

## LIQUOR (AMENDMENT) BILL

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### *Schedule of Amendments referred to in Legislative Council's Message of 7 December, 1966*

- No. 1.—Pages 2 and 3, clause 2, line 31 on page 2 to line 4 on page 3. *Omit* all words from and including the word “and” on line 31 on page 2 down to and including the word “instalments” on lines 3 and 4 on page 3.
- No. 2.—Page 7, clause 2, line 22. *Omit* “five”, *insert* “six”.
- No. 3.—Page 7, clause 2, line 37. *Omit* “five”, *insert* “six”.
- No. 4.—Page 29, clause 5, line 23. *Omit* “register of visitors and a”.
- No. 5.—Page 31, clause 5, lines 31 to 35, inclusive. *Omit* all words on these lines.
- No. 6.—Page 32, clause 5, line 30. *After* “subscription;” *insert* “and”.
- No. 7.—Page 33, clause 5, lines 5 to 11. *Omit* all words from and including the word “and” on line 5 down to and including the word “premises” on line 11.
- No. 8.—Page 33, clause 5, lines 15 to 17. *Omit* “or who fails to keep a register pursuant to paragraph (c) of that subsection,”.
- No. 9.—Page 33, clause 5, lines 21 to 27. *Omit* all words on these lines.
- No. 10.—Page 36, clause 9, lines 18–21, inclusive. *Omit* clause 9.





*Liquor (Amendment).*

(2) The Liquor Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) This section and section eleven of this Act shall commence upon the day upon which this Act receives the Royal assent and the other provisions of this Act shall commence upon such day or days as may be appointed and notified pursuant to subsection four of this section.

(4) The Governor may, from time to time, appoint and notify by proclamation published in the Gazette the day upon which any provision of this Act specified in the proclamation, other than this section and section eleven, shall commence and may appoint different days for different provisions (whether contained in the same section or in different sections) and the provision so specified shall commence accordingly.

2. The Principal Act is amended—

Amendment of Act No. 42, 1912.

- (a) (i) by inserting in section fourteen after the words "booth licenses" where firstly occurring the words ", theatre licenses and general and limited public hall licenses";
- (ii) by inserting in the same section after the words "booth licenses" where secondly occurring the words "and limited public hall licenses";

Sec. 14. (Descriptions of liquor licenses.)

- (b) by omitting section 15A and by inserting in lieu thereof the following section :—

Subst. sec. 15A.

15A. All spirit merchants' licenses may be in the form prescribed and every such license shall authorise the licensee therein named to sell and dispose of liquor on the premises therein specified—

Spirit merchants' licenses.

- (a) otherwise than for consumption on such premises; and
- (b) in the case of malted liquor, only in quantities at any one time of not less than two gallons supplied and delivered from



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~~from or supplied and delivered at and  
taken away from such premises at one  
and the same time and not by instal-  
ments.~~

- 5 (c) (i) by omitting subsection one of section twenty <sup>Sec. 20.</sup>  
and by inserting in lieu thereof the following <sup>(Booth</sup>  
subsection :— <sup>licenses.)</sup>

10 (1) Booth licenses may be in the form  
prescribed and shall authorise the licensee,  
subject to any conditions and provisions  
imposed on the grant of the license, to sell and  
dispose of liquor at any race-meeting, regatta,  
15 cricket or rifle match, athletic or other sports,  
encampment, fair or other lawful place or  
function for public amusement, upon a parti-  
cular day or upon particular days and during  
the hours specified in the license or, in lieu of  
any such day, on any day to which the  
20 function or event in respect of which the  
license is granted is postponed : Provided that  
a booth license shall not be granted for or  
exercised during any of the days referred to in  
paragraphs (a) and (b) of subsection one of  
25 section fifty-seven of this Act or the time before  
twelve noon upon any day, not being a Sun-  
day, upon which Anzac Day is observed.

- 30 (ii) by omitting paragraphs (a) and (b) of sub-  
section two of the same section and by  
inserting in lieu thereof the following para-  
graphs :—

(a) Application for a booth license may be  
made—

- 35 (i) by the holder of a publican's license  
granted in respect of premises situated  
within the licensing district within  
which the booth license is to be  
exercised ; or

(ii)

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(ii) by any person on behalf of and with the authority of a non-proprietary association.

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

10 (iii) by omitting from paragraph (d) of the same subsection the word "subsection" and by inserting in lieu thereof the word "section";

15 (d) by inserting next after section twenty the following new sections : —

New secs.  
20A, 20B  
and 20c.

20 20A. (1) A theatre license may be granted in respect of a theatre licensed under Part II of the Theatres and Public Halls Act, 1908, as amended by subsequent Acts—

Theatre  
licenses.

25 (a) that is regularly used for entertainments of the stage in which all the performers whose words or actions constitute the entertainment are physically present on the premises and actually perform the entertainment; and

30 (b) in which, in the opinion of the licensing court or licensing magistrate granting the application, proper facilities for the sale, disposal and consumption of liquor are available.

(2) A theatre license may be in the form prescribed and shall, subject to section 20c of this Act, authorise the licensee to sell and dispose of liquor for consumption on the premises—

35 (a) during the times specified in the license on the days when the theatre specified therein is open to the public for the purposes of attending



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attending an entertainment of the nature referred to in paragraph (a) of subsection one of this section;

- 5 (b) in the part or parts of the theatre specified in the license, being a part or parts which is or are accessible only to persons who are attending the entertainment; and
- 10 (c) subject to such conditions and provisions as may be imposed by the licensing court or licensing magistrate granting the application.

15 20B. (1) In this section "function" means a dinner, reception, convention, seminar or the like and a ball conducted bona fide by or on behalf of a body or association of persons. <sup>Public hall licenses.</sup>

(2) A public hall license may be granted in respect of a public hall licensed under Part II of the Theatres and Public Halls Act, 1908, as amended by subsequent Acts—

20 (a) by the licensing court or a licensing magistrate in respect of all functions to be conducted during the currency of the license in the public hall in respect of which the application is made (such a license being in this

25 Act referred to as a general public hall license) provided the court or magistrate granting the application is satisfied—

30 (i) that the public hall in respect of which the application is made has adequate fittings, furniture and equipment for the accommodation of not less than five hundred persons at one and the same time;

35 (ii) that proper facilities are available therein for the sale, disposal and consumption of liquor; and

(iii)

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- (iii) that the applicant has the immediate supervision and control of the premises; or
- 5 (b) by the licensing court, a licensing magistrate or, where no objection to the application is taken under this Act, the clerk of the licensing court, in respect of a particular function to be conducted in the public hall in respect of which the application is made
- 10 (such a license being in this Act referred to as a limited public hall license) provided the court, magistrate or clerk of the licensing court granting the application is satisfied that the public hall in respect of which the application is made has suitable facilities for
- 15 the sale, supply and consumption of liquor having regard to the facilities that might reasonably be expected to be provided for the particular function in respect of which
- 20 the application is made.
- (3) A public hall license may be in the form prescribed and shall, subject to section 20c of this Act, authorise the licensee to sell and dispose of liquor at a function, for consumption on the
- 25 premises—
- (a) otherwise than at a bar;
- (b) during the times specified in the license—
- 30 (i) in the case of a general public hall license, on the days on which functions are conducted in the public hall specified in the license; or
- (ii) in the case of a limited public hall license, on the day or days specified in the license;
- 35 (c)



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- (c) in the part or parts of the public hall specified in the license, being a part or parts which is or are accessible only to persons who are attending the function; and
- 5 (d) subject to such conditions and provisions as may be imposed by the licensing court, licensing magistrate or, as the case may be, the clerk of the licensing court, granting the application.
- 10 20c. A theatre license and a public hall license shall not authorise the licensee to sell and dispose of liquor on any of the days referred to in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act and the time before noon on any day, not being a Sunday, on which Anzac Day is observed, except in so far as the times specified in the license extend beyond midnight on any preceding day on which the sale or disposal of liquor is authorised by the license. Prohibited days for sale of liquor.
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- 20 (e) (i) by omitting from paragraph (d) of subsection one of section twenty-one the word "four" and by inserting in lieu thereof the word "~~five~~" "six"; Sec. 21. (Fees payable for licenses under this Part.)
- 25 (ii) by omitting paragraph (i) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (i) For the renewal of—
- 30 (i) an Australian wine license where only an Australian wine license is held in respect of the licensed premises—a sum equal to four per centum;
- (ii) an Australian wine license where a spirit merchant's license is also held in respect of the licensed premises—a sum equal to ~~five~~ six per centum, of
- 35

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- 5 of the gross amount (including any  
duties thereon) paid or payable for all  
liquor being Australian wine which,  
during the twelve months ended on the  
thirty-first day of December next  
preceding the date of the application  
for the renewal of the license, was  
delivered upon or purchased for the  
premises in respect of which such  
10 renewal is sought.
- (iii) by omitting from paragraph (j) of the same  
subsection the words "four dollars" and by  
inserting in lieu thereof the words "ten  
dollars";
- 15 (iv) by inserting at the end of the same subsection  
the following new paragraphs :—
- (k) For a new theatre license, the sum of  
one hundred dollars : Provided that  
20 where a new theatre license is granted  
after the first day of July the sum  
payable therefor shall be such sum as  
bears to the sum of one hundred  
dollars the same proportion as the  
25 period from the date of grant of the  
said license to the thirtieth day of June  
next ensuing bears to the period of one  
year.
- (l) For the renewal of a theatre license,  
30 a sum equal to six per centum of the  
gross amount (including any duties  
thereon) paid or payable by the  
licensee for all liquor which, during  
the twelve months ended on the thirty-  
35 first day of December next preceding  
the date of the application for the  
renewal of the license, was delivered  
upon or purchased for the premises in  
respect of which such renewal is sought.  
(m)

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- 5 (m) For a new general public hall license, the sum of two hundred and fifty dollars : Provided that where a new general public hall license is granted after the first day of July the sum payable therefor shall be such sum as bears to the sum of two hundred and fifty dollars the same proportion as the period from the date of grant of the said license to the thirtieth day of June next ensuing bears to the period of one year.
- 10 (n) For the renewal of a general public hall license, a sum equal to six per centum of the gross amount (including any duties thereon) paid or payable by the licensee for all liquor which, during the twelve months ended on the thirty-first day of December next preceding the date of the application for the renewal of the license, was delivered upon or purchased for the premises in respect of which such renewal is sought.
- 15 (o) For a limited public hall license, the sum of ten dollars per day.
- 20 (v) by omitting from subsection (1A) of the same section the word and symbols "and (i)" and by inserting in lieu thereof the word and symbols ", (i), (l) and (n)";
- 25 (f) (i) by inserting in subsection one of section twenty-two after the words "packet license" the words ", or of a theatre license, or of a general public hall license";
- 30 (ii) by inserting in subsection three of the same section after the words "packet license" the words ", or of a theatre license, or of a general public hall license";
- 35 (g)

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



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5 (g) by omitting from subsection one of section twenty-four the words "or Australian wine license under this Act" and by inserting in lieu thereof the words "Australian wine, theatre or general public hall license";

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

10 (h) (i) by omitting from subsection one of section twenty-seven the words "or Australian wine" and by inserting in lieu thereof the words ", Australian wine, theatre or general public hall";

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

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

15 (3) A conditional application under this section for a new publican's license may include a conditional application for a permit under section 57A, endorsed under section 57B, of this Act and a conditional application for such a permit, so endorsed, may also be made in respect of premises licensed under this Act but requiring additions or alterations to make them suitable for the issue of such a permit, so endorsed, and the provisions of subsections one and two of this section shall apply, mutatis mutandis, to any application under this

20 subsection in the same manner as they apply to a conditional application for a license.

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30 (i) (i) by inserting in section twenty-eight after the words "booth licenses," the words "or for limited public hall licenses, need not be preceded by any notices and";

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

35 (ii) by omitting from the same section the words ", and need not be preceded by any notices" and by inserting in lieu thereof the words "or by the clerk of the licensing court in the case of applications for booth licenses and limited public hall licenses to which no objection is taken under this Act";

(j)



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- (j) by inserting next after subsection one of section thirty the following new subsection :—
  - (1A) The ground of objection provided for by paragraph (e) of section twenty-nine of this Act shall not be entertained as a ground of objection to any application under this Part for the grant, renewal or transfer of a theatre license or public hall license.
- (k) by omitting from subsection one of section thirty-five the words "for a booth" and by inserting in lieu thereof the words "the licensee under a booth license or a limited public hall license";
- (l) (i) by inserting in subsection two of section thirty-six after the word "shall" the words ", if a sum equal to the fee that would be payable on the renewal of the license has been lodged with the clerk of the licensing court before the date of expiry of the license,";
  - (ii) by inserting at the end of the same subsection the following new paragraph :—
 

If upon the hearing of the application a renewal of the license is not granted the court shall, as a license fee for the period for which the license is deemed to have continued in force, deduct from the sum so lodged a sum which bears the same proportion to the sum so lodged as that period bears to one year and shall refund the balance to the applicant.
- (m) by inserting in subsection one of section thirty-seven after the words "booth license" the words "or a limited public hall license";
- (n) (i) by inserting in subsection one of section thirty-nine after the words "wine license" the words "or of a theatre license or of a general public hall license";

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

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

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

Sec. 37.  
(Transfer of  
licenses.)

Sec. 39.  
(Removal  
of  
licenses.)

(ii)

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- 5 (ii) by inserting in subsection (4B) of the same section after the word "removal" where firstly occurring the words "in respect of a publican's license, a spirit merchant's license or an Australian wine license";
- 10 (o) (i) by inserting in subsection one of section 39A Sec. 39A. after the words "spirit merchant's license" the words "or of a theatre license or of a general public hall license"; (Conditional applications for removal of licenses.)
- 10 (ii) by inserting in subsection (1A) of the same section next after the words "spirit merchant's license" the words "or a theatre license or a general public hall license";
- 15 (iii) by omitting from subsection two of the same section the word, symbols and figures "(4A), (4B) and" and by inserting in lieu thereof the words, symbols and figures "(4A) and (4B) of section thirty-nine of this Act shall apply to any application under this section, other than an application for removal of a theatre license or general public hall license and the provisions of subsection";
- 20 (p) (i) by inserting in paragraph (b) of subsection two of section forty after the word "premises" where secondly occurring the words "or of substantially altering the use of any portion of the licensed premises"; Sec. 40. (Temporary licenses may be granted in certain cases.)
- 25 (ii) by inserting in the same paragraph after the word "made" the words "or, as the case may be, indicating the proposed alteration of use";
- 30 (iii) by inserting in paragraph (d) of the same subsection after the word "thereof" the words "or substantially alters the use of any portion thereof";
- 35 (q) (i) by omitting from section 43A the words "or other place" wherever occurring and by inserting in lieu thereof the words ". place or premises"; Sec. 43A. (Using and keeping unlicensed house.)
- (ii)



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- (ii) by omitting from the same section the words "or place" wherever occurring and by inserting in lieu thereof the words ", place or premises";
- 5 (r) by inserting at the end of section forty-four the following new subsection : —
  - (2) The allegations in an information in respect of any offence against this section that any race-meeting or meeting for coursing mentioned in the information was held at a place and on a date therein specified and that any horse or dog named in the information took part in any race, contest or course therein mentioned and that such race, contest or course started at a time therein mentioned shall be accepted by the court as evidence of the truth of the allegations unless the contrary is proved.
- 20 (s) by inserting next after subsection three of section forty-nine the following new subsections : —
  - 25 (3A) Any person under the age of eighteen years who consumes liquor on licensed premises or obtains liquor for consumption on licensed premises or carries liquor away from any licensed premises shall be liable to a penalty not exceeding twenty dollars.
  - (3B) No person under the age of eighteen years shall be convicted under subsection (3A) of this section of the offence of carrying liquor away from licensed premises if it is proved to the satisfaction of the court that such person was ordered or requested by some other person to carry away liquor as aforesaid.
- 30 (t) (i) by inserting in section fifty-one after the words "with the" the word "foregoing";
- (ii)

Sec. 44.  
 (Gaming prohibited in licensed premises.)  
 cf. Act No. 25, 1912, s. 58A.

Sec. 49.  
 (Unlawful supply of liquor by licensee.)

Sec. 51.  
 (Person under eighteen not allowed in bar.)

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(ii) by inserting in the same section after the word "dollars." the following new paragraph :—

5 Every person under the age of eighteen years who is for any purpose in the bar of any licensed premises shall be liable to a penalty not exceeding twenty dollars.

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

10 (2) In this section "licensed premises" does not include premises in respect of which a theatre license or public hall license is held.

15 (3) In any prosecution of a licensee for an offence under this section alleged to have been committed in relation to a person under the age of eighteen years, it shall be a sufficient defence if the accused proves that such person was apparently above such age.

(u) by inserting next after section fifty-one the following new section :— New sec. 51A.

20 51A. (1) Any licensee or his agent or servant or any member of the police force may demand from any person who is in the bar of any licensed premises and whom he has reasonable cause to suspect to be under the age of eighteen years, the correct age, name and address of such person, and if he has reasonable ground to suppose that the age, name or address so given is false, may require such person to produce evidence of the correctness of the age, name or address given by such person. Powers of licensee and police with respect to persons under eighteen in bar.

30 (2) If any such person, on demand being made by any member of the police force as aforesaid, refuses or fails to give such age, name or address or, without reasonable cause, to produce any such evidence as aforesaid, such member of the police force may without any warrant apprehend such

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such person forthwith, and shall bring him before some justices as soon as practicable to be dealt with according to law.

5 (3) Every such person who on demand as aforesaid refuses or fails without reasonable cause to give to the licensee, his agent or servant or any member of the police force or to produce evidence as to his correct age, name or address, shall be liable for every such offence to a penalty not exceeding twenty dollars.

(4) In this section "bar" has the meaning ascribed thereto in section fifty-one of this Act.

15 (v) by inserting in paragraph (c) of subsection two of section fifty-seven after the figures and letter "57A" the words ", or an endorsement thereof under section 57B,";

(w) (i) by inserting in subsection one of section 57A after the words "such premises with" the words "or as ancillary to";

20 (ii) by inserting in the same subsection after the words "Any such permit" the words "and any endorsement thereof under section 57B of this Act";

25 (iii) by inserting in subsection two of the same section next after the words "such premises with" the words "or as ancillary to";

(iv) by omitting from subsection three of the same section the words "at the same time";

30 (x) by inserting next after section 57A the following new section:—

57B. (1) The licensing court may, if it is satisfied upon application by the holder of a permit under section 57A of this Act or upon the grant of a permit under that section—

35 (a) that adequate staff, fittings, furniture, equipment and accommodation are available in a dining room on the premises to which the permit

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*Liquor (Amendment).*

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5 permit relates for the provision of meals for at least two hundred and fifty persons, or such lesser number as the licensing court may in special circumstances determine, at one and the same time; and

- 10 (b) where the permit relates to some part of the premises other than the dining room, that adequate staff, fittings, furniture, equipment and accommodation are available in that part for the supply of meals and entertainment.

15 authorise the clerk of the licensing court to endorse the permit as a late permit, subject to such conditions and provisions as the licensing court may, when granting the application, think fit to impose, and the clerk of the licensing court shall, on payment of the prescribed fee, so endorse the permit.

20 (2) Nothing in this Act shall prevent the sale or disposal or supply of liquor in accordance with subsection three of this section on any premises with respect to which a permit under section 57A of this Act, endorsed under this section, is in force.

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

- 30 (a) for consumption on the part of the premises specified in the permit, whether or not that part is a bar-room or bar within the meaning of section sixty-four of this Act;

- 35 (b) between the hours of ten o'clock in the evening on any day (not being a day specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act) and three o'clock in the morning on the following day (whether or not that following day is a day specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act);

(c)

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- 5 (c) to any person (not being a person referred to in section forty-nine of this Act) in conjunction with or as ancillary to—
- (i) a bona fide meal or substantial refreshments; and
- (ii) entertainment, being entertainment by more than one person physically present and actually providing the entertainment; and
- 10 (d) subject to any conditions and provisions imposed by the licensing court when authorising the endorsement of the permit.
- (4) Entertainment provided after midnight for the purpose of complying with the provisions of subsection three of this section shall, for the purposes of the Theatres and Public Halls Act, 1908, as amended by subsequent Acts, and the Sunday Entertainment Act, 1966, be deemed not to have been provided on a day or at a time when the holding of a public entertainment is prohibited by those Acts.
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- 20
- (5) The provisions of subsection two of section 57A of this Act relating to the extension of a permit granted under that section shall not apply to a permit endorsed under this section.
- 25
- (6) Where a permit referred to in subsection three of section 57A of this Act is endorsed under this section, that subsection shall be deemed to be amended—
- 30 (a) by omitting therefrom the words “ten o’clock in the evening and twelve o’clock midnight on any other day” and by inserting in lieu thereof the words “ten o’clock in the evening on any other day and three o’clock in the morning on the following day”; and
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- (b) by omitting therefrom the word "supper" and by inserting in lieu thereof the words "substantial refreshments".
- 5 (y) (i) by omitting from subsection one of section fifty-eight the words "in any" and by inserting in lieu thereof the words "in any part of";
- (ii) by omitting from the same subsection the word "premises" where secondly occurring and by inserting in lieu thereof the word "part";
- 10 (iii) by omitting from subsection two of the same section the word "such" where firstly occurring and by inserting in lieu thereof the words "part of licensed";
- 15 (iv) by omitting from the same subsection the word "premises" where secondly and thirdly occurring and by inserting in lieu thereof the word "part";
- 20 (z) by inserting in subsection one of section 58A after the word "liquor" where secondly occurring the words "or when such premises are open pursuant to a permit or extension thereof under section 57A, or any endorsement of such a permit under section 57B, of this Act";
- 25 (aa) (i) by omitting from subsection one of section sixty-four the words "section fifty-one" and by inserting in lieu thereof the words "sections fifty-one and 51A";
- 30 (ii) by inserting next after paragraph (c) of subsection three of the same section the following new paragraph : —
- (d) This subsection shall not apply to theatres and public halls, being licensed premises.
- (ab)

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- 5 (ab) (i) by inserting in subsection one of section 64A Sec. 64A.  
after the word "liquor" the words "and at any (Closing of bars, etc.)  
time when any part of his licensed premises is  
open for the sale of liquor pursuant to a permit  
or extension thereof under section 57A, or an  
endorsement of such a permit under section  
57B, of this Act";
- 10 (ii) by inserting in the same subsection after the  
word "premises" where secondly occurring the  
words "except a bar-room or bar open in  
accordance with the authority conferred by  
such a permit or extension or endorsement  
thereof";
- 15 (iii) by omitting from subsection two of the same  
section the words "and the holder of a certifi-  
cate of registration of a club";
- (iv) by omitting from the same subsection the  
words "or certificate" wherever occurring;
- 20 (v) by omitting from the same subsection the  
words "or members of the club and their  
guests, as the case may require";
- (vi) by omitting from subsection three of the same  
section the words "or certificate of registra-  
tion";
- 25 (ac) by omitting from subsection one of section sixty- Sec. 69.  
nine the words "of one and the same liquor". (No action for price of less than two gallons of liquor.)

3. The Principal Act is further amended—

Further amendment of Act No. 42, 1912.

- 30 (a) (i) by inserting in section 78C after the word Sec. 78c.  
"Part" in the definition of "Permit" the words (Interpre-  
"and includes a permit endorsed under section tation.)  
78D of this Act";

(ii)

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*Liquor (Amendment).*

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- (ii) by inserting in the same section after the definition of "Prescribed" the following new definition :—
- 5 "Reception area" means a part of a restaurant in which the sale and disposal of liquor otherwise than at dining tables is authorised by the licensing court or by this Act.
- 10 (iii) by inserting in the same section after the word "premises" where secondly occurring in the definition of "Restaurant" the words "and includes premises in which, upon the issue of a permit pursuant to an application under section 78EA of this Act, such supply is proposed";
- 15 (b) by inserting at the end of section 78D the following new subsection :—
- 20 (2) The court may, under and in accordance with this Part and subject to the provisions thereof, authorise the endorsement of a permit—
- (a) to allow a reception area; or
- (b) as a cabaret permit.
- (c) (i) by inserting in subsection one of section 78E after the word "Part" the words "or the endorsement under section 78D of this Act of a permit already in force";
- 25 (ii) by inserting in paragraph (a) of subsection two of the same section after the word "permit" the words "or an endorsement under section 78D of this Act of a permit already in force";
- 30 (iii) by omitting from paragraph (d) of the same subsection the word "The" and by inserting in lieu thereof the words "In the case of an application for a permit, the";
- 35 (iv)



*Liquor (Amendment).*

- (iv) by inserting in the same paragraph after the word "restaurant" where secondly, thirdly, fourthly and fifthly occurring the words "and any proposed reception area";
- 5 (v) by inserting next after the same paragraph the following new paragraph :—
- (e) In the case of an application for the endorsement under section 78D of this Act of a permit already in force, the notice required by paragraph (a) of this subsection to be delivered to the clerk of the court shall be accompanied by such plans and particulars as may be prescribed.
- 10
- (d) by inserting next after section 78E the following <sup>New sec. 78EA.</sup> new section :—
- 15
- 78EA. (1) The provisions of section twenty-seven of this Act shall, mutatis mutandis, and subject to subsection two of this section, apply to and in respect of the granting of permits and the endorsement thereof under section 78D of this Act. <sup>Conditional applications.</sup>
- 20
- (2) For the purposes of such application a reference in section twenty-seven to a license shall be read and construed as a reference to a permit, a reference to a plan and the information shown therein shall be read and construed as a reference to a plan showing the information required by paragraph (d) of section 78E of this Act and a reference to endorsement of a permit under section 57B of this Act shall be read and construed as a reference to endorsement of a permit under section 78D of this Act.
- 25
- 30
- (e) (i) by omitting from subsection one of section 78F <sup>Sec. 78F. (Objections.)</sup> the word "granting" and by inserting in lieu thereof the words "grant, renewal or transfer";
- 35 (ii) by inserting in the same subsection after the word "Part" the words "or the endorsement of a permit under section 78D of this Act";
- (iii)

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- (iii) by inserting in subsection two of the same section after the word "permit" the words "or, as the case may be, an endorsement of a permit";
- 5 (iv) by omitting from paragraph (a) of the same subsection the words, letters and symbols "paragraphs (e), (f) and (g)" and by inserting in lieu thereof the word, letter and symbols "paragraph (e)";
- 10 (f) (i) by omitting from subsection one of section 78G Sec. 78G. the word "and" where firstly occurring and by (Grant of permit.) inserting in lieu thereof the words "without endorsement or with such endorsement under section 78D of this Act as it may approve, or
- 15 it may authorise the clerk of the court to endorse the permit under section 78D of this Act where the application is for such an endorsement only. The court";
- 20 (ii) by inserting next after the same subsection the following new subsection :—
- (1A) The approval of the court to the endorsement of a permit under section 78D of this Act may be subject to such conditions and provisions as the court thinks fit.
- 25 (iii) by inserting in subsection two of the same section after the word "court" the words "nor shall he endorse any permit";
- 30 (iv) by inserting in the same subsection after the words "renewed permit" where secondly occurring the words "or endorsement of a permit under section 78D of this Act";
- (g) (i) by omitting from subsection one of section 78H Sec. 78H. the words "The fee payable for a new permit (Fees.) shall be the sum of sixty dollars : " and by inserting

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inserting in lieu thereof the following words and new paragraphs :—

The fee payable—

- 5 (a) for a new permit (not being a permit endorsed under section 78D of this Act) shall be the sum of sixty dollars;
- (b) for a new permit endorsed to allow a reception area, shall be the sum of one hundred and twenty dollars;
- 10 (c) for a new permit endorsed as a cabaret permit, shall be the sum of two hundred and fifty dollars;
- (d) for a new endorsement, to allow a reception area, of a permit already in force, shall be the sum of sixty dollars;
- 15 (e) for a new endorsement as a cabaret permit of a permit already in force, shall be the sum of two hundred and fifty dollars :
- 20 (ii) by inserting in the same subsection after the word “granted” the words “or a new endorsement under section 78D of this Act is authorised”;
- 25 (iii) by inserting in the same subsection after the words “said permit” the words “or authorisation of the said endorsement”;
- (h) by inserting in subsection one of section 78I after the words “time to time” the words “together with any endorsement under section 78D of this Act”; Sec. 78I. (Renewals and transfers of permits.)
- 30 (i) by omitting subsection three of section 78J and by inserting in lieu thereof the following subsection :— Sec. 78J. (Holder of permit.)
- 35 (3) (a) Subject to this subsection an application for a permit shall not be granted unless the court is satisfied that adequate staff, fittings, furniture, equipment and accommodation are available in the restaurant for the provision of



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*Liquor (Amendment).*

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of meals for at least fifty persons, or such lesser number as the court may in special circumstances determine, at one and the same time.

5 (b) An application for the endorsement of a permit to allow a reception area or as a cabaret permit shall not be granted unless the court is satisfied that any proposed reception area and the restaurant itself are suitable having regard to the character and extent of the fittings, furniture,  
10 equipment and accommodation therein.

(c) An application for the endorsement of a permit as a cabaret permit shall not be granted unless the court is satisfied that adequate staff, fittings, furniture, equipment and accommodation are  
15 available in the restaurant for the provision of meals and entertainment for at least two hundred and fifty persons, or such lesser number as the court may in special circumstances determine, at one and the same time.

20 (d) In this subsection—

“Entertainment” means entertainment by more than one person physically present and actually providing the entertainment.

25 “Meals” has the meaning ascribed to the word “meal” in subsection two of section 78K of this Act.

(j) (i) by omitting subsection two of section 78K and Sec. 78K.  
by inserting in lieu thereof the following (Effect of  
subsection : — permit.)

30 (2) (a) Subject to paragraph (b) of this subsection, the liquor shall be sold and supplied in the restaurant specified in the permit for bona fide consumption with or as ancillary to a meal and not otherwise.

(b)

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5 (b) Where the permit is endorsed as a cabaret permit, liquor sold and supplied at the times permitted by paragraph (a) of subsection (4A) of this section shall be sold and supplied only for bona fide consumption in conjunction with or as ancillary to—

(i) a meal or substantial refreshments;  
and

10 (ii) entertainment, being entertainment by more than one person physically present and actually providing the entertainment,

15 and in accordance with any conditions and provisions imposed by the licensing court when authorising the endorsement of the permit.

(c) 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.

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

25 (3) (a) Subject to paragraph (b) of this subsection, liquor supplied in a restaurant pursuant to a permit shall be served and consumed at the dining table at which the customer is seated.

30 (b) Where a permit is endorsed to allow a reception area or as a cabaret permit liquor may, subject to any conditions and provisions imposed by the court when approving the endorsement, also be supplied and consumed in a reception area.

(3A)

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*Liquor (Amendment).*

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5 (3A) Unfortified wines shall not be sold or supplied in a restaurant pursuant to a permit except in sealed bottles or other sealed containers which shall be opened in the presence of the customer. 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.

10 (iii) by omitting from subsection four of the same section the word "Liquor" and by inserting in lieu thereof the words "Except where a permit is endorsed as a cabaret permit, in which case subsection (4A) of this section shall apply, liquor";

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

20 (4A) Where a permit is endorsed as a cabaret permit liquor shall not be sold or supplied in the restaurant pursuant to the permit except—

25 (a) between the hours of six o'clock in the evening on any day (not being a day specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act) and three o'clock in the morning on the following day (whether or not that following day is a day specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act); and

30 (b) between the hours of twelve noon and three o'clock in the afternoon on any day and between the hours of six o'clock in the evening and nine o'clock in the evening on any of the days specified



*Liquor (Amendment).*

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

5 (4B) The provisions of subsection four of section 57B of this Act shall apply to and in respect of entertainment provided for the purpose of complying with the provisions of paragraph (b) of subsection two of this section.

10 (4C) Where liquor is sold or supplied at the times permitted by paragraph (a) of subsection (4A) of this section—

15 (a) subparagraph (ii) of paragraph (b) of subsection one of section 78L of this Act shall be deemed to be amended by omitting therefrom the word “twelve-thirty” and by inserting in lieu thereof the word “three-thirty”; and

20 (b) section 78R of this Act shall be deemed to be amended by inserting after the word “meal” the words “or substantial refreshments”;

(k) (i) by inserting in subsection one of section 78L Sec. 78L. after the word “room” the words “and (Removal of bottles from tables.) reception area, if any.”;

25 (ii) by omitting from paragraph (a) of the same subsection the words “light wine and malted”;

(l) (i) by omitting from subsection two of section 78Q Sec. 78Q. the words “posted up at the main entrance to (Maximum charges may be prescribed.) his restaurant, and to be”;

30 (ii) by omitting from the same subsection the word “therein” and by inserting in lieu thereof the words “and in the reception area, if any”;

(m) by omitting from section 78R the words “at the Sec. 78R. same time”. (Obtaining liquor by false representation.)

*Liquor (Amendment).*

4. The Principal Act is further amended—

Further amendment of Act No. 42, 1912.

(a) (i) by omitting from subsection three of section one hundred and sixteen the words "an insane patient within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958";

Sec. 116. (Death, bankruptcy, or lunacy of licensee.)

5

(ii) by omitting from the same subsection the words "Master in Lunacy" wherever occurring and by inserting in lieu thereof the words "Master in the Protective Jurisdiction of the Supreme Court";

10

(iii) by inserting in subsection five of the same section after the word "Act" the words "and any endorsement thereof under section 57B of this Act";

15

(b) by inserting at the end of section one hundred and thirty-one the following words :—

Sec. 131. (Renewal of licenses which have lapsed or expired.)

20

Provided further that upon application being made for restoration or renewal of the license and upon payment of a sum equal to the fee which would have been payable for renewal of the license the person in possession of the licensed premises shall be deemed to be the licensee and the license shall be deemed to be in force until the application is heard and determined. If upon the hearing of the application a restoration or renewal of the license is not granted, the court shall, as a license fee for the period for which the license is deemed to have been in force, deduct from the sum so lodged a sum which bears the same proportion to the sum so lodged as that period bears to one year. and shall refund the balance to the person who made the payment.

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*Liquor (Amendment).*

## 5. The Principal Act is further amended—

Further amendment of Act No. 42, 1912.

- 5 (a) (i) by inserting in section one hundred and thirty-three after the word “clubs” the words “and section thirty-four of this Act shall apply to applications under this Part as if a license referred to in that section were a certificate of registration under this Part”;
- (ii) by omitting from the same section the word, figures and letter “section 64A.”;
- 10 (iii) by omitting from the same section the word “sixty-seven.”;
- (iv) by inserting at the end of the same section the following words :—
- 15 In applying paragraph (a) of subsection two of section fifty-seven of this Act, that paragraph shall be deemed to be amended by omitting therefrom the words “if the liquor is not sold, supplied, delivered or consumed at the bar of the licensee’s premises”;
- 20 (b) (i) by inserting in section one hundred and thirty-four next after paragraph (g) the following new paragraph :—
- 25 (g1) A register of visitors and a register of honorary and temporary members shall be kept on the club’s premises as hereinafter required.
- (ii) by omitting from paragraph (i) of the same section the words “land upon which the club’s premises are situated” and by inserting in lieu thereof the words “club premises”;
- 30 (iii) by omitting from the same paragraph the words “total sum which comprises the unimproved capital value of the land (excluding any added value attributable to the fact that
- the

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

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



*Liquor (Amendment).*

5 the club is registered) and the value of the improvements on the land" wherever occurring and by inserting in lieu thereof the words "improved capital value thereof (excluding any added value attributable to the fact that the club is or may be registered)";

(c) by inserting next after subsection two of section one hundred and thirty-five the following new subsection :— Sec. 135. (Provisions to be made in rules of clubs.)

10 (3) A rule of a club giving effect to paragraph (i) of subsection one of this section shall not apply so as to prevent the admission as a member of the club of a person under the age of twenty-one years if he has attained the age of eighteen years and 15 has served outside Australia as a member of the armed forces of the Commonwealth of Australia, nor shall it apply so as to prevent the sale or supply of liquor to such a person as a member of the club.

20 (d) by inserting in section 135A after the word "amended," the words "copies of the rules and"; Sec. 135A. (Amendment of rules.)

(e) (i) by inserting in subsection two of section one hundred and thirty-seven after the words "copy of the" the words "duly audited profit and loss account and"; Sec. 137. (Notice of application for renewal.)

25 (ii) by inserting in subsection four of the same section after the word "shall" the words ", if the secretary lodges with the clerk of the licensing court a sum equal to the fee payable for renewal of the certificate of registration,";

30 (iii) by inserting at the end of the same subsection the following words :—

35 If upon the hearing of the application a renewal of the certificate of registration is not granted the court shall, as a fee payable for the period for which the certificate of registration is deemed to have continued in force, deduct

*Liquor (Amendment).*

deduct from the sum so lodged a sum which bears the same proportion to the sum so lodged as that period bears to one year and shall refund the balance to the secretary.

- 5 (f) by omitting from subsection one of section one hundred and thirty-eight the words "application is made for the grant or renewal of any such certificate" and by inserting in lieu thereof the words "any application is made under this Part";
- 10 (g) by inserting next after paragraph (liii) of section one of section one hundred and forty the following new paragraphs :—
- (liv) That the premises in respect of which the application is made are in the immediate vicinity of a place of public worship, hospital, or public school.
- 15
- (lv) That the quiet and good order of the neighbourhood in which such premises are situate will be disturbed if the application be granted.
- 20
- (h) by inserting at the end of subsection four of section one hundred and forty-five the following new paragraphs :—
- 25 (c) that the proposed premises are in the immediate vicinity of a place of public worship, hospital, or public school;
- (d) that the quiet and good order of the neighbourhood in which the proposed premises are situate will be disturbed if the application be granted;
- 30
- (e) that the application, if granted, would result in undue competition and economic waste : Provided that the onus of establishing this ground of objection shall rest upon the objector.
- 35

(i)

*Liquor (Amendment).*

(i) by inserting at the end of section 145A the following new subsection :— Sec. 145A.  
(Alterations  
of club  
premises.)

5 (2) The provisions of subsection four of section one hundred and forty-five of this Act shall apply, *mutatis mutandis*, to applications under this section, references in that subsection to "proposed premises" and "new premises" being read and construed as references to the club premises as altered, added to or increased or decreased in area, as the case may be.  
10

(j) (i) by inserting next after paragraph (b) of subsection three of section one hundred and forty-eight the following new paragraph :— Sec. 148.  
(Summons  
to show  
cause  
against can-  
cellation.)

15 (b1) impose upon the club a penalty not exceeding one thousand dollars; or

(ii) by inserting in subsection four of the same section after the word "any" the words "penalty imposed upon or";

20 (iii) by inserting in the same subsection after the words "costs are" the words ", or penalty is,";

(k) by omitting section one hundred and fifty-one and the heading thereto and by inserting in lieu thereof the following section :— Subst.  
sec. 151.

25 151. (1) The secretary of a registered club shall keep on the club premises— Registers  
of members  
and  
visitors.

30 (a) a register of members setting forth the names in full, occupations and addresses of all members of the club and the date of the latest payment by each member of his subscription; **and**

35 (b) a register in which the secretary shall enter or cause to be entered the names and addresses of all persons (not being persons whose names and other particulars have been entered in the register kept pursuant to

paragraph



*Liquor (Amendment).*

5 paragraph (a) of this subsection) who are admitted as honorary or temporary members of the club for a limited period and the dates upon which that period commences and terminates; ~~and~~

10 (e) ~~a register in which shall be entered by members of the club the names and addresses of visitors to the club, the date of the visit and the signatures of the members at whose invitation the visitors entered the club premises.~~

15 (2) Any secretary of a registered club who fails to keep a register pursuant to paragraph (a) or (b) of subsection one of this section, containing the prescribed particulars, ~~or who fails to keep a register pursuant to paragraph (c) of that subsection,~~ or any secretary or other person who wilfully makes any false entry in any such register, shall be liable to a penalty not exceeding one hundred dollars.

20

25 (3) ~~Any member of a registered club who, when a visitor enters the club premises at his invitation, fails to enter in the register kept pursuant to paragraph (c) of subsection one of this section the prescribed particulars relating to that visitor shall be liable to a penalty not exceeding twenty dollars.~~

(1) by inserting next after section 151A the following New sec. 151B.  
new section :—

30 151B. Any inspector or, if he is so authorised in Inspection of registers and other records.  
writing by the superintendent of licenses, any other member of the police force may at all reasonable times inspect any registers, books of account and other records kept by a registered club and may  
35 take copies of or make extracts from any entries therein.

*Liquor (Amendment).*

## 6. The Principal Act is further amended—

Further amendment of Act No. 42, 1912.

- 5 (a) by inserting in paragraph (o) of subsection one of section one hundred and fifty-three after the figures and letter "57A" the words "or any endorsement thereof under section 57B";
- 10 (b) by inserting next after the same paragraph the following new paragraphs :—
- (p) For prescribing that specified information be furnished by registered clubs.
- 15 (q) For prescribing the maximum charges for liquor that may be made by the holders of theatre licenses or public hall licenses.
- (c) by inserting next after subsection three of section 153B the following new subsection :—
- 20 (4) In this section "licensed premises" does not include premises in respect of which a theatre license or public hall license is held.
- (d) by inserting in section one hundred and fifty-five after the word "liquors," the words "or 'licensed publican'";
- 25 (e) (i) by inserting in paragraph (a) of subsection two of section one hundred and sixty-eight after the word "determine." the words "The Governor may, from time to time, vary, add to or revoke any conditions imposed or exemptions granted as aforesaid and may, in the absence of any such conditions or exemptions, from time to time impose or grant them.";
- 30 (ii) by inserting in the same paragraph after the word "imposed" the words "or exemptions granted";
- (iii)

Sec. 153. (Regulations.)

Sec. 153B. (Right to redeem mortgaged premises before time fixed for redemption.)

Sec. 155. (Licensee's name to be affixed to premises.)

Sec. 168. (Licenses for accommodation hotels and accommodation houses within parks and reserves.)



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*Liquor (Amendment).*

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- (iii) by inserting in the same paragraph after the word "aforesaid" where secondly occurring the words ", being conditions or exemptions for the time being in force,";
- 5 (iv) by inserting at the end of paragraph (a) of subsection three of the same section the following words :—
- 10 The Governor may, from time to time, vary, add to or revoke any conditions imposed or exemptions granted as aforesaid and may, in the absence of any such conditions or exemptions, from time to time impose or grant them.
- 15 (v) by inserting in paragraph (b) of the same subsection after the word "aforesaid" the words ", being conditions or exemptions for the time being in force,".

7. The Principal Act is further amended—

Further amendment of Act No. 42, 1912.

- 20 (a) (i) by omitting from subsection two of section one hundred and seventy the words "amount last paid as a fee for the license of the premises" and by inserting in lieu thereof the words "fee payable for renewal of the license";
- 25 (ii) by omitting from subsection three of the same section the words "amount last paid as a fee for the license of the premises" and by inserting in lieu thereof the words "fee payable for renewal of the license";
- 30 (iii) by inserting in subsection four of the same section after the word "Act" where firstly occurring the words "or an endorsement thereof under section 57B or 78D of this Act, as the case may be,";

(iv)



*Liquor (Amendment).*

- (iv) by inserting in paragraph (a) of subsection five of the same section after the words "Act or" the words "an endorsement thereof under section 57B of this Act or an application or conditional application";
- (v) by inserting in the same paragraph after the word "Act" where secondly occurring the words "or for an endorsement thereof under section 78D of this Act";
- (b) by omitting section one hundred and seventy-two.

Sec. 172.  
(Limited time for informing.)

8. The Liquor (Amendment) Act, 1919, as amended by subsequent Acts, is amended by inserting at the end of subsection three of section 36A the following words :—

Amendment of Act No. 42, 1919.

15 Provided that no compensation shall be payable where the licensee is also the holder of a spirit merchant's license or where a spirit merchant's license is also held in respect of the same premises.

Sec. 36A.  
(Australian wine licenses.)

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

Amendment of Act No. 17, 1963.

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

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

9. 10. The Theatres and Public Halls Act, 1908, as amended by subsequent Acts, is amended by inserting at the end of section twenty-seven the following new subsections :—

Amendment of Act No. 13, 1908.

- (2) The Minister may—
  - (a) if he is of opinion that it is fitting for the preservation of good manners and decorum so to do; or
  - (b) if, in the case of entertainment comprising boxing or wrestling, he is of opinion that it is desirable so to do,

Sec. 27.  
(Prohibition or regulation of public entertainments.)

by

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*Liquor (Amendment).*

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5 by a notice in writing served on the holder of a license, permit or certificate of registration under the Liquor Act, 1912, as amended by subsequent Acts, prohibit or regulate the holding, on the premises to which the license, permit or certificate of registration relates, of the type of entertainment, or the particular entertainment, specified in the notice, whether or not that entertainment would be public entertainment.

10 (3) Where any entertainment is held upon premises in respect of which a person upon whom a notice has been served under subsection two of this section is the holder of a license, permit or certificate of registration under the Liquor Act, 1912, as amended by subsequent Acts, and the entertainment is so held contrary to any prohibition or condition imposed by such notice, the holder of the license, permit or certificate of registration relating to the premises shall be liable to a penalty not exceeding one hundred dollars.

20 (4) Subsections two and three of this section shall apply whether or not the premises are also licensed under this Act and, if so licensed, notwithstanding the terms of the license.

25 **10.** ~~11.~~ Where the effect of an amendment of the Principal Act made by this Act is to confer upon the holder of a license or permit an authority which differs from that conferred by the Principal Act on a holder of the same description of license or permit, any license or permit of that description in force immediately before the commencement of that amendment shall, on and from that commencement, be deemed to confer upon the holder thereof the same authority as is conferred by the Principal Act, as so amended, on a holder of that description of license or permit.

Amendment of current licenses, etc.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

[35c.]







