Regula-** “to the granting, renewal, or removal of licenses **tions.)** under Part III” and by inserting in lieu thereof the words “to applications that may be made under this Act”;

- (p) (i) by inserting in section one hundred and fifty- **Sec. 156.** six after the word “Act” where firstly **(Exclusion** occurring the words “or any person authorised **of inebriates** by him in that behalf”; **and others** from **licensed** premises.)

- (ii) by inserting in the same section after the words “turn out” the words “or cause to be turned out”;

(q)

Liquor (Amendment).

Sec. 168.
(Historic
inns.)

- (q) by inserting at the end of section one hundred and sixty-eight the following new subsection : —

(3) (a) Upon the application of any owner of any premises which are or have been licensed premises under this Act or any prior Act regulating the sale of liquor the Governor may by order published in the Gazette declare such premises to be an historic inn if satisfied that the premises or any substantial part thereof are or is of national, special historic or architectural interest and should be preserved for the benefit of the public generally. Upon any such order being made and notwithstanding anything contained in this Act, the Governor may, subject to such conditions as he may impose—

- (i) sanction and authorise the issue by the licensing court of a license for the sale of liquor at an historic inn which is not already licensed under this Act;
- (ii) exempt any historic inn, the owner and the licensee thereof from such provisions of this Act as he may determine.

(b) Subject to any conditions imposed by the Governor and exemptions as aforesaid the provisions of this Act relating to publicans' licenses, the holders thereof, licensed premises and persons resorting thereto, shall in respect of any license issued in respect of an historic inn apply, mutatis mutandis, to and in respect of any such license, the holder thereof, the premises in respect of which such license is issued and persons resorting thereto.

(c) The Governor may, before declaring any premises to be an historic inn under this subsection, refer the matter to the licensing court for inquiry and report. Any preservation society shall be entitled to be heard and represented before the licensing court on any such reference.

(d)

Liquor (Amendment).

(d) In this subsection "preservation society" includes The National Trust of Australia (New South Wales), the Royal Australian Historical Society, the Royal Australian Institute of Architects, New South Wales Chapter, and any other body specified by the Minister in a notice published in the Gazette.

- (r) (i) by inserting at the end of subsection three of Sec. 170. section one hundred and seventy the following (Appeals.) new paragraphs : —

Where such appeal is not determined by the thirtieth day of June next following the cancellation of his license his license shall not be deemed to remain in force beyond that date unless he lodges with the clerk of the licensing court a sum equal to the amount last paid as a fee for the license of the premises.

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

- (ii) by omitting from paragraph (b) of subsection five of the same section the words "other than the licensing magistrate from whose adjudication such appeal is made" and by inserting in lieu thereof the words " , or any three of them, other than the licensing magistrate from whose adjudication such appeal is made, or constituted in accordance with the provisions of paragraph (a) of subsection twelve of section five of this Act".

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 8th April, 1963.*

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 2 April, 1963.*

New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1963.

An Act to make further provision for the regulation of the sale of liquor; to provide for the increase of certain license and other fees payable under the Liquor Act, 1912, as amended by subsequent Acts; to amend the said Act, as so amended, in certain respects; and for purposes connected therewith.

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 :—

1. This Act may be cited as the "Liquor (Amendment) Short title. Act, 1963".
- 2.

Liquor (Amendment).

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

- (a) by omitting from the matter relating to Part IIIA Sec. 1.
in section one the words "WINE AND MALTED (Short title
LIQUORS IN RESTAURANTS" and by inserting in lieu and
5 thereof the words "LIQUOR IN RESTAURANTS"; division.)
- (b) by inserting at the end of section twelve the follow- Sec. 12.
ing new subsection : — (Power to
adjourn—
10 (6) Notwithstanding paragraph (a) of subsec- majority
tion seven of section five of this Act the licensing to decide.)
court may adjourn to any building whether or not
such building has been appointed pursuant to the
said paragraph.
- (c) (i) by inserting next after paragraph (4) of Sec. 13.
15 section thirteen the following new para- (Exemp-
graph : — tions from
this Part.)
- (4A) liquor at a trade fair under a permit
granted by the licensing court. Such
20 permit may be issued subject to such
terms and conditions, including condi-
tions prescribing the classes of liquor
that may be sold or offered for sale
and requiring any liquor so sold or
25 offered for sale to be in sealed con-
tainers of a size specified in such
permit, as the licensing court may
impose. Any such permit may be
revoked by the licensing court at any
time if it thinks fit so to do—
- (ii) by omitting paragraph (10) of the same
30 section and by inserting in lieu thereof the
following paragraph : —
- (10) the sale by or on behalf of the Com-
missioner for Railways on such trains
35 as the Commissioner for Railways may
determine of liquor for consumption
on such trains by passengers.
- (d)

Liquor (Amendment).

- (i) by inserting next after section twenty-six the following new section :—

26A. An application may be made to the licensing court in respect of—

Reduction of accommodation prescribed in sections 25 and 26.

- 5 (a) a house situated outside the Metropolitan, Newcastle and Wollongong Licensing Districts for a reduction in the public accommodation prescribed by section twenty-five of this Act in respect of such house; or

- 10 (b) a house situated as referred to in section twenty-six of this Act for a reduction in the public accommodation prescribed by that section in respect of such house.

15 Where the licensing court is satisfied that the demand for such accommodation does not exist or is so small as not to justify the provision thereof it may authorise the reduction of such public accommodation in respect of any such house to not less than one good and substantial sleeping-room and the reduced public accommodation so authorised shall be the public accommodation prescribed by section twenty-five or section twenty-six, as the case may be, in respect of such house.

- 25 (j) (i) by inserting in subsection one of section twenty-seven after the words "a license shall on the request of the applicant" the words "or of such other person as the court may see fit";

Sec. 27. (Conditional license may be granted.)

- 30 (ii) by inserting in the same subsection after the words "the character of the applicant" the words "or of such other person, as the case may be,";

- (k) by omitting from section twenty-eight the words "or stand";

Sec. 28. (Applications for packet and booth or stand licenses.)

- 35 (l) (i) by omitting from section twenty-nine the words "license under this Part" and by inserting in lieu thereof the words "application under this Part";

Sec. 29. (Objections to liquor licenses.)

(ii)

Liquor (Amendment).

- (ii) by omitting from the same section the word
“license” where secondly, thirdly and sixthly
occurring and by inserting in lieu thereof the
word “application”;
- 5 (iii) by omitting from the same section the words
“a license” where seventhly occurring and by
inserting in lieu thereof the words “the
application”;
- 10 (iv) by omitting from the same section the words
“And the objections which may be taken to
the renewal, transfer, or removal of any such
license may, subject to the provisions of the
next succeeding section, be any of the grounds
15 of objection hereinbefore specified which the
said court or magistrate may consider applic-
able, and the persons by whom any objections
may be taken to the renewal, transfer or
removal of any such license may be any of
20 the persons referred to in paragraphs (i), (ii),
(iii) and (iv) of this section.”;
- (v) by omitting from the same section the words
“whether for the grant, renewal, removal, or
transfer of a license”;
- 25 (m) (i) by inserting in subsection one of section thirty Sec. 30.
after the words “provided for in” the words (Qualifica-
“or as reduced in accordance with”; tion of
section
twenty-
nine.)
- (ii) by omitting subsections two and three of the
same section;
- 30 (n) by inserting at the end of section thirty-three the Sec. 33.
following new subsection : — (Costs.)
- (2) The sum ordered to be paid by the court
under subsection one of this section shall be
recoverable as a debt in any court of competent
jurisdiction.
- 35 (o) by omitting from subsection one of section thirty- Sec. 35.
five the words “or stand”; (Renewal of
license on
production
thereof and
payment of
annual fee.)
- (p)

Liquor (Amendment).

- (p) by inserting at the end of section thirty-six the following new subsection :—
- (2) Where application for the renewal of a license has been made by a licensee who has complied with the requirements of subsection one of this section and the application has not been heard and determined by the court before the date of expiry of the license the license shall be deemed to continue in force until such application has been determined.
- (q) (i) by omitting from subsection one of section thirty-seven the words "or stand";
- (ii) by inserting next after the proviso to the same subsection the words :—
- Provided further that an intended transferor who has held the same premises as referred to in the preceding proviso may make application to the licensing court for its approval to the transfer of the license and if the licensing court is satisfied that the grounds upon which such application is based are well founded the licensing court shall not be entitled to refuse an application for transfer for the reason that he has not held the license for the period of twelve months.
- (iii) by omitting from subsection four of the same section the words "or stand";
- (r) by inserting in paragraph (b) of subsection two of section thirty-eight after the words "seven days" the words " , or such further period as the licensing court may allow,";
- (s) by inserting at the end of subsection two of section thirty-nine the words "and to the council of the city, municipality, or shire within which the premises to which it is desired to remove the license are situated";

Sec. 36.
(Notice of application for renewal to be given to inspector.)

Sec. 37.
(Transfer of licenses.)

Sec. 38.
(Transfer of license in certain cases.)

Sec. 39.
(Removal of licenses.)

(t)

Liquor (Amendment).

- (t) by omitting subsection two of section 39A and by inserting in lieu thereof the following subsection : —
- (2) The provisions of subsections two, (2A) and four of section thirty-nine of this Act shall apply to any application under this section, other than an application for the removal of a spirit merchant's license and the provisions of subsections (4A), (4B) and seven of section thirty-nine of this Act shall apply to any application under this section.
- (u) (i) by omitting from paragraph (a) of subsection one of section 40A the words "Upon proof that public convenience requires" and by inserting in lieu thereof the words "On being satisfied of the necessity for";
- (ii) by omitting from paragraph (d) of subsection two of the same section the words "within the prescribed period";
- (v) (i) by omitting from subsection one of section 40B the words "Upon proof that public convenience requires" and by inserting in lieu thereof the words "On being satisfied of the necessity for";
- (ii) by omitting from subsection (1A) of the same section the words "Upon proof that public convenience requires" and by inserting in lieu thereof the words "On being satisfied of the necessity for".
3. (1) The Liquor Act, 1912, as amended by subsequent Acts, is further amended—
- (a) (i) by inserting in subsection (1A) of section forty-three after the word "premises" where firstly occurring the words "on or";
- (ii) by inserting in paragraph (b) of the same subsection after the word "liquor" the words "on or";

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

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

Sec. 40B.
(Additional equipment.)

Further amendment of Act No. 42, 1912.

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

(b)

Liquor (Amendment).

- (b) by omitting from section forty-six the words "for the first offence to a penalty not exceeding five pounds and for the second or any subsequent offence to a penalty not exceeding thirty pounds" and by inserting in lieu thereof the words "to a penalty not exceeding fifty pounds"; Sec. 46. (Permitting drunkenness or riotous conduct on premises.)
- (c) by inserting in paragraph (c) of subsection two of section forty-seven after the words "such permit" the words "any conditions including conditions specifying"; Sec. 47. (Dancing not to be permitted.)
- (d) by omitting from section fifty-one the word "two" and by inserting in lieu thereof the word "fifty"; Sec. 51. (Person under eighteen not allowed in bar.)
- (e) (i) by omitting from paragraph (b) of subsection one of section fifty-seven the words "or upon the morning of the day, not being a Sunday, upon which Anzac Day is observed in each year"; Sec. 57. (Times when premises may not be open for sale of liquor.)
- (ii) by inserting next after the same paragraph the following new paragraph :—
- (c) upon any day, not being a Sunday, upon which Anzac Day is observed, except between the hours of twelve noon and ten o'clock in the evening;
- (iii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (d) upon any day, other than a day specified in paragraph (a), (b) or (c) of this subsection, except between the hours of ten o'clock in the morning and ten o'clock in the evening.
- (iv) by omitting from paragraph (b) of subsection (1A) of the same section the word "eleven" and by inserting in lieu thereof the word "twelve";
- (v) by omitting paragraph (c) of the same subsection ;
- (vi)

Liquor (Amendment).

- 5 (vi) by omitting from paragraph (b) of subsection (1B) of the same section the words "or upon the morning of the day, not being a Sunday, upon which Anzac Day is observed in each year";
- (vii) by inserting next after the same paragraph the following new paragraph :—
- 10 (b1) upon any day, not being a Sunday, upon which Anzac Day is observed, except between the hours of twelve noon and six o'clock in the evening;
- 15 (viii) by omitting from paragraph (c) of the same subsection the words "other day" and by inserting in lieu thereof the words "day, other than a day specified in paragraph (a), (b) or (b1) of this subsection,";
- (f) (i) by inserting in subsection two of section 57A after the words "member of a club" the words "and his guests";
- 20 (ii) by omitting from the same subsection the words "two-thirty o'clock in the afternoon" and by inserting in lieu thereof the words "three o'clock in the afternoon and between the hours of six o'clock in the evening and nine o'clock in the evening";
- 25 (iii) by omitting from the same subsection the words "and between the hours of six-thirty o'clock in the evening and seven-thirty o'clock in the evening,";
- 30 (iv) by omitting from the same subsection the words "and the day, not being a Sunday, upon which Anzac Day is observed";
- (v) by inserting at the end of the same subsection the following proviso :—
- 35 Provided further that the licensing court shall not in granting any such permit—
- (a) authorise liquor to be sold, disposed of, supplied or consumed in any room or part

Sec. 57A.
(Supply of
liquor with
bona fide
meals or
suppers in
licensed or
club
premises.)

Liquor (Amendment).

part of the licensed premises or club
premises other than the dining room,
or

- 5 (b) extend the permit to any hour between
three o'clock in the afternoon and six
o'clock in the evening or later than nine
o'clock in the evening,

10 on any day specified in paragraphs (a) and
(b) of subsection one of section fifty-seven of
this Act.

- (vi) by omitting from subsection three of the same
section the words "two-thirty o'clock in the
afternoon" and by inserting in lieu thereof the
words "three o'clock in the afternoon and
15 between the hours of six o'clock in the evening
and nine o'clock in the evening";

- (vii) by omitting from the same subsection the words
"(the day, not being a Sunday, upon which
Anzac Day is observed, excepted), or between
the hours of six-thirty o'clock in the evening
and seven-thirty o'clock in the evening";

- (viii) by omitting from the same subsection the words
"and the day, not being a Sunday, upon which
Anzac Day is observed";

- 25 (g) by omitting from subsection one of section sixty- Sec. 64.
four the words "or place on such premises wherein (Bars.)
or from" and by inserting in lieu thereof the words
"; or place at,";

- 30 (h) (i) by inserting in subsection two of section 64A Sec. 64A.
after the word "sold" the words "or supplied"; (Closing of
bars, etc.)

- (ii) by inserting in the same subsection after the
word "public" the words "or members of the
club and their guests, as the case may require";

- 35 (i) (i) by inserting in subsection one of section sixty- Sec. 67.
seven after the word "five," the words "or (Liquor to
be sold by
seven,"; measure.)

(ii)

Liquor (Amendment).

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

5

(1A) No holder of a publican's license shall supply to any person for consumption on the premises of such holder any malted liquor unless the same is contained in a glass or other container which has been clearly marked in the prescribed manner to indicate the measure of the capacity thereof.

10

For the purpose of this subsection the prescribed manner of marking glasses or other containers shall be : —

15

(a) where the glass or other container is manufactured in Australia, in a manner approved in writing by the Superintendent of Weights and Measures appointed under the Weights and Measures Act, 1915, as amended by subsequent Acts; and

20

(b) where the glass or other container is not so manufactured, in a manner approved by said Superintendent of Weights and Measures and under the supervision of an inspector of weights and measures appointed under the Weights and Measures Act, 1915, as amended by subsequent Acts and in accordance with such requirements as may be prescribed by regulations made under this Act.

25

30

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

35

(iii) for the exclusion from subsection one of this section of any number therein prescribed or for the inclusion therein of any other number.

(j)

Liquor (Amendment).

- (j) by inserting in section seventy after the words "one hundred pounds" the words "and in addition the licensing court may suspend the license of such licensee or holder for such period as it thinks fit or may cancel such license"; Sec. 70.
(Forfeiture of license in certain cases.)
- 5 (k) by omitting section seventy-seven. Sec. 77.
(Paying wages in public-houses prohibited.)
- (2) The amendment made by subparagraph (ii) of paragraph (i) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
- 10 4. (1) The Liquor Act, 1912, as amended by subsequent Acts, is further amended— Further amendment of Act No. 42, 1912.
- (a) by omitting from the heading to Part IIIA the words "WINE AND MALTED LIQUORS IN RESTAURANTS" and by inserting in lieu thereof the words "LIQUOR IN RESTAURANTS"; Part IIIA.
(Heading.)
- 15 (b) by omitting from section 78C the definition of "Light wines"; Sec. 78c.
(Interpretation.)
- (c) by omitting from section 78D the words "light wines and malted liquors" and by inserting in lieu thereof the word "liquor"; Sec. 78d.
(Court may grant permit.)
- 20 (d) by inserting at the end of section 78E the following new subsection : — Sec. 78E.
(Application.)
- 25 (3) (a) The notice required by paragraph (a) of subsection two of this section shall be accompanied by a statement verified by statutory declaration setting out the names of all persons directly or indirectly interested in the application or in the business or the profits of the business to be carried on under the permit applied for.
- 30 (b) Where any body corporate is so interested and such body corporate is a proprietary company such statement shall set out the names of the directors and principal shareholders thereof.
- (c)

Liquor (Amendment).

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

- (i) the applicant shall have the full free and unfettered control of the conduct of the business to be carried on under the permit applied for; and
- 10 (ii) no payment or part payment shall be made to the applicant by way of commission or allowance from or upon the receipts of the business to be carried on under the permit applied for for liquor
- 15 sold or supplied.

(e) by omitting paragraphs (b) and (c) of subsection Sec. 78F. two of section 78F and by inserting in lieu thereof (Objections.) the following paragraph : —

20 (b) by omitting all words commencing with the words “Where objection is taken” down to and including the words “or rebuilding of the premises”.

(f) (i) by omitting from subsection two of section Sec. 78H. 78H the word “five” and by inserting in lieu (Fees.) thereof the word “six”;

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

30 In the fixation or re-assessment of any such amount fractions of a shilling shall be disregarded.

(g) by omitting section 78K and by inserting in lieu Subst. sec. 78K. thereof the following section : —

35 78K. (1) A permit shall have the effect of Effect of authorising the holder to sell and supply liquor in permit. accordance with the provisions of this section.

(2) The liquor shall be sold and supplied in the restaurant specified in the permit for bona-fide consumption by persons partaking of a meal and not otherwise. For

Liquor (Amendment).

For the purposes of this subsection a meal shall mean a bona-fide meal, not in sandwich form, at which the persons partaking thereof are seated at a table.

5 (3) Liquor supplied in a restaurant pursuant to a permit, shall be served in a sealed bottle or other container at the table at which the purchaser is seated, and shall be opened at that table in his presence. And every bottle or other container so served shall bear a label showing thereon
10 the name and address of the person responsible for the filling thereof, together with such further particulars as may be prescribed :

15 Provided that spirituous liquor and fortified wines may only be sold and supplied in bottles or other containers not exceeding six and one-half ounces capacity to a purchaser at the one time.

(4) Liquor shall not be sold or supplied in a restaurant pursuant to a permit except between
20 the hours of twelve noon and three o'clock in the afternoon and between the hours of six o'clock in the evening and nine o'clock in the evening on any of the days specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act, and
25 between the hours of twelve noon and three o'clock in the afternoon and between the hours of six o'clock in the evening and twelve o'clock midnight on any other day.

(5) In every case in which any of the provisions of this section are contravened the holder
30 of the permit for the restaurant concerned shall be liable to a penalty not exceeding one hundred pounds.

(h) (i) by omitting from subsection one of section
35 78L wherever occurring the words "in which light wine or malted liquor" and by inserting in lieu thereof the words "and other containers in which liquor"; (ii)

Sec. 78L.
(Removal of bottles from tables.)

Liquor (Amendment).

- (ii) by omitting from paragraph (a) of the same subsection the words "two-thirty" and "three" and by inserting in lieu thereof the words "three" and "three-thirty" respectively;
- 5 (iii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (b) Where the liquor is served after the hour of six o'clock in the evening—
- 10 (i) on any of the days referred to in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act, the removal shall be completed before
- 15 nine-thirty o'clock in the evening of the same day; and
- (ii) on any other day, the removal shall be completed before
- 20 twelve-thirty o'clock in the morning of the following day.
- (i) by omitting section 78M; Sec. 78M.
(Prohibited days.)
- (j) by omitting section 78P; Sec. 78P.
(Return of permit.)
- (k) by omitting from section 78Q the words "light wines and malted liquors" wherever occurring and by inserting in lieu thereof the word "liquor"; Sec. 78Q.
(Maximum charges may be prescribed.)
- 25 (l) by omitting from section 78R the words "light wine or malted liquor" and by inserting in lieu thereof the word "liquor". Sec. 78R.
(Obtaining liquor by false representation.)
- (2) Any permit granted under Part IIIA of the Liquor
- 30 Act, 1912, as amended by subsequent Acts, before the commencement of this Act, shall be deemed to be a permit granted under that Part as amended by this Act.

Liquor (Amendment).

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

Further
amendment
of Act No.
42, 1912.

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

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

(1C) The person who for the time being holds the office of superintendent of licenses shall have and may exercise and discharge all or any of the powers authorities duties and functions conferred or imposed on a district inspector.

- (b) by omitting from paragraph (c) of section one hundred and twenty-three the words "for such period as it thinks fit";

Sec. 123.
(Cancellat-
ion of
licenses.)

- (c) (i) by omitting from section 132A the words "either before or after the commencement of Part IV of the Liquor (Amendment) Act, 1946,";

Sec. 132A.
(Effect of
certificate.)

(ii) by inserting in the same section after the word "sell" the word ", supply";

- (d) by inserting in section one hundred and thirty-three after the word "sixty-six," the word "sixty-seven,";

Sec. 133.
(Applica-
tion of
certain
sections to
registered
clubs.)

- (e) (i) by omitting from paragraph (c) of section one hundred and thirty-four the words "upon premises of which such association or company are the bona-fide occupiers";

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

- (ii) by inserting in the same section next after the same paragraph the following new para-
graph :—

(c1) The club must be established with premises erected or in course of erection, or where it has no premises or has premises not the subject of the application, with land upon which it is proposed to erect premises and of which such association or company are the bona-fide occupiers.

(iii)

Liquor (Amendment).

- (iii) by inserting in paragraph (d) of the same section after the words "under its rules" the words "or otherwise";
- 5 (iv) by inserting in paragraph (i) of the same section after the word "registered" where firstly occurring the words "or has applied for registration";
- 10 (v) by inserting in subparagraph (ii) of the same paragraph after the word "securities" the words "or loans";
- (f) by omitting from subsection two of section one hundred and thirty-six the words "Such application" and by inserting in lieu thereof the words "Such notice"; Sec. 136. (Notice of application for registration.)
- 15 (g) by omitting from subsection five of section 136A the words "and upon application being made by the secretary"; Sec. 136A. (Conditional registration may be granted.)
- 20 (h) (i) by inserting in subsection two of section one hundred and thirty-seven after the word "club" where firstly occurring the words "together with such further particulars as may be prescribed by regulation"; Sec. 137. (Notice of application for renewal.)
- (ii) by inserting at the end of the same section the following new subsection : —
- 25 (4) Where application has been made in accordance with subsection one of this section to which an objection has been taken, and the application has not been heard and determined by the court before the date of expiry of the current certificate of registration, the certificate of registration shall be deemed to continue in force until such application has been determined.
- 30

Liquor (Amendment).

- (i) by inserting in subsection two of section one hundred and thirty-eight after the word "members" the words "and such other books and records as he deems necessary"; Sec. 138. (Application to be furnished to inspector.)
- 5 (j) by inserting next after subsection one of section one hundred and thirty-nine the following new subsection : — Sec. 139. (Application —how dealt with.)
- 10 (1A) The licensing court may grant an application notwithstanding that the strict requirements of subsection one of this section have not been complied with if it is satisfied that the grounds of any objection or the relevant matters are of a trivial nature or such as not to warrant the refusal of a grant of such application.
- 15 The relevant date for determining whether or not an objection should be sustained shall be the date of the sitting of the licensing court named in the notice of the application.
- 20 (k) by omitting paragraph (e) of subsection one of section one hundred and forty and by inserting in lieu thereof the following paragraph : — Sec. 140. (Objections which may be taken to grant or renewal of certificate.)
- 25 (e) That liquor has been illegally sold supplied or disposed of on or from the club premises during the period of two years preceding the date of application.
- (l) by omitting from subsection two of section one hundred and forty-five the words "and upon application being made by the secretary"; Sec. 145. (Removals of club premises.)
- 30 (m) (i) by omitting paragraph (b) of subsection three of section one hundred and forty-eight and by inserting in lieu thereof the following paragraph : — Sec. 148. (Summons to show cause against cancellation.)
- 35 (b) suspend the certificate for such period as the licensing court deems fit; or; (ii)

Liquor (Amendment).

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

5

In default of payment of any costs awarded against a club within the time allowed by the court the certificate of registration thereof shall be suspended until such costs are paid.

- (n) (i) by omitting from paragraph (a) of subsection Sec. 150A. one of section 150A the words “(not exceeding (Fees.) five hundred pounds)”;

10

- (ii) by omitting from paragraph (b) of the same subsection the word “five” and by inserting in lieu thereof the word “six”;

15

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

In the fixation or re-assessment of any such amount fractions of a shilling shall be disregarded.

- (o) by omitting from paragraph (i) of subsection one Sec. 153. of section one hundred and fifty-three the words (Regula- tions.) “to the granting, renewal, or removal of licenses under Part III” and by inserting in lieu thereof the words “to applications that may be made under this Act”;

20

- (p) (i) by inserting in section one hundred and fifty- Sec. 156. six after the word “Act” where firstly (Exclusion of inebriates and others from licensed premises.) occurring the words “or any person authorised by him in that behalf”;

25

- (ii) by inserting in the same section after the words “turn out” the words “or cause to be turned out”;

30

(q)

Liquor (Amendment).

- (q) by inserting at the end of section one hundred and sixty-eight the following new subsection :—

Sec. 168.
(Historic
inns.)

5 (3) (a) Upon the application of any owner of
any premises which are or have been licensed
premises under this Act or any prior Act regulating
the sale of liquor the Governor may by order
published in the Gazette declare such premises to be
an historic inn if satisfied that the premises or any
substantial part thereof are or is of national, special
10 historic or architectural interest and should be pre-
served for the benefit of the public generally. Upon
any such order being made and notwithstanding
anything contained in this Act, the Governor may,
subject to such conditions as he may impose—

- 15 (i) sanction and authorise the issue by the
licensing court of a license for the sale of
liquor at an historic inn which is not
already licensed under this Act ;
(ii) exempt any historic inn, the owner and
20 the licensee thereof from such provisions
of this Act as he may determine.

(b) Subject to any conditions imposed by
the Governor and exemptions as aforesaid the
provisions of this Act relating to publicans' licenses,
25 the holders thereof, licensed premises and persons
resorting thereto, shall in respect of any license
issued in respect of an historic inn apply, mutatis
mutandis, to and in respect of any such license, the
holder thereof, the premises in respect of which
30 such license is issued and persons resorting thereto.

(c) The Governor may, before declaring
any premises to be an historic inn under this sub-
section, refer the matter to the licensing court for
inquiry and report. Any preservation society shall
35 be entitled to be heard and represented before the
licensing court on any such reference.

(d)

Liquor (Amendment).

5 (d) In this subsection "preservation society" includes The National Trust of Australia (New South Wales), the Royal Australian Historical Society, the Royal Australian Institute of Architects, New South Wales Chapter, and any other body specified by the Minister in a notice published in the Gazette.

10 (r) (i) by inserting at the end of subsection three of Sec. 170. section one hundred and seventy the following (Appeals.) new paragraphs :—

15 Where such appeal is not determined by the thirtieth day of June next following the cancellation of his license his license shall not be deemed to remain in force beyond that date unless he lodges with the clerk of the licensing court a sum equal to the amount last paid as a fee for the license of the premises.

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

25 (ii) by omitting from paragraph (b) of subsection five of the same section the words "other than the licensing magistrate from whose adjudication such appeal is made" and by inserting in lieu thereof the words "or any three of them, other than the licensing magistrate from whose adjudication such appeal is made, or constituted in accordance with the provisions of paragraph (a) of subsection twelve of section 30 five of this Act".

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963
[2s.]

No. , 1963.

A BILL

To make further provision for the regulation of the sale of liquor; to provide for the increase of certain license and other fees payable under the Liquor Act, 1912, as amended by subsequent Acts; to amend the said Act, as so amended, in certain respects; and for purposes connected therewith.

[Mr. MANNIX;—27 March, 1963.]

BE

Liquor (Amendment).

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

1. This Act may be cited as the "Liquor (Amendment) Short title. Act, 1963".

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

10 (a) by omitting from the matter relating to Part IIIA Sec. 1.
in section one the words "WINE AND MALTED (Short title
LIQUORS IN RESTAURANTS" and by inserting in lieu and
thereof the words "LIQUOR IN RESTAURANTS"; division.)

15 (b) by inserting at the end of section twelve the follow- Sec. 12.
ing new subsection :— (Power to
adjourn—
majority
to decide.)

20 (6) Notwithstanding paragraph (a) of subsection seven of section five of this Act the licensing court may adjourn to any building whether or not such building has been appointed pursuant to the said paragraph.

(c) (i) by inserting next after paragraph (4) of Sec. 13.
section thirteen the following new para- (Exemptions from
graph :— this Part.)

25 (4A) liquor at a trade fair under a permit granted by the licensing court. Such permit may be issued subject to such terms and conditions, including conditions prescribing the classes of liquor that may be sold or offered for sale and requiring any liquor so sold or
30 offered for sale to be in sealed containers of a size specified in such permit, as the licensing court may

impose.

Liquor (Amendment).

impose. Any such permit may be
revoked by the licensing court at any
time if it thinks fit so to do—

- 5 (ii) by omitting paragraph (10) of the same
section and by inserting in lieu thereof the
following paragraph :—

10 (10) the sale by or on behalf of the Com-
missioner for Railways on such trains
as the Commissioner for Railways may
determine of liquor for consumption
on such trains by passengers.

- (d) by omitting from section fourteen the words “or
stand” wherever occurring; Sec. 14.
(Description
of liquor
licenses.)

- 15 (e) (i) by omitting from section twenty the words “or
stand” wherever occurring; Sec. 20.
(Booth or
stand
licenses.)

- (ii) by inserting in subsection one of the same
section after the words “in the license” the
words “or, in lieu of any such day, on any day
to which the function or event in respect of
which the license is granted is postponed”;

- 20 (f) (i) by omitting from paragraph (a) of subsection
one of section twenty-one the words “(not
exceeding five hundred pounds)”;

- 25 (ii) by omitting from paragraph (b) of the same
subsection the word “five” and by inserting in
lieu thereof the word “six”;

- (iii) by omitting from the same subsection the
words “or stand” wherever occurring;

- 30 (iv) by omitting from paragraph (d) of the same
subsection the word “two” and by inserting in
lieu thereof the word “four”;

- (v) by omitting from paragraph (g) of the same
subsection the word “two” and by inserting
in lieu thereof the word “four”;

- 35 (vi) by omitting from paragraph (i) of the same
subsection the word “two” and by inserting in
lieu thereof the word “four”; (g)

Liquor (Amendment).

- (g) by omitting from paragraph (a) of subsection one of section twenty-two the words "or stand"; Sec. 22.
(Particulars to be furnished by licensees.)
- (h) by inserting at the end of subsection one of section twenty-three the following new paragraph :— Sec. 23.
(Board to fix fee.)
- 5 In the assessment or reassessment of any such amount fractions of a shilling shall be disregarded.
- (i) by inserting at the end of section twenty-six the following new paragraph :— Sec. 26.
(Hotels in distant areas.)
- 10 Where an application is made to the licensing court for the reduction in the public accommodation prescribed in this section in respect of a house situated as hereinbefore referred to the licensing court may, if it is satisfied that the demand for such accommodation either does not exist or is so
- 15 small as not to justify the provision thereof, authorise the reduction of such public accommodation in respect of such house to not less than one good and substantial sleeping-room and the reduced public accommodation so authorised shall
- 20 be the public accommodation prescribed by this section in respect of such house.
- (j) (i) by inserting in subsection one of section twenty-seven after the words "a license shall on the request of the applicant" the words "or of such other person as the court may see fit"; Sec. 27.
(Conditional license may be granted.)
- 25 (ii) by inserting in the same subsection after the words "the character of the applicant" the words "or of such other person, as the case may be,";
- (k) by omitting from section twenty-eight the words "or stand"; Sec. 28.
(Applications for packet and booth or stand licenses.)
- 30 (l) (i) by omitting from section twenty-nine the words "license under this Part" and by inserting in lieu thereof the words "application under this Part"; Sec. 29.
(Objections to liquor licenses.)
- 35 (ii)

Liquor (Amendment).

- (ii) by omitting from the same section the word
“license” where secondly, thirdly and sixthly
occurring and by inserting in lieu thereof the
word “application”;
- 5 (iii) by omitting from the same section the words
“a license” where seventhly occurring and by
inserting in lieu thereof the words “the
application”;
- 10 (iv) by omitting from the same section the words
“And the objections which may be taken to
the renewal, transfer, or removal of any such
license may, subject to the provisions of the
next succeeding section, be any of the grounds
of objection hereinbefore specified which the
15 said court or magistrate may consider applic-
able, and the persons by whom any objections
may be taken to the renewal, transfer or
removal of any such license may be any of
the persons referred to in paragraphs (i), (ii),
20 (iii) and (iv) of this section.”;
- (v) by omitting from the same section the words
“whether for the grant, renewal, removal, or
transfer of a license”;
- 25 (m) (i) by inserting in subsection one of section thirty Sec. 30.
after the words “provided for in” the words (Qualifica-
“or as reduced in accordance with”; tion of
section
twenty-
nine.)
- (ii) by omitting subsections two and three of the
same section;
- 30 (n) by inserting at the end of section thirty-three the Sec. 33.
following new subsection : — (Costs.)
- (2) The sum ordered to be paid by the court
under subsection one of this section shall be
recoverable as a debt in any court of competent
jurisdiction.
- 35 (o) by omitting from subsection one of section thirty- Sec. 35.
five the words “or stand”; (Renewal of
license on
production
thereof and
payment of
annual fee.)
- (p)

Liquor (Amendment).

- (p) by inserting at the end of section thirty-six the following new subsection :— Sec. 36.
(Notice of application for renewal to be given to inspector.)
- 5 (2) Where application for the renewal of a license has been made by a licensee who has complied with the requirements of subsection one of this section and the application has not been heard and determined by the court before the date of expiry of the license the license shall be deemed to continue in force until such application has been determined.
- 10
- (q) (i) by omitting from subsection one of section thirty-seven the words "or stand"; Sec. 37.
(Transfer of licenses.)
- (ii) by inserting next after the proviso to the same subsection the words :—
- 15 Provided further that an intended transferor who has held the same premises as referred to in the preceding proviso may make application to the licensing court for its approval to the transfer of the license and if
- 20 the licensing court is satisfied that the grounds upon which such application is based are well founded the licensing court shall not be entitled to refuse an application for transfer for the
- 25 reason that he has not held the license for the period of twelve months.
- (iii) by omitting from subsection four of the same section the words "or stand";
- (r) by inserting in paragraph (b) of subsection two of section thirty-eight after the words "seven days" the words "or such further period as the licensing court may allow,"; Sec. 38.
(Transfer of license in certain cases.)
- 30
- (s) by inserting at the end of subsection two of section thirty-nine the words "and to the council of the city, municipality, or shire within which the premises to which it is desired to remove the license are situated"; Sec. 39.
(Removal of licenses.)
- 35

(t)

Liquor (Amendment).

- (t) by omitting subsection two of section 39A and by inserting in lieu thereof the following subsection : —
- (2) The provisions of subsections two, (2A) and four of section thirty-nine of this Act shall apply to any application under this section, other than an application for the removal of a spirit merchant's license and the provisions of subsections (4A), (4B) and seven of section thirty-nine of this Act shall apply to any application under this section.
- (u) (i) by omitting from paragraph (a) of subsection one of section 40A the words "Upon proof that public convenience requires" and by inserting in lieu thereof the words "On being satisfied of the necessity for";
- (ii) by omitting from paragraph (d) of subsection two of the same section the words "within the prescribed period";
- (v) (i) by omitting from subsection one of section 40B the words "Upon proof that public convenience requires" and by inserting in lieu thereof the words "On being satisfied of the necessity for";
- (ii) by omitting from subsection (1A) of the same section the words "Upon proof that public convenience requires" and by inserting in lieu thereof the words "On being satisfied of the necessity for".
3. (1) The Liquor Act, 1912, as amended by subsequent Acts, is further amended—
- (a) (i) by inserting in subsection (1A) of section forty-three after the word "premises" where firstly occurring the words "on or";
- (ii) by inserting in paragraph (b) of the same subsection after the word "liquor" the words "on or";

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

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

Sec. 40B.
(Additional equipment.)

Further amendment of Act No. 42, 1912.

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

(b)

Liquor (Amendment).

- 5 (b) by omitting from section forty-six the words "for the first offence to a penalty not exceeding five pounds and for the second or any subsequent offence to a penalty not exceeding thirty pounds" and by inserting in lieu thereof the words "to a penalty not exceeding fifty pounds";
- 10 (c) by inserting in paragraph (c) of subsection two of section forty-seven after the words "such permit" the words "any conditions including conditions specifying";
- (d) by omitting from section fifty-one the word "two" and by inserting in lieu thereof the word "fifty";
- 15 (e) (i) by omitting from paragraph (b) of subsection one of section fifty-seven the words "or upon the morning of the day, not being a Sunday, upon which Anzac Day is observed in each year";
- (ii) by inserting next after the same paragraph the following new paragraph :—
- 20 (c) upon any day, not being a Sunday, upon which Anzac Day is observed, except between the hours of twelve noon and ten o'clock in the evening;
- 25 (iii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—
- 30 (d) upon any day, other than a day specified in paragraph (a), (b) or (c) of this subsection, except between the hours of ten o'clock in the morning and ten o'clock in the evening.
- 35 (iv) by omitting from paragraph (b) of subsection (1A) of the same section the word "eleven" and by inserting in lieu thereof the word "twelve";
- (v) by omitting paragraph (c) of the same subsection ;
- (vi)

Liquor (Amendment).

- 5 (vi) by omitting from paragraph (b) of subsection (1B) of the same section the words "or upon the morning of the day, not being a Sunday, upon which Anzac Day is observed in each year";
- (vii) by inserting next after the same paragraph the following new paragraph :—
- 10 (b1) upon any day, not being a Sunday, upon which Anzac Day is observed, except between the hours of twelve noon and six o'clock in the evening;
- 15 (viii) by omitting from paragraph (c) of the same subsection the words "other day" and by inserting in lieu thereof the words "day, other than a day specified in paragraph (a), (b) or (b1) of this subsection,";
- (f) (i) by inserting in subsection two of section 57A **Sec. 57A.** after the words "member of a club" the words (Supply of liquor with bona fide meals or suppers in licensed or club premises.) "and his guests";
- 20 (ii) by omitting from the same subsection the words "two-thirty o'clock in the afternoon" and by inserting in lieu thereof the words "three o'clock in the afternoon and between the hours of six o'clock in the evening and
- 25 nine o'clock in the evening";
- (iii) by omitting from the same subsection the words "and between the hours of six-thirty o'clock in the evening and seven-thirty o'clock in the evening,";
- 30 (iv) by omitting from the same subsection the words "and the day, not being a Sunday, upon which Anzac Day is observed";
- (v) by inserting at the end of the same subsection the following proviso :—
- 35 Provided further that the licensing court shall not in granting any such permit—
- (a) authorise liquor to be sold, disposed of, supplied or consumed in any room or part

Liquor (Amendment).

part of the licensed premises or club
premises other than the dining room,
or

- 5 (b) extend the permit to any hour between
three o'clock in the afternoon and six
o'clock in the evening or later than nine
o'clock in the evening,

10 on any day specified in paragraphs (a) and
(b) of subsection one of section fifty-seven of
this Act.

- (vi) by omitting from subsection three of the same
section the words "two-thirty o'clock in the
afternoon" and by inserting in lieu thereof the
15 words "three o'clock in the afternoon and
between the hours of six o'clock in the evening
and nine o'clock in the evening";

- (vii) by omitting from the same subsection the words
"(the day, not being a Sunday, upon which
Anzac Day is observed, excepted), or between
20 the hours of six-thirty o'clock in the evening
and seven-thirty o'clock in the evening";

- (viii) by omitting from the same subsection the words
"and the day, not being a Sunday, upon which
Anzac Day is observed";

- 25 (g) by omitting from subsection one of section sixty- Sec. 64.
four the words "or place on such premises wherein (Bars.)
or from" and by inserting in lieu thereof the words
", or place at,";

- 30 (h) (i) by inserting in subsection two of section 64A Sec. 64A.
after the word "sold" the words "or supplied"; (Closing of
bars, etc.)
(ii) by inserting in the same subsection after the
word "public" the words "or members of the
club and their guests, as the case may require";

- 35 (i) (i) by inserting in subsection one of section sixty- Sec. 67.
seven after the word "five," the words "or (Liquor to
be sold by
seven,"; measure.)

(ii)

Liquor (Amendment).

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

5 (1A) No holder of a publican's license shall supply to any person for consumption on the premises of such holder any malted liquor unless the same is contained in a glass or other container which has been clearly marked in the prescribed manner to indicate the measure of the capacity thereof.

10 For the purpose of this subsection the prescribed manner of marking glasses or other containers shall be :—

15 (a) where the glass or other container is manufactured in Australia, in a manner approved in writing by the Superintendent of Weights and Measures appointed under the Weights and Measures Act, 1915, as amended by subsequent Acts; and

20 (b) where the glass or other container is not so manufactured, in a manner approved by said Superintendent of Weights and Measures and under the supervision of an inspector of weights and measures appointed under the
25 Weights and Measures Act, 1915, as amended by subsequent Acts and in accordance with such requirements as may be prescribed by regulations made
30 under this Act.

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

35 (iii) for the exclusion from subsection one of this section of any number therein prescribed or for the inclusion therein of any other number.

(j)

Liquor (Amendment).

- (j) by inserting in section seventy after the words "one hundred pounds" the words "and in addition the licensing court may suspend the license of such licensee or holder for such period as it thinks fit or may cancel such license";

Sec. 70.
(Forfeiture of license in certain cases.)

- (k) by omitting section seventy-seven.

Sec. 77.
(Paying wages in public-houses prohibited.)

(2) The amendment made by subparagraph (ii) of paragraph (d) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

4. (1) The Liquor Act, 1912, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 42, 1912.

- (a) by omitting from the heading to Part IIIA the words "WINE AND MALTED LIQUORS IN RESTAURANTS" and by inserting in lieu thereof the words "LIQUOR IN RESTAURANTS";

Part IIIA.
(Heading.)

- (b) by omitting from section 78c the definition of "Light wines";

Sec. 78c.
(Interpretation.)

- (c) by omitting from section 78D the words "light wines and malted liquors" and by inserting in lieu thereof the word "liquor";

Sec. 78D.
(Court may grant permit.)

- (d) by inserting at the end of section 78E the following new subsection :—

Sec. 78E.
(Application.)

- (3) (a) The notice required by paragraph (a) of subsection two of this section shall be accompanied by a statement verified by statutory declaration setting out the names of all persons directly or indirectly interested in the application or in the business or the profits of the business to be carried on under the permit applied for.

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

(c)

Liquor (Amendment).

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

- 10 (i) the applicant shall have the full free and unfettered control of the conduct of the business to be carried on under the permit applied for; and
- 15 (ii) no payment or part payment shall be made to the applicant by way of commission or allowance from or upon the receipts of the business to be carried on under the permit applied for for liquor sold or supplied.

(e) by omitting paragraphs (b) and (c) of subsection Sec. 78F. two of section 78F and by inserting in lieu thereof (Objections.) the following paragraph :—

20 (b) by omitting all words commencing with the words "Where objection is taken" down to and including the words "or rebuilding of the premises".

25 (f) (i) by omitting from subsection two of section Sec. 78H. 78H the word "five" and by inserting in lieu (Fees.) thereof the word "six";

(ii) by inserting at the end of subsection four of the same section the following new paragraph :—
In the fixation or re-assessment of any such amount fractions of a shilling shall be disregarded.

30

(g) by omitting section 78K and by inserting in lieu Subst. thereof the following section :— sec. 78K.

35 78K. (1) A permit shall have the effect of Effect of authorising the holder to sell and supply liquor in permit. accordance with the provisions of this section.

(2)

Liquor (Amendment).

(2) The liquor shall be sold and supplied in the restaurant specified in the permit for bona-fide consumption by persons partaking of a meal and not otherwise.

5 For the purposes of this subsection a meal shall mean a bona-fide meal, not in sandwich form, at which the persons partaking thereof are seated at a table.

10 (3) Liquor supplied in a restaurant pursuant to a permit, shall be served in a sealed bottle at the table at which the purchaser is seated, and shall be opened at that table in his presence. And every bottle so served shall bear a label showing thereon the name and address of the person responsible for the bottling of the contents thereof, together with such further particulars as may be prescribed :

15 Provided that spirituous liquor and fortified wines may only be sold and supplied in bottles not exceeding five ounces capacity to a purchaser at the one time.

20 (4) Liquor shall not be sold or supplied in a restaurant pursuant to a permit except between the hours of twelve noon and three o'clock in the afternoon and between the hours of six o'clock in the evening and nine o'clock in the evening on any of the days specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act, and between the hours of twelve noon and three o'clock in the afternoon and between the hours of six o'clock in the evening and twelve o'clock midnight on any other day.

25 (5) In every case in which any of the provisions of this section are contravened the holder of the permit for the restaurant concerned shall be liable to a penalty not exceeding one hundred pounds.

30 (h) (i) by omitting from subsection one of section 78L wherever occurring the words "light wine or malted liquor" and by inserting in lieu thereof the word "liquor"; (ii)

Sec. 78L.
(Removal of bottles from tables.)

Liquor (Amendment).

- (ii) by omitting from paragraph (a) of the same subsection the words "two-thirty" and "three" and by inserting in lieu thereof the words "three" and "three-thirty" respectively;
- 5 (iii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph : —
- (b) Where the liquor is served after the hour of six o'clock in the evening—
- 10 (i) on any of the days referred to in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act, the removal shall be completed before
- 15 nine-thirty o'clock in the evening of the same day; and
- (ii) on any other day, the removal shall be completed before
- 20 twelve-thirty o'clock in the morning of the following day.
- (i) by omitting section 78M; Sec. 78M.
(Prohibited days.)
- (j) by omitting section 78P; Sec. 78P.
(Return of permit.)
- (k) by omitting from section 78Q the words "light wines and malted liquors" wherever occurring and by Sec. 78Q.
(Maximum charges may be prescribed.)
- 25 inserting in lieu thereof the word "liquor";
- (l) by omitting from section 78R the words "light wine or malted liquor" and by inserting in lieu thereof Sec. 78R.
(Obtaining liquor by false representation.)
- the word "liquor".
- (2) Any permit granted under Part IIIA of the Liquor
- 30 Act, 1912, as amended by subsequent Acts, before the commencement of this Act, shall be deemed to be a permit granted under that Part as amended by this Act.

Liquor (Amendment).

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

- 5 (a) by inserting next after subsection (1B) of section one hundred and nineteen the following new subsection : —
Further amendment of Act No. 42, 1912. Sec. 119. (Appointment of inspectors.)
- 10 (1c) The person who for the time being holds the office of superintendent of licenses shall have and may exercise and discharge all or any of the powers authorities duties and functions conferred or imposed on a district inspector.
- (b) by omitting from paragraph (c) of section one hundred and twenty-three the words “for such period as it thinks fit”; Sec. 123. (Cancellation of licenses.)
- 15 (c) (i) by omitting from section 132A the words “either before or after the commencement of Part IV of the Liquor (Amendment) Act, 1946,”; Sec. 132A. (Effect of certificate.)
- (ii) by inserting in the same section after the word “sell” the word “, supply”;
- 20 (d) by inserting in section one hundred and thirty-three after the word “sixty-six,” the word “sixty-seven,”; Sec. 133. (Application of certain sections to registered clubs.)
- (e) (i) by omitting from paragraph (c) of section one hundred and thirty-four the words “upon premises of which such association or company are the bona-fide occupiers”; Sec. 134. (Conditions of registration of clubs.)
- 25 (ii) by inserting in the same section next after the same paragraph the following new paragraph : —
- 30 (c1) The club must be established with premises, or where it has no premises or has premises not the subject of the application, with land upon which it is proposed to erect premises and of which such association or company are the bona-fide occupiers. (iii)
- 35

Liquor (Amendment).

- (iii) by inserting in paragraph (d) of the same section after the words "under its rules" the words "or otherwise";
- 5 (iv) by inserting in paragraph (i) of the same section after the word "registered" where firstly occurring the words "or has applied for registration";
- 10 (v) by inserting in subparagraph (ii) of the same paragraph after the word "securities" the words "or loans";
- (f) by omitting from subsection two of section one hundred and thirty-six the words "Such application" and by inserting in lieu thereof the words "Such notice"; (Notice of application for registration.)
- 15 (g) by omitting from subsection five of section 136A the words "and upon application being made by the secretary"; (Sec. 136A. Conditional registration may be granted.)
- 20 (h) (i) by inserting in subsection two of section one hundred and thirty-seven after the word "club" where firstly occurring the words "together with such further particulars as may be prescribed by regulation"; (Sec. 137. Notice of application for renewal.)
- (ii) by inserting at the end of the same section the following new subsection : —
- 25 (4) Where application has been made in accordance with subsection one of this section to which an objection has been taken, and the application has not been heard and determined by the court before the date of expiry of the current certificate of registration, the certificate of registration shall be deemed to continue in force until such application has been determined.
- 30

Liquor (Amendment).

- (i) by inserting in subsection two of section one hundred and thirty-eight after the word "members" the words "and such other books and records as he deems necessary"; Sec. 138.
(Application to be furnished to inspector.)
- 5 (j) by inserting next after subsection one of section one hundred and thirty-nine the following new subsection : — Sec. 139.
(Application —how dealt with.)
- 10 (1A) The licensing court may grant an application notwithstanding that the strict requirements of subsection one of this section have not been complied with if it is satisfied that the grounds of any objection or the relevant matters are of a trivial nature or such as not to warrant the refusal of a grant of such application.
- 15 The relevant date for determining whether or not an objection should be sustained shall be the date of the sitting of the licensing court named in the notice of the application.
- 20 (k) by omitting paragraph (e) of subsection one of section one hundred and forty and by inserting in lieu thereof the following paragraph : — Sec. 140.
(Objections which may be taken to grant or renewal of certificate.)
- 25 (e) That liquor has been illegally sold supplied or disposed of on or from the club premises during the period of two years preceding the date of application.
- (l) by omitting from subsection two of section one hundred and forty-five the words "and upon application being made by the secretary"; Sec. 145.
(Removals of club premises.)
- 30 (m) (i) by omitting paragraph (b) of subsection three of section one hundred and forty-eight and by inserting in lieu thereof the following paragraph : — Sec. 148.
(Summons to show cause against cancellation.)
- 35 (b) suspend the certificate for such period as the licensing court deems fit; or; (ii)

Liquor (Amendment).

- (ii) by inserting at the end of subsection four of the same section the following new paragraph :—
- 5 In default of payment of any costs awarded against a club within the time allowed by the court the certificate of registration thereof shall be suspended until such costs are paid.
- (n) (i) by omitting from paragraph (a) of subsection Sec. 150A. one of section 150A the words “(not exceeding (Fees.) five hundred pounds)”;
- 10 (ii) by omitting from paragraph (b) of the same subsection the word “five” and by inserting in lieu thereof the word “six”;
- 15 (iii) by inserting at the end of subsection two of the same section the following paragraph :—
- In the fixation or re-assessment of any such amount fractions of a shilling shall be disregarded.
- 20 (o) by omitting from paragraph (i) of subsection one Sec. 153. of section one hundred and fifty-three the words (Regula- tions.) “to the granting, renewal, or removal of licenses under Part III” and by inserting in lieu thereof the words “to applications that may be made under this Act”;
- 25 (p) (i) by inserting in section one hundred and fifty- Sec. 156. six after the word “licensee” where firstly (Exclusion of inebriates and others from licensed premises.) occurring the words “or any person authorised by him in that behalf may”;
- 30 (ii) by inserting in the same section after the words “turn out” the words “or cause to be turned out”;
- (q)

Liquor (Amendment).

- (q) by inserting at the end of section one hundred and sixty-eight the following new subsection : —

Sec. 168.
(Historic
inns.)

5 (3) (a) Upon the application of any owner of
premises under this Act or any prior Act regulating
the sale of liquor the Governor may by order
published in the Gazette declare such premises to be
an historic inn if satisfied that the premises or any
10 substantial part thereof are or is of national, special
historic or architectural interest and should be pre-
served for the benefit of the public generally. Upon
any such order being made and notwithstanding
anything contained in this Act, the Governor may,
subject to such conditions as he may impose—

- 15 (i) sanction and authorise the issue by the
licensing court of a license for the sale of
liquor at an historic inn which is not
already licensed under this Act;
- 20 (ii) exempt any historic inn, the owner and
the licensee thereof from such provisions
of this Act as he may determine.

25 (b) Subject to any conditions imposed by
the Governor and exemptions as aforesaid the
provisions of this Act relating to publicans' licenses,
the holders thereof, licensed premises and persons
resorting thereto, shall in respect of any license
issued in respect of an historic inn apply, mutatis
mutandis, to and in respect of any such license, the
holder thereof, the premises in respect of which
30 such license is issued and persons resorting thereto.

35 (c) The Governor may, before declaring
any premises to be an historic inn under this sub-
section, refer the matter to the licensing court for
inquiry and report. Any preservation society shall
be entitled to be heard and represented before the
licensing court on any such reference.

(d)

Liquor (Amendment).

5 (d) In this subsection "preservation society" includes The National Trust of Australia (New South Wales), the Royal Australian Historical Society, the Royal Australian Institute of Architects, New South Wales Chapter, and any other body specified by the Minister in a notice published in the Gazette.

10 (r) (i) by inserting at the end of subsection three of Sec. 170. section one hundred and seventy the following (Appeals.) new paragraphs :—

15 Where such appeal is not determined by the thirtieth day of June next following the cancellation of his license his license shall not be deemed to remain in force beyond that date unless he lodges with the clerk of the licensing court a sum equal to the amount last paid as a fee for the license of the premises.

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

25 (ii) by omitting from paragraph (b) of subsection five of the same section the words "other than the licensing magistrate from whose adjudication such appeal is made" and by inserting in lieu thereof the words " , or any three of them, other than the licensing magistrate from whose adjudication such appeal is made, or constituted in accordance with the provisions of paragraph (a) of subsection twelve of section 30 five of this Act".

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963
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LIQUOR (AMENDMENT) BILL, 1963.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to increase the fees payable in respect of licenses granted under the Liquor Act, 1912, as amended;
- (b) to enable hotels to remain open for the sale of liquor between 6.30 p.m. and 7.30 p.m. on usual trading days;
- (c) to vary the classes of liquor that may be sold in restaurants in respect of which a permit has been granted authorising such sales;
- (d) to enable liquor to be sold on trains other than with a meal;
- (e) to authorise the sale of liquor with meals between the hours of 6 p.m. and 9 p.m. on Sundays, Good Friday and Christmas Day and upon proclaimed days at hotels and restaurants in respect of which a permit has been granted authorising such sales;
- (f) to vary the hours during which liquor may be sold with the mid-day meal in restaurants and in hotels in respect of which a permit has been granted authorising the sale of liquor on Sundays, Good Friday and Christmas Day and upon proclaimed days;
- (g) to provide that in hotels and clubs malted liquor may only be supplied in glasses or containers marked in the manner prescribed to indicate the measure of capacity thereof;
- (h) to enable the sale of liquor in glasses of seven fluid ounces capacity or of any prescribed capacity;
- (i) to empower the Governor to declare any premises that are or have been licensed premises and are of national, special historic or architectural interest to be an historic inn, to authorise the issue of a license for the sale of liquor at any historic inn which is not licensed and to exempt historic inns from any provisions of the Liquor Act, 1912, as amended;
- (j) to confer on the licensing court a discretion to relax the minimum standard of public accommodation in respect of hotels in distant areas;
- (k) to provide for the sale of liquor at a trade fair under a permit issued by the licensing court;
- (l) to extend the powers of the superintendent of licenses appointed under section 119B of the Liquor Act, 1912, as amended;
- (m) to enable employees of a licensee, if authorised by the licensee, to remove from the licensed premises any person referred to in section 156 of the Liquor Act, 1912, who is drunk or who is guilty of any other conduct;
- (n) to make other provisions of a machinery or ancillary character.

PROOF

No. , 1963.

A BILL

To make further provision for the regulation of the sale of liquor; to provide for the increase of certain license and other fees payable under the Liquor Act, 1912, as amended by subsequent Acts; to amend the said Act, as so amended, in certain respects; and for purposes connected therewith.

[Mr. MANNIX;—27 March, 1963.]

BE

Liquor (Amendment).

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 :—

1. This Act may be cited as the "Liquor (Amendment) Short title. Act, 1963".

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

Amendment
of Act No.
42, 1912.

10 (a) by omitting from the matter relating to Part IIIA Sec. 1.
in section one the words "WINE AND MALTED (Short title
LIQUORS IN RESTAURANTS" and by inserting in lieu and
thereof the words "LIQUOR IN RESTAURANTS"; division.)

15 (b) by inserting at the end of section twelve the follow- Sec. 12.
ing new subsection :— (Power to
(6) Notwithstanding paragraph (a) of subsec- adjourn—
tion seven of section five of this Act the licensing majority
court may adjourn to any building whether or not to decide.)
such building has been appointed pursuant to the
20 said paragraph.

(c) (i) by inserting next after paragraph (4) of Sec. 13.
section thirteen the following new para- (Exemp-
graph :— tions from
this Part.)

25 (4A) liquor at a trade fair under a permit
granted by the licensing court. Such
permit may be issued subject to such
terms and conditions, including condi-
tions prescribing the classes of liquor
that may be sold or offered for sale
30 and requiring any liquor so sold or
offered for sale to be in sealed con-
tainers of a size specified in such
permit, as the licensing court may

impose.

Liquor (Amendment).

impose. Any such permit may be
revoked by the licensing court at any
time if it thinks fit so to do—

- 5 (ii) by omitting paragraph (10) of the same
section and by inserting in lieu thereof the
following paragraph :—

10 (10) the sale by or on behalf of the Com-
missioner for Railways on such trains
as the Commissioner for Railways may
determine of liquor for consumption
on such trains by passengers.

- (d) by omitting from section fourteen the words “or
stand” wherever occurring; Sec. 14.
(Description
of liquor
licenses.)

- 15 (e) (i) by omitting from section twenty the words “or
stand” wherever occurring; Sec. 20.
(Booth or
stand
licenses.)

- (ii) by inserting in subsection one of the same
section after the words “in the license” the
words “or, in lieu of any such day, on any day
to which the function or event in respect of
which the license is granted is postponed”;

- 20 (f) (i) by omitting from paragraph (a) of subsection
one of section twenty-one the words “(not
exceeding five hundred pounds)”;

- 25 (ii) by omitting from paragraph (b) of the same
subsection the word “five” and by inserting in
lieu thereof the word “six”;

- (iii) by omitting from the same subsection the
words “or stand” wherever occurring;

- 30 (iv) by omitting from paragraph (d) of the same
subsection the word “two” and by inserting in
lieu thereof the word “four”;

- (v) by omitting from paragraph (g) of the same
subsection the word “two” and by inserting
in lieu thereof the word “four”;

- 35 (vi) by omitting from paragraph (i) of the same
subsection the word “two” and by inserting in
lieu thereof the word “four”;

(g)

Liquor (Amendment).

- (g) by omitting from paragraph (a) of subsection one of section twenty-two the words "or stand"; Sec. 22.
(Particulars to be furnished by licensees.)
- (h) by inserting at the end of subsection one of section twenty-three the following new paragraph :— Sec. 23.
(Board to fix fee.)
- 5 In the assessment or reassessment of any such amount fractions of a shilling shall be disregarded.
- (i) by inserting at the end of section twenty-six the following new paragraph :— Sec. 26.
(Hotels in distant areas.)
- 10 Where an application is made to the licensing court for the reduction in the public accommodation prescribed in this section in respect of a house situated as hereinbefore referred to the licensing court may, if it is satisfied that the demand for such accommodation either does not exist or is so
- 15 small as not to justify the provision thereof, authorise the reduction of such public accommodation in respect of such house to not less than one good and substantial sleeping-room and the reduced public accommodation so authorised shall
- 20 be the public accommodation prescribed by this section in respect of such house.
- (j) (i) by inserting in subsection one of section twenty-seven after the words "a license shall on the request of the applicant" the words "or of such other person as the court may see fit"; Sec. 27
(Conditional license may be granted.)
- 25 (ii) by inserting in the same subsection after the words "the character of the applicant" the words "or of such other person, as the case may be,";
- (k) by omitting from section twenty-eight the words "or stand"; Sec. 28.
(Applications for packet and booth or stand licenses.)
- 30 (l) (i) by omitting from section twenty-nine the words "license under this Part" and by inserting in lieu thereof the words "application under this Part"; Sec. 29.
(Objections to liquor licenses.)
- 35 (ii)

Liquor (Amendment).

- (ii) by omitting from the same section the word
“license” where secondly, thirdly and sixthly
occurring and by inserting in lieu thereof the
word “application”;
- 5 (iii) by omitting from the same section the words
“a license” where seventhly occurring and by
inserting in lieu thereof the words “the
application”;
- 10 (iv) by omitting from the same section the words
“And the objections which may be taken to
the renewal, transfer, or removal of any such
license may, subject to the provisions of the
next succeeding section, be any of the grounds
15 of objection hereinbefore specified which the
said court or magistrate may consider applic-
able, and the persons by whom any objections
may be taken to the renewal, transfer or
removal of any such license may be any of
20 the persons referred to in paragraphs (i), (ii),
(iii) and (iv) of this section.”;
- (v) by omitting from the same section the words
“whether for the grant, renewal, removal, or
transfer of a license”;
- 25 (m) (i) by inserting in subsection one of section thirty Sec. 30.
after the words “provided for in” the words (Qualifica-
“or as reduced in accordance with”; tion of
section
twenty-
nine.)
- (ii) by omitting subsections two and three of the
same section;
- 30 (n) by inserting at the end of section thirty-three the Sec. 33.
following new subsection :— (Costs.)
- (2) The sum ordered to be paid by the court
under subsection one of this section shall be
recoverable as a debt in any court of competent
jurisdiction.
- 35 (o) by omitting from subsection one of section thirty- Sec. 35.
five the words “or stand”; (Renewal of
license on
production
thereof and
payment of
annual fee.)
- (p)

Liquor (Amendment).

- (p) by inserting at the end of section thirty-six the following new subsection : —

Sec. 36.
(Notice of
application
for renewal
to be given
to
inspector.)

- 5 (2) Where application for the renewal of a license has been made by a licensee who has complied with the requirements of subsection one of this section and the application has not been heard and determined by the court before the date of expiry of the license the license shall be deemed to continue in force until such application has been
10 determined.

- (q) (i) by omitting from subsection one of section thirty-seven the words "or stand";

Sec. 37.
(Transfer of
licenses.)

- (ii) by inserting next after the proviso to the same subsection the words : —

- 15 Provided further that an intended transferor who has held the same premises as referred to in the preceding proviso may make application to the licensing court for its approval to the transfer of the license and if
20 the licensing court is satisfied that the grounds upon which such application is based are well founded the licensing court shall not be entitled to refuse an application for transfer for the reason that he has not held the license for the
25 period of twelve months.

- (iii) by omitting from subsection four of the same section the words "or stand";

- (r) by inserting in paragraph (b) of subsection two of section thirty-eight after the words "seven days"

Sec. 38.
(Transfer of
license in
certain
cases.)

- 30 the words ", or such further period as the licensing court may allow,";

- (s) by inserting at the end of subsection two of section thirty-nine the words "and to the council of the

Sec. 39.
(Removal
of licenses.)

- 35 city, municipality, or shire within which the premises to which it is desired to remove the license are situated";

(t)

Liquor (Amendment).

- (t) by omitting subsection two of section 39A and by inserting in lieu thereof the following subsection : —
- (2) The provisions of subsections two, (2A) and four of section thirty-nine of this Act shall apply to any application under this section, other than an application for the removal of a spirit merchant's license and the provisions of subsections (4A), (4B) and seven of section thirty-nine of this Act shall apply to any application under this section.
- (u) (i) by omitting from paragraph (a) of subsection one of section 40A the words "Upon proof that public convenience requires" and by inserting in lieu thereof the words "On being satisfied of the necessity for";
- (ii) by omitting from paragraph (d) of subsection two of the same section the words "within the prescribed period";
- (v) (i) by omitting from subsection one of section 40B the words "Upon proof that public convenience requires" and by inserting in lieu thereof the words "On being satisfied of the necessity for";
- (ii) by omitting from subsection (1A) of the same section the words "Upon proof that public convenience requires" and by inserting in lieu thereof the words "On being satisfied of the necessity for".
3. (1) The Liquor Act, 1912, as amended by subsequent Acts, is further amended—
- (a) (i) by inserting in subsection (1A) of section forty-three after the words "premises" where firstly occurring the words "on or";
- (ii) by inserting in paragraph (b) of the same subsection after the word "liquor" the words "on or";
- (b)

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

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

Sec. 40B.
(Additional equipment.)

Further amendment of Act No. 42, 1912.

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

Liquor (Amendment).

- 5 (b) by omitting from section forty-six the words "for the first offence to a penalty not exceeding five pounds and for the second or any subsequent offence to a penalty not exceeding thirty pounds" and by inserting in lieu thereof the words "to a penalty not exceeding fifty pounds"; (Sec. 46. (Permitting drunkenness or riotous conduct on premises.)
- 10 (c) by inserting in paragraph (c) of subsection two of section forty-seven after the words "such permit" the words "any conditions including conditions specifying"; (Sec. 47. (Dancing not to be permitted.)
- (d) by omitting from section fifty-one the word "two" and by inserting in lieu thereof the word "fifty"; (Sec. 51. (Person under eighteen not allowed in bar.)
- 15 (e) (i) by omitting from paragraph (b) of subsection one of section fifty-seven the words "or upon the morning of the day, not being a Sunday, upon which Anzac Day is observed in each year"; (Sec. 57. (Times when premises may not be open for sale of liquor.)
- (ii) by inserting next after the same paragraph the following new paragraph : —
- 20 (c) upon any day, not being a Sunday, upon which Anzac Day is observed, except between the hours of twelve noon and ten o'clock in the evening;
- 25 (iii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph : —
- (d) upon any day, other than a day specified in paragraph (a), (b) or (c) of this subsection, except between the hours of ten o'clock in the morning and ten o'clock in the evening.
- 30 (iv) by omitting from paragraph (b) of subsection (1A) of the same section the word "eleven" and by inserting in lieu thereof the word "twelve";
- 35 (v) by omitting paragraph (c) of the same subsection ; (vi)

Liquor (Amendment).

- 5 (vi) by omitting from paragraph (b) of subsection (1B) of the same section the words "or upon the morning of the day, not being a Sunday, upon which Anzac Day is observed in each year";
- (vii) by inserting next after the same paragraph the following new paragraph :—
- 10 (b1) upon any day, not being a Sunday, upon which Anzac Day is observed, except between the hours of twelve noon and six o'clock in the evening;
- 15 (viii) by omitting from paragraph (c) of the same subsection the words "other day" and by inserting in lieu thereof the words "day, other than a day specified in paragraph (a), (b) or (b1) of this subsection,";
- (f) (i) by inserting in subsection two of section 57A ^{Sec. 57A.} after the words "member of a club" the words ^(Supply of liquor with bona fide meals or suppers in licensed or club premises.) "and his guests";
- 20 (ii) by omitting from the same subsection the words "two-thirty o'clock in the afternoon" and by inserting in lieu thereof the words "three o'clock in the afternoon and between the hours of six o'clock in the evening and
- 25 nine o'clock in the evening";
- (iii) by omitting from the same subsection the words "and between the hours of six-thirty o'clock in the evening and seven-thirty o'clock in the evening,";
- 30 (iv) by omitting from the same subsection the words "and the day, not being a Sunday, upon which Anzac Day is observed";
- (v) by inserting at the end of the same subsection the following proviso :—
- 35 Provided further that the licensing court shall not in granting any such permit—
- (a) authorise liquor to be sold, disposed of, supplied or consumed in any room or part

Liquor (Amendment).

part of the licensed premises or club premises other than the dining room, or

- 5 (b) extend the permit to any hour between three o'clock in the afternoon and six o'clock in the evening or later than nine o'clock in the evening,

10 on any day specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act.

- 15 (vi) by omitting from subsection three of the same section the words "two-thirty o'clock in the afternoon" and by inserting in lieu thereof the words "three o'clock in the afternoon and between the hours of six o'clock in the evening and nine o'clock in the evening";

- 20 (vii) by omitting from the same subsection the words "(the day, not being a Sunday, upon which Anzac Day is observed, excepted), or between the hours of six-thirty o'clock in the evening and seven-thirty o'clock in the evening";

- (viii) by omitting from the same subsection the words "and the day, not being a Sunday, upon which Anzac Day is observed";

- 25 (g) by omitting from subsection one of section sixty- Sec. 64. four the words "or place on such premises wherein (Bars.) or from" and by inserting in lieu thereof the words ", or place at,";

- 30 (h) (i) by inserting in subsection two of section 64A Sec. 64A. after the word "sold" the words "or supplied"; (Closing of bars, etc.)

- (ii) by inserting in the same subsection after the word "public" the words "or members of the club and their guests, as the case may require";

- 35 (i) (i) by inserting in subsection one of section sixty- Sec. 67. seven after the word "five," the words "or (Liquor to be sold by measure.) seven,";

(ii)

Liquor (Amendment).

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

(1A) No holder of a publican's license shall supply to any person for consumption on the premises of such holder any malted liquor unless the same is contained in a glass or other container which has been clearly marked in the prescribed manner to indicate the measure of the capacity thereof.

For the purpose of this subsection the prescribed manner of marking glasses or other containers shall be :—

(a) where the glass or other container is manufactured in Australia, in a manner approved in writing by the Superintendent of Weights and Measures appointed under the Weights and Measures Act, 1915, as amended by subsequent Acts; and

(b) where the glass or other container is not so manufactured, in a manner approved by said Superintendent of Weights and Measures and under the supervision of an inspector of weights and measures appointed under the Weights and Measures Act, 1915, as amended by subsequent Acts and in accordance with such requirements as may be prescribed by regulations made under this Act.

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

(iii) for the exclusion from subsection one of this section of any number therein prescribed or for the inclusion therein of any other number.

(j)

Liquor (Amendment).

- (j) by inserting in section seventy after the words "one hundred pounds" the words "and in addition the licensing court may suspend the license of such licensee or holder for such period as it thinks fit or may cancel such license";

Sec. 70.
(Forfeiture of license in certain cases.)

- (k) by omitting section seventy-seven.

Sec. 77.
(Paying wages in public-houses prohibited.)

(2) The amendment made by subparagraph (ii) of paragraph (d) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

4. (1) The Liquor Act, 1912, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 42, 1912.

- (a) by omitting from the heading to Part IIIA the words "WINE AND MALTED LIQUORS IN RESTAURANTS" and by inserting in lieu thereof the words "LIQUOR IN RESTAURANTS";

Part IIIA.
(Heading.)

- (b) by omitting from section 78C the definition of "Light wines";

Sec. 78C.
(Interpretation.)

- (c) by omitting from section 78D the words "light wines and malted liquors" and by inserting in lieu thereof the word "liquor";

Sec. 78D.
(Court may grant permit.)

- (d) by inserting at the end of section 78E the following new subsection : —

Sec. 78E.
(Application.)

- (3) (a) The notice required by paragraph (a) of subsection two of this section shall be accompanied by a statement verified by statutory declaration setting out the names of all persons directly or indirectly interested in the application or in the business or the profits of the business to be carried on under the permit applied for.

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

(c)

Liquor (Amendment).

- 5 (c) Where any person, other than the applicant, is interested in the business or the profits of the business as aforesaid, the applicant shall produce to the licensing court an agreement between such person and the applicant evidencing that—
- (i) the applicant shall have the full free and unfettered control of the conduct of the business to be carried on under the permit applied for; and
- 10 (ii) no payment or part payment shall be made to the applicant by way of commission or allowance from or upon the receipts of the business to be carried on under the permit applied for for liquor
- 15 sold or supplied.
- (e) by omitting paragraphs (b) and (c) of subsection Sec. 78F. two of section 78F and by inserting in lieu thereof (Objections.) the following paragraph :—
- 20 (b) by omitting all words commencing with the words “Where objection is taken” down to and including the words “or rebuilding of the premises”.
- (f) (i) by omitting from subsection two of section Sec. 78H. 78H the word “five” and by inserting in lieu (Fees.) thereof the word “six”;
- 25 (ii) by inserting at the end of subsection four of the same section the following new paragraph :—
- 30 In the fixation or re-assessment of any such amount fractions of a shilling shall be disregarded.
- (g) by omitting section 78K and by inserting in lieu Subst. thereof the following section :— sec. 78K.
- 35 78K. (1) A permit shall have the effect of Effect of authorising the holder to sell and supply liquor in permit. accordance with the provisions of this section.
- (2)

Liquor (Amendment).

(2) The liquor shall be sold and supplied in the restaurant specified in the permit for bona-fide consumption by persons partaking of a meal and not otherwise.

5 For the purposes of this subsection a meal shall mean a bona-fide meal, not in sandwich form, at which the persons partaking thereof are seated at a table.

10 (3) Liquor supplied in a restaurant pursuant to a permit, shall be served in a sealed bottle at the table at which the purchaser is seated, and shall be opened at that table in his presence. And every bottle so served shall bear a label showing thereon the name and address of the person responsible for the bottling of the contents thereof, together with such further particulars as may be prescribed :

15 Provided that spirituous liquor and fortified wines may only be sold and supplied in bottles not exceeding five ounces capacity to a purchaser at the one time.

20 (4) Liquor shall not be sold or supplied in a restaurant pursuant to a permit except between the hours of twelve noon and three o'clock in the afternoon and between the hours of six o'clock in the evening and nine o'clock in the evening on any of the days specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act, and between the hours of twelve noon and three o'clock in the afternoon and between the hours of six o'clock in the evening and twelve o'clock midnight on any other day.

25 (5) In every case in which any of the provisions of this section are contravened the holder of the permit for the restaurant concerned shall be liable to a penalty not exceeding one hundred pounds.

35 (h) (i) by omitting from subsection one of section 78L wherever occurring the words "light wine or malted liquor" and by inserting in lieu thereof the word "liquor"; (ii) Sec. 78L. (Removal of bottles from tables.)

40

Liquor (Amendment).

- (ii) by omitting from paragraph (a) of the same subsection the words "two-thirty" and "three" and by inserting in lieu thereof the words "three" and "three-thirty" respectively;
- 5 (iii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph : —
- (b) Where the liquor is served after the hour of six o'clock in the evening—
- 10 (i) on any of the days referred to in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act, the removal shall be completed before
- 15 nine-thirty in the evening of the same day; and
- (ii) on any other day, the removal shall be completed before
- 20 twelve-thirty o'clock in the morning of the following day.
- (i) by omitting section 78M; Sec. 78M.
(Prohibited days.)
- (j) by omitting section 78P; Sec. 78P.
(Return of permit.)
- (k) by omitting from section 78Q the words "light wines and malted liquors" wherever occurring and by inserting in lieu thereof the word "liquor"; Sec. 78Q.
(Maximum charges may be prescribed.)
- 25 (l) by omitting from section 78R the words "light wine or malted liquor" and by inserting in lieu thereof the word "liquor". Sec. 78R.
(Obtaining liquor by false representation.)
- (2) Any permit granted under Part IIIA of the Liquor Act, 1912, as amended by subsequent Acts, before the commencement of this Act, shall be deemed to be a permit granted under that Part as amended by this Act.

Liquor (Amendment).

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

Further amendment of Act No. 42, 1912.

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

Sec. 119. (Appointment of inspectors.)

10 (1c) The person who for the time being holds the office of superintendent of licenses shall have and may exercise and discharge all or any of the powers authorities duties and functions conferred or imposed on a district inspector.

- (b) by omitting from paragraph (c) of section one hundred and twenty-three the words "for such period as it thinks fit";

Sec. 123. (Cancellation of licenses.)

- 15 (c) (i) by omitting from section 132A the words "either before or after the commencement of Part IV of the Liquor (Amendment) Act, 1946,";

Sec. 132A. (Effect of certificate.)

(ii) by inserting in the same section after the word "sell" the word ", supply";

- 20 (d) by inserting in section one hundred and thirty-three after the word "sixty-six," the word "sixty-seven,";

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

- (e) (i) by omitting from paragraph (c) of section one hundred and thirty-four the words "upon premises of which such association or company are the bona-fide occupiers";

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

25 (ii) by inserting in the same section next after the same paragraph the following new paragraph :—

30 (c1) The club must be established with premises, or where it has no premises or has premises not the subject of the application, with land upon which it is proposed to erect premises and of which such association or company are the bona-fide occupiers.

35 (iii)

Liquor (Amendment).

- (iii) by inserting in paragraph (d) of the same section after the words "under its rules" the words "or otherwise";
- 5 (iv) by inserting in paragraph (i) of the same section after the word "registered" where firstly occurring the words "or has applied for registration";
- 10 (v) by inserting in subparagraph (ii) of the same paragraph after the word "securities" the words "or loans";
- (f) by omitting from subsection two of section one hundred and thirty-six the words "Such application" and by inserting in lieu thereof the words "Such notice"; Sec. 136. (Notice of application for registration.)
- 15 (g) by omitting from subsection five of section 136A the words "and upon application being made by the secretary"; Sec. 136A. (Conditional registration may be granted.)
- 20 (h) (i) by inserting in subsection two of section one hundred and thirty-seven after the word "club" where firstly occurring the words "together with such further particulars as may be prescribed by regulation"; Sec. 137. (Notice of application for renewal.)
- (ii) by inserting at the end of the same section the following new subsection : —
- 25 (4) Where application has been made in accordance with subsection one of this section to which an objection has been taken, and the application has not been heard and determined by the court before the date of expiry of the current certificate of registration, the certificate of registration shall be deemed to continue in force until such application has been determined.
- 30

Liquor (Amendment).

- (i) by inserting in subsection two of section one hundred and thirty-eight after the word "members" the words "and such other books and records as he deems necessary"; Sec. 138. (Application to be furnished to inspector.)
- 5 (j) by inserting next after subsection one of section one hundred and thirty-nine the following new subsection : — Sec. 139. (Application —how dealt with.)
- 10 (1A) The licensing court may grant an application notwithstanding that the strict requirements of subsection one of this section have not been complied with if it is satisfied that the grounds of any objection or the relevant matters are of a trivial nature or such as not to warrant the refusal of a grant of such application.
- 15 The relevant date for determining whether or not an objection should be sustained shall be the date of the sitting of the licensing court named in the notice of the application.
- 20 (k) by omitting paragraph (e) of subsection one of section one hundred and forty and by inserting in lieu thereof the following paragraph : — Sec. 140. (Objections which may be taken to grant or renewal of certificate.)
- 25 (e) That liquor has been illegally sold supplied or disposed of on or from the club premises during the period of two years preceding the date of application.
- (l) by omitting from subsection two of section one hundred and forty-five the words "and upon application being made by the secretary"; Sec. 145. (Removals of club premises.)
- 30 (m) (i) by omitting paragraph (b) of subsection three of section one hundred and forty-eight and by inserting in lieu thereof the following paragraph : — Sec. 148. (Summons to show cause against cancellation.)
- 35 (b) suspend the certificate for such period as the licensing court deems fit; or; (ii)

Liquor (Amendment).

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

5 In default of payment of any costs awarded against a club within the time allowed by the court the certificate of registration thereof shall be suspended until such costs are paid.

- 10 (n) (i) by omitting from paragraph (a) of subsection Sec. 150A. one of section 150A the words “(not exceeding (Fees.) five hundred pounds)”;

- (ii) by omitting from paragraph (b) of the same subsection the word “five” and by inserting in lieu thereof the word “six”;

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

 In the fixation or re-assessment of any such amount fractions of a shilling shall be disregarded.

- 20 (o) by omitting from paragraph (i) of subsection one of section one hundred and fifty-three the words “to the granting, renewal, or removal of licenses under Part III” and by inserting in lieu thereof the words “to applications that may be made under this Act”;

Sec. 153.
(Regulations.)

- 25 (p) (i) by inserting in section one hundred and fifty-six after the word “licensee” where firstly occurring the words “or any person authorised by him in that behalf may”;

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

- 30 (ii) by inserting in the same section after the words “turn out” the words “or cause to be turned out”;

(q)

Liquor (Amendment).

- (q) by inserting at the end of section one hundred and sixty-eight the following new subsection : —

Sec. 168.
(Historic
inns.)

5 (3) (a) Upon the application of any owner of
any premises which are or have been licensed
premises under this Act or any prior Act regulating
the sale of liquor the Governor may by order
published in the Gazette declare such premises to be
an historic inn if satisfied that the premises or any
10 substantial part thereof are or is of national, special
historic or architectural interest and should be pre-
served for the benefit of the public generally. Upon
any such order being made and notwithstanding
anything contained in this Act, the Governor may,
subject to such conditions as he may impose—

- 15 (i) sanction and authorise the issue by the
licensing court of a license for the sale of
liquor at an historic inn which is not
already licensed under this Act ;
20 (ii) exempt any historic inn, the owner and
the licensee thereof from such provisions
of this Act as he may determine.

25 (b) Subject to any conditions imposed by
the Governor and exemptions as aforesaid the
provisions of this Act relating to publicans' licenses,
the holders thereof, licensed premises and persons
resorting thereto, shall in respect of any license
issued in respect of an historic inn apply, mutatis
mutandis, to and in respect of any such license, the
holder thereof, the premises in respect of which
30 such license is issued and persons resorting thereto.

(c) The Governor may, before declaring
any premises to be an historic inn under this sub-
section, refer the matter to the licensing court for
inquiry and report. Any preservation society shall
35 be entitled to be heard and represented before the
licensing court on any such reference.

(d)

Liquor (Amendment).

5 (d) In this subsection "preservation society" includes The National Trust of Australia (New South Wales), the Royal Australian Historical Society, the Royal Australian Institute of Architects, New South Wales Chapter, and any other body specified by the Minister in a notice published in the Gazette.

- 10 (r) (i) by inserting at the end of subsection three of Sec. 170. section one hundred and seventy the following (Appeals.) new paragraphs : —

15 Where such appeal is not determined by the thirtieth day of June next following the cancellation of his license his license shall not be deemed to remain in force beyond that date unless he lodges with the clerk of the licensing court a sum equal to the amount last paid as a fee for the license of the premises.

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

- 25 (ii) by omitting from paragraph (b) of subsection five of the same section the words "other than the licensing magistrate from whose adjudication such appeal is made" and by inserting in lieu thereof the words " , or any three of them, other than the licensing magistrate from whose adjudication such appeal is made, or constituted in accordance with the provisions of paragraph (a) of subsection twelve of section 30 five of this Act".

BY AUTHORITY:

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