

New South Wales.



ANNO SEPTIMO

GEORGI V REGIS.

Act No. 68, 1916.

An Act to amend the law relating to persons engaged in the sale of liquor; to provide for the abatement of rents of licensed premises and for the reduction of license fees; for the postponement of the payment of mortgages and of instalments of purchase moneys of licensed premises, and of bills of sale or other securities over the licensee's lease, license, goodwill, stock, goods, chattels, and effects in or upon or about such licensed premises; for the closing of bars and other places in licensed and registered premises during prohibited hours; to suspend the taking of the local option vote at the next general election; to amend the Liquor Act, 1912, the Liquor Referendum Act, 1916, the Billiards and Bagatelle Act, 1902, the Justices Act, 1902, and other Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 6th December, 1916.]

Liquor (Amendment).

BE it enacted by the King'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:—

Preliminary.

Short title.

1. (1) This Act may be cited as the "Liquor (Amendment) Act, 1916." It shall be read with the Liquor Act, 1912, hereinafter in this Act referred to as the Principal Act.

Definition.

(2) Section three of the Principal Act is amended by inserting the following words:—

"Lease" includes every letting, whether oral, in writing, or by deed.

"Lessor" and "lessee" mean the parties to a lease as herein defined, and respectively includes a mesne lessor and a mesne lessee.

Abatement of rent.

Establishing of courts.

2. (1) The Governor shall, for the purposes of this Act, establish courts for every licensing district to have jurisdiction within such district. Such court shall consist of a stipendiary or police magistrate appointed by the Governor. Each such court shall sit at such times as the Governor may direct, and shall have the powers of a fair rents court, under sections seven, eight, eighteen, and nineteen of the Fair Rents Act, 1915; and the said sections shall apply to proceedings in any such court under this Act.

(2) The Governor, upon the recommendation of the Public Service Board, shall appoint registrars of such courts and such other officers as may be necessary for carrying out the provisions of this Act.

Orders by courts.

3. (1) Upon application duly made any such court may make orders—

(a) fixing what abatement (if any) shall be made in the rent which has or may thereafter become payable in respect of any licensed premises during the period in which, in pursuance of the Liquor Referendum Act, 1916, the closing time of licensed premises shall be six o'clock;

(b)

Liquor (Amendment).

- (b) postponing to such dates as may be considered just, not being later than twelve months after the termination of the present war between His Majesty and His Majesty's enemies, the payment of the principal or any part of the principal which has or may thereafter become payable during the said period by the licensee in respect of his licensed premises on a mortgage of such premises effected before the commencement of this Act;
- (c) postponing to such dates as may be considered just, not being later than twelve months after the termination of the present war between His Majesty and His Majesty's enemies, any payments of instalments, or any part thereof, which may thereafter become payable during the said period by the licensee in respect of the purchase money of his licensed premises purchased by him before the commencement of this Act, or in respect of any bill of sale or other security over the licensee's lease, license, goodwill, goods, chattels, and effects in or upon such licensed premises :

Provided that the court may revoke or vary any order made under this section :

Provided further that any such order shall not affect the payment of any rent, principal, or instalments the subject of any legal proceedings commenced before the making of such application.

(2) An application under this section shall be made in duplicate to the registrar in the form prescribed, within three months after the commencement of this Act, and the registrar shall forthwith serve on the lessor, mortgagee, or vendor, as the case may require, personally or by post, a copy of such application. If the lessor, mortgagee, or vendor to be so served is without the State of New South Wales, service may be made upon his authorised agent, or, if there be no such agent, or no such agent known to the registrar, the court may on the application of the applicant direct how and on what person service shall be made.

Applications,
how made.

Liquor (Amendment).

Costs.

(3) In any proceedings under this section no order as to costs shall be made.

Order made only after failure of agreements between parties.

4. (1) An application for an order under the last preceding section shall not be entertained by the court unless the lessee, mortgagor, or purchaser has first served on the lessor, mortgagee, or vendor a notice in writing requiring him to consent to an abatement of rent or postponement of payment, as the case may be, and unless it appears to the court that the parties have, within one month after service of such notice, failed to enter into an agreement (which agreement they are hereby authorised to enter into) as to the amount of abatement or period of postponement, as the case may be.

(2) Such notice may be served personally or by post on the lessor, mortgagee, or vendor, or on his authorised agent or on the person authorised by him to receive on his behalf the payment of the rent, principal, or instalments the subject matter of the application.

Matters to be considered by court.

5. (1) In determining any application under paragraph (a) of subsection one of section three of this Act the court shall have regard to all the circumstances of the case, and in particular to—

- (a) the loss of trade (if any) directly attributable to the restriction of trading hours imposed by reason of the vote taken under the Liquor Referendum Act, 1916;
- (b) the reduction (if any) in the expenses of the applicant in carrying on his business on the licensed premises the subject matter of the application consequent on the said restriction of trading hours;
- (c) any sum paid or payable by the lessee making the application to his lessor as a bonus or premium on the granting of the lease, or any extension thereof.

(2) In determining any application under paragraph (b) or paragraph (c) of the same subsection the court shall have regard to all the circumstances in the case, and in particular the matters set forth in paragraphs (a) and (b) of subsection one of this section.

6.

Liquor (Amendment).

6. If any lessor who is respondent to an application under paragraph (a) of subsection one of section three of this Act is himself a lessee of the premises the subject matter of the application, the court, on the application of the said respondent, shall cause to be served on his lessor notice of the first-mentioned application, and a further notice that on the hearing of such application the respondent intends, in the event of an order being made abating the rent to be paid to him, to apply to the court for an order abating the rent payable by him to the lessor on whom such notice is to be served.

Notice in case
of mesne
lessee.

On the hearing of the first-mentioned application the court, if it makes an order abating the rent in respect of which the said application is made, shall proceed to determine what abatement (if any) shall be made in the rent which has or may thereafter become payable by the respondent in the said application to his lessor.

In making such determination the court shall have regard to all the circumstances of the case, and in particular the amount by which the rent payable to the respondent in respect of the said premises has been abated, and any sum paid by the respondent to his lessor as a bonus or premium on the granting of the lease or any extension thereof.

Abatement of licensing fees.

7. A licensing court, in fixing the amount of the license fee for any premises, may take into consideration any diminution of trade on such premises which has resulted, or is likely to result, from the alteration of the closing-hour in pursuance of the vote under the Liquor Referendum Act, 1916.

Abatement
of licensing
fees.

In any case where a license has been granted or renewed before the commencement of this Act a licensing court may on application made to it by the licensee fix what refund or abatement (if any) should be made in the fee paid or payable in respect of the grant or renewal of the license. Any refund so fixed shall be made out of the Treasury.

Sale

*Liquor (Amendment).**Sale of liquor on Good Friday and Christmas Day.*

Amendment
of s. 57 (1) (b)
of Principal
Act.

8. Paragraph (b), subsection one, of section fifty-seven of the Principal Act is amended by omitting all the words after "Christmas Day".

Closing of bars, &c.

Closing of
bars.

9. (1) The holder of a publican's license shall on every day except on such days and during such times as licensed premises may lawfully be open for the sale of liquor close and keep closed to the public every bar on such premises.

(2) The holder of a colonial wine license or of a brewer's or spirit merchant's license, and the holder of a certificate of registration of a club shall, on every day except on such days and during such times as licensed premises may lawfully be open for the sale of liquor, close and keep closed to the public that part of any counter or place at or in which liquor is usually sold in pursuance of such license or certificate.

(3) Provided that nothing in this section shall prevent the sale or consumption of liquor to the persons and in the manner provided by subsection two of section fifty-seven of the Principal Act.

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

Amendment
of s. 60 of
Principal
Act.

10. Section sixty of the Principal Act is amended by omitting the word "twenty" and inserting in lieu thereof the words "twenty-five".

Sale of non-
intoxicating
drinks.

11. A licensed publican shall not sell, supply, or permit to be sold or supplied on his licensed premises any non-intoxicating drinks other than tea, coffee, cocoa, milk, beef tea, or aerated waters served with meals at usual hours, except during such times as his licensed premises may lawfully be open for the sale of liquor:

Provided that nothing in this section shall prevent the sale of such non-intoxicating drinks to the persons and
in

Liquor (Amendment).

in the manner and under the conditions prescribed by subsection two of section fifty-seven of the Principal Act with respect to the sale of liquor.

If a licensed publican contravenes the provisions of this section he shall be liable to a penalty not exceeding one hundred pounds.

Retail stores on licensed premises.

12. Subsection four of section nine of the Principal Act is amended by omitting all the words after "any explanation thereof" and by inserting in lieu thereof the words "Providing that if any portion of such premises shall be fitted up, or it is intended to be used as a retail store there must be no internal access from such store to the licensed premises, otherwise it shall not be lawful for the court to grant such application." Retail stores on licensed premises.

Colonial wine licenses.

13. Section thirty-nine of the Principal Act is amended by inserting after "publican's license" wherever occurring the words "or colonial wine license." Removal of colonial wine licenses.

Licensing courts.

14. Section five, paragraph two, of the Principal Act is amended by omitting the words "subject to the provisions of sections one hundred and forty-eight to one hundred and fifty-one inclusive of the Justices Act, 1902," and inserting in lieu thereof the words "subject to the provisions of the next succeeding section." Amendment of s. 5 (2) of Principal Act.

15. The following section is inserted next after section five of the Principal Act:— New section 5A.

5A. (1) In any police district or part thereof to which the provisions of Part III of the Justices Act, 1902, have been extended, on and after the expiration of thirty days from the day on which such provisions apply to such district or part, and until such provisions cease so to apply, the jurisdiction in the whole of such police district under this Licensing Courts in places for which stipendiary magistrates are appointed.

Liquor (Amendment).

this Act of any licensing court or licensing magistrate, constituted or appointed or deemed to be constituted or appointed under this Act, shall cease and determine.

(2) Thereupon a licensing court for a licensing district within which or within some part of which a stipendiary magistrate has jurisdiction shall be composed of three members, being the stipendiary magistrate or magistrates as official members and such other persons or person as the Governor may appoint.

(3) The stipendiary magistrate or senior stipendiary magistrate present shall preside at meetings of the licensing court; but in the absence of any stipendiary magistrate the members of the court present at any such meeting shall elect one of their number to act as chairman at and for such meeting.

(4) Every stipendiary magistrate shall within such licensing district exercise the powers vested in, and perform the duties imposed upon a licensing magistrate by this Act, and the provisions of this Act, and of any Act amending the same shall, except as herein modified, apply to any licensing district, court, and magistrate aforesaid.

Amendment of Justices Act, 1902.

Amendment
of Justices
Act, 1902.

16. The Justices Act, 1902, is amended as follows:—

- (a) Section seven, subsection one, by inserting after the words "any adjoining police district" and after the words "any other police district" the words "or any part thereof".
- (b) Section eight, by inserting in paragraphs (a) and (b) after the words "any police district" the words "or any part thereof".
- (c) Section thirteen, by inserting in paragraph (b) after the words "any police district" the words "or any part thereof".
- (d) Sections one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty, and one hundred and fifty-one, are repealed.

Registered

Liquor (Amendment).

Registered clubs.

17. Section eighty of the Principal Act is amended by adding thereto the following :—“ for the purposes of subsection two of this section the electorates of King, Belmore, Darling Harbour, and Darlinghurst shall be deemed to be one electorate.”

Limitation of
number of
clubs in
electorate.

Local option vote.

18. The vote of electors under Part IV of the Principal Act shall not be taken in any electorate at the general election next following the commencement of this Act: Provided that this section shall not apply to a general election taking place after a period of twelve months after the commencement of this Act.

Local option
vote
suspended.

Billiard and bagatelle licenses.

19. Section eight of the Billiards and Bagatelle Act, 1902, is amended by omitting paragraphs (a) and (b) and inserting in lieu thereof the words “ between the hours of ten o'clock in the morning and eleven o'clock at night.”

Billiard and
bagatelle
licenses.

By Authority :

WILLIAM APPELEGATE GULLICK, Government Printer, Sydney, 1916.

[6d.]

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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.

W. S. MOWLE,

Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 28 November, 1916.*

New South Wales.



ANNO SEPTIMO

GEORGI V REGIS.

Act No. 68, 1916.

An Act to amend the law relating to persons engaged in the sale of liquor; to provide for the abatement of rents of licensed premises and for the reduction of license fees; for the postponement of the payment of mortgages and of instalments of purchase moneys of licensed premises, and of bills of sale or other securities over the licensee's lease, license, goodwill, stock, goods, chattels, and effects in or upon or about such licensed premises; for the closing of bars and other places in licensed and registered premises during prohibited hours; to suspend the taking of the local option vote at the next general election; to amend the Liquor Act, 1912, the Liquor Referendum Act, 1916, the Billiards and Bagatelle Act, 1902, the Justices Act, 1902, and other Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 6th December, 1916.] BE

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

THOS. H. THROWER,

Chairman of Committees of the Legislative Assembly.

Liquor (Amendment).

BE it enacted by the King'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:—

Preliminary.

Short title.

1. (1) This Act may be cited as the "Liquor (Amendment) Act, 1916." It shall be read with the Liquor Act, 1912, hereinafter in this Act referred to as the Principal Act.

Definition.

(2) Section three of the Principal Act is amended by inserting the following words:—

"Lease" includes every letting, whether oral, in writing, or by deed.

"Lessor" and "lessee" mean the parties to a lease as herein defined, and respectively includes a mesne lessor and a mesne lessee.

Abatement of rent.

Establishing of courts.

2. (1) The Governor shall, for the purposes of this Act, establish courts for every licensing district to have jurisdiction within such district. Such court shall consist of a stipendiary or police magistrate appointed by the Governor. Each such court shall sit at such times as the Governor may direct, and shall have the powers of a fair rents court, under sections seven, eight, eighteen, and nineteen of the Fair Rents Act, 1915; and the said sections shall apply to proceedings in any such court under this Act.

(2) The Governor, upon the recommendation of the Public Service Board, shall appoint registrars of such courts and such other officers as may be necessary for carrying out the provisions of this Act.

Orders by courts.

3. (1) Upon application duly made any such court may make orders—

(a) fixing what abatement (if any) shall be made in the rent which has or may thereafter become payable in respect of any licensed premises during the period in which, in pursuance of the Liquor Referendum Act, 1916, the closing time of licensed premises shall be six o'clock;

(b)

Liquor (Amendment).

- (b) postponing to such dates as may be considered just, not being later than twelve months after the termination of the present war between His Majesty and His Majesty's enemies, the payment of the principal or any part of the principal which has or may thereafter become payable during the said period by the licensee in respect of his licensed premises on a mortgage of such premises effected before the commencement of this Act;
- (c) postponing to such dates as may be considered just, not being later than twelve months after the termination of the present war between His Majesty and His Majesty's enemies, any payments of instalments, or any part thereof, which may thereafter become payable during the said period by the licensee in respect of the purchase money of his licensed premises purchased by him before the commencement of this Act, or in respect of any bill of sale or other security over the licensee's lease, license, goodwill, goods, chattels, and effects in or upon such licensed premises :

Provided that the court may revoke or vary any order made under this section :

Provided further that any such order shall not affect the payment of any rent, principal, or instalments the subject of any legal proceedings commenced before the making of such application.

(2) An application under this section shall be made in duplicate to the registrar in the form prescribed, within three months after the commencement of this Act, and the registrar shall forthwith serve on the lessor, mortgagee, or vendor, as the case may require, personally or by post, a copy of such application. If the lessor, mortgagee, or vendor to be so served is without the State of New South Wales, service may be made upon his authorised agent, or, if there be no such agent, or no such agent known to the registrar, the court may on the application of the applicant direct how and on what person service shall be made.

Applications,
how made.

(3)

Liquor (Amendment).

Costs.

(3) In any proceedings under this section no order as to costs shall be made.

Order made only after failure of agreements between parties.

4. (1) An application for an order under the last preceding section shall not be entertained by the court unless the lessee, mortgagor, or purchaser has first served on the lessor, mortgagee, or vendor a notice in writing requiring him to consent to an abatement of rent or postponement of payment, as the case may be, and unless it appears to the court that the parties have, within one month after service of such notice, failed to enter into an agreement (which agreement they are hereby authorised to enter into) as to the amount of abatement or period of postponement, as the case may be.

(2) Such notice may be served personally or by post on the lessor, mortgagee, or vendor, or on his authorised agent or on the person authorised by him to receive on his behalf the payment of the rent, principal, or instalments the subject matter of the application.

Matters to be considered by court.

5. (1) In determining any application under paragraph (a) of subsection one of section three of this Act the court shall have regard to all the circumstances of the case, and in particular to—

- (a) the loss of trade (if any) directly attributable to the restriction of trading hours imposed by reason of the vote taken under the Liquor Referendum Act, 1916;
- (b) the reduction (if any) in the expenses of the applicant in carrying on his business on the licensed premises the subject matter of the application consequent on the said restriction of trading hours;
- (c) any sum paid or payable by the lessee making the application to his lessor as a bonus or premium on the granting of the lease, or any extension thereof.

(2) In determining any application under paragraph (b) or paragraph (c) of the same subsection the court shall have regard to all the circumstances in the case, and in particular the matters set forth in paragraphs (a) and (b) of subsection one of this section.

6.

Liquor (Amendment).

6. If any lessor who is respondent to an application under paragraph (a) of subsection one of section three of this Act is himself a lessee of the premises the subject matter of the application, the court, on the application of the said respondent, shall cause to be served on his lessor notice of the first-mentioned application, and a further notice that on the hearing of such application the respondent intends, in the event of an order being made abating the rent to be paid to him, to apply to the court for an order abating the rent payable by him to the lessor on whom such notice is to be served. Notice in case of mesne lessee.

On the hearing of the first-mentioned application the court, if it makes an order abating the rent in respect of which the said application is made, shall proceed to determine what abatement (if any) shall be made in the rent which has or may thereafter become payable by the respondent in the said application to his lessor.

In making such determination the court shall have regard to all the circumstances of the case, and in particular the amount by which the rent payable to the respondent in respect of the said premises has been abated, and any sum paid by the respondent to his lessor as a bonus or premium on the granting of the lease or any extension thereof.

Abatement of licensing fees.

7. A licensing court, in fixing the amount of the license fee for any premises, may take into consideration any diminution of trade on such premises which has resulted, or is likely to result, from the alteration of the closing-hour in pursuance of the vote under the Liquor Referendum Act, 1916. Abatement of licensing fees.

In any case where a license has been granted or renewed before the commencement of this Act a licensing court may on application made to it by the licensee fix what refund or abatement (if any) should be made in the fee paid or payable in respect of the grant or renewal of the license. Any refund so fixed shall be made out of the Treasury.

Sale

*Liquor (Amendment).**Sale of liquor on Good Friday and Christmas Day.*

Amendment
of s. 57 (1) (b)
of Principal
Act.

8. Paragraph (b), subsection one, of section fifty-seven of the Principal Act is amended by omitting all the words after "Christmas Day".

Closing of bars, &c.

Closing of
bars.

9. (1) The holder of a publican's license shall on every day except on such days and during such times as licensed premises may lawfully be open for the sale of liquor close and keep closed to the public every bar on such premises.

(2) The holder of a colonial wine license or of a brewer's or spirit merchant's license, and the holder of a certificate of registration of a club shall, on every day except on such days and during such times as licensed premises may lawfully be open for the sale of liquor, close and keep closed to the public that part of any counter or place at or in which liquor is usually sold in pursuance of such license or certificate.

(3) Provided that nothing in this section shall prevent the sale or consumption of liquor to the persons and in the manner provided by subsection two of section fifty-seven of the Principal Act.

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

Amendment
of s. 60 of
Principal
Act.

10. Section sixty of the Principal Act is amended by omitting the word "twenty" and inserting in lieu thereof the words "twenty-five".

Sale of non-
intoxicating
drinks.

11. A licensed publican shall not sell, supply, or permit to be sold or supplied on his licensed premises any non-intoxicating drinks other than tea, coffee, cocoa, milk, beef tea, or aerated waters served with meals at usual hours, except during such times as his licensed premises may lawfully be open for the sale of liquor:

Provided that nothing in this section shall prevent the sale of such non-intoxicating drinks to the persons and
in

Liquor (Amendment).

in the manner and under the conditions prescribed by subsection two of section fifty-seven of the Principal Act with respect to the sale of liquor.

If a licensed publican contravenes the provisions of this section he shall be liable to a penalty not exceeding one hundred pounds.

Retail stores on licensed premises.

12. Subsection four of section nine of the Principal Act is amended by omitting all the words after "any explanation thereof" and by inserting in lieu thereof the words "Providing that if any portion of such premises shall be fitted up, or it is intended to be used as a retail store there must be no internal access from such store to the licensed premises, otherwise it shall not be lawful for the court to grant such application." Retail stores on licensed premises.

Colonial wine licenses.

13. Section thirty-nine of the Principal Act is amended by inserting after "publican's license" wherever occurring the words "or colonial wine license." Removal of colonial wine licenses.

Licensing courts.

14. Section five, paragraph two, of the Principal Act is amended by omitting the words "subject to the provisions of sections one hundred and forty-eight to one hundred and fifty-one inclusive of the Justices Act, 1902," and inserting in lieu thereof the words "subject to the provisions of the next succeeding section." Amendment of s. 5 (2) of Principal Act.

15. The following section is inserted next after section five of the Principal Act:— New section 5A.

5A. (1) In any police district or part thereof to which the provisions of Part III of the Justices Act, 1902, have been extended, on and after the expiration of thirty days from the day on which such provisions apply to such district or part, and until such provisions cease so to apply, the jurisdiction in the whole of such police district under this Licensing Courts in places for which stipendiary magistrates are appointed.

Liquor (Amendment).

this Act of any licensing court or licensing magistrate, constituted or appointed or deemed to be constituted or appointed under this Act, shall cease and determine.

(2) Thereupon a licensing court for a licensing district within which or within some part of which a stipendiary magistrate has jurisdiction shall be composed of three members, being the stipendiary magistrate or magistrates as official members and such other persons or person as the Governor may appoint.

(3) The stipendiary magistrate or senior stipendiary magistrate present shall preside at meetings of the licensing court; but in the absence of any stipendiary magistrate the members of the court present at any such meeting shall elect one of their number to act as chairman at and for such meeting.

(4) Every stipendiary magistrate shall within such licensing district exercise the powers vested in, and perform the duties imposed upon a licensing magistrate by this Act, and the provisions of this Act, and of any Act amending the same shall, except as herein modified, apply to any licensing district, court, and magistrate aforesaid.

Amendment of Justices Act, 1902.

Amendment
of Justices
Act, 1902.

16. The Justices Act, 1902, is amended as follows:—

- (a) Section seven, subsection one, by inserting after the words "any adjoining police district" and after the words "any other police district" the words "or any part thereof".
- (b) Section eight, by inserting in paragraphs (a) and (b) after the words "any police district" the words "or any part thereof".
- (c) Section thirteen, by inserting in paragraph (b) after the words "any police district" the words "or any part thereof".
- (d) Sections one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty, and one hundred and fifty-one, are repealed.

Registered

Liquor (Amendment).

Registered clubs.

17. Section eighty of the Principal Act is amended by adding thereto the following :—“ for the purposes of subsection two of this section the electorates of King, Belmore, Darling Harbour, and Darlinghurst shall be deemed to be one electorate.”

Limitation of number of clubs in electorate.

Local option vote.

18. The vote of electors under Part IV of the Principal Act shall not be taken in any electorate at the general election next following the commencement of this Act: Provided that this section shall not apply to a general election taking place after a period of twelve months after the commencement of this Act.

Local option vote suspended.

Billiard and bagatelle licenses.

19. Section eight of the Billiards and Bagatelle Act, 1902, is amended by omitting paragraphs (a) and (b) and inserting in lieu thereof the words “ between the hours of ten o'clock in the morning and eleven o'clock at night.”

Billiard and bagatelle licenses.

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

G. STRICKLAND,
Government House, Sydney, 6th December, 1916. Governor.

Chapter (Continued)

Revised Code

17. Section eight of the Revised Code is amended by adding thereto the following: "The names of the subjects two of this section and candidates shall be known, their names and addresses shall be deemed to be electronic."

Local Election Code

18. The vote of electors under Part IV of the Local Election Code shall not be taken in any election of the general election next following the commencement of this Act: Provided that this section shall not apply to a general election held prior to a period of twelve months after the commencement of this Act.

Ballot and System

19. Section eight of the Ballot and System Act, Chapter 1001, is amended by counting paragraphs (a) and (b) and inserting in lieu thereof the words "between the hours of ten o'clock in the morning and eleven o'clock at night."

is the name and on behalf of His Majesty, I assent to this Act.

G. STRICKLAND,

Governor

Government House,
Sydney, 6th December, 1916.

LIQUOR (AMENDMENT) BILL (No. 2).

SCHEDULE showing the Legislative Assembly's Disagreements from and Amendments upon the Legislative Council's Amendments, and Assembly's Consequential Amendments, referred to in Message of 21 November, 1916.

W. S. MOWLE,
Clerk of the Legislative Assembly

Page 2, clause 2, lines 22 and 23. *Reinsert* "stipendiary or police magistrate
"appointed by the Governor" *omit* "District Court Judge"

Page 3, clause 3, line 26. *After* "revoke" *insert* "or vary"

Page 3, clause 3, line 29. *After* "interest" *insert* "principal" (*as consequential*)

Page 4, clause 4, line 20. *After* "interest" *insert* "principal" (*as consequential*)

Page 6. *Omit* new heading, and new clauses 8 and 9.

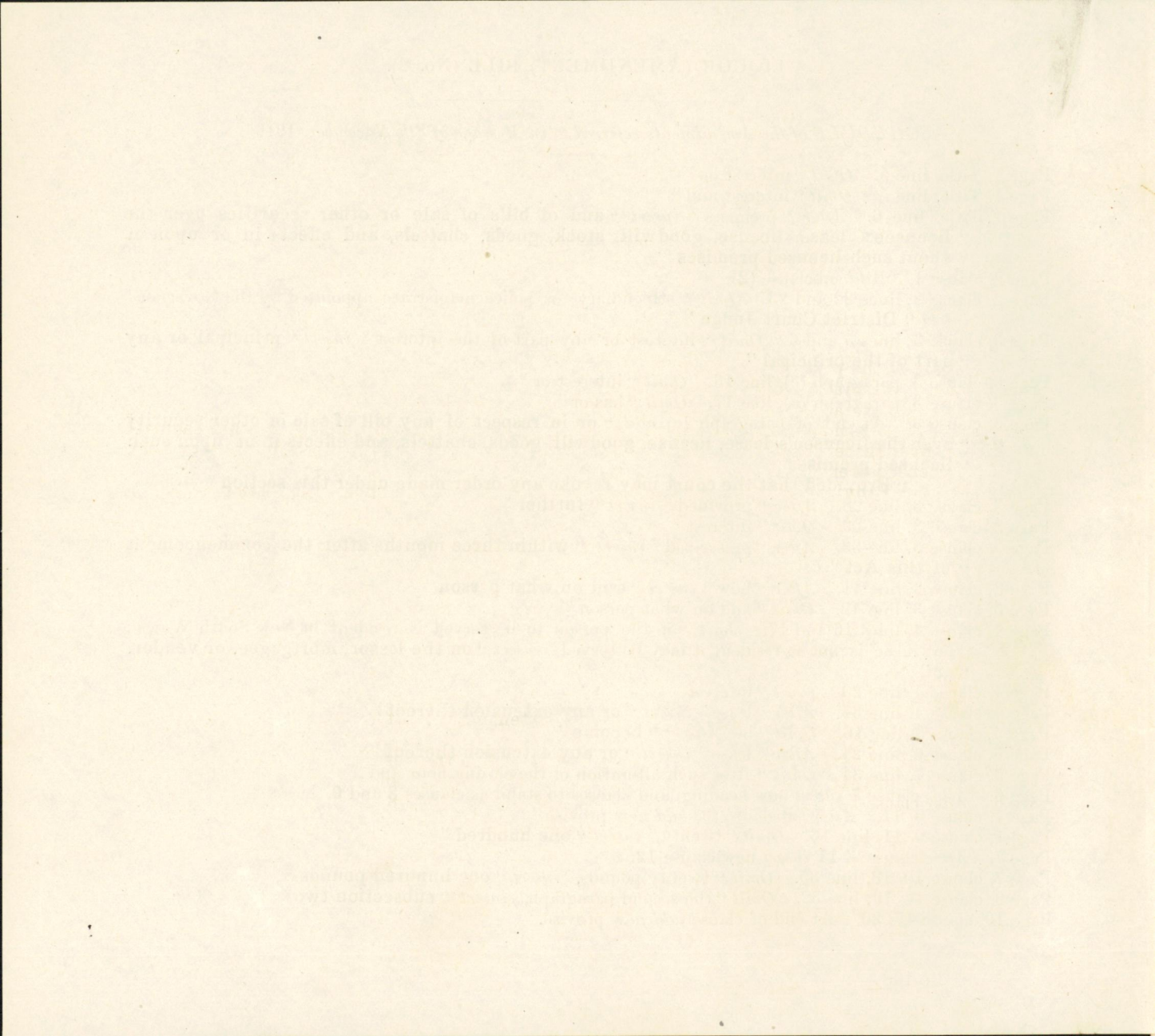
Page 7, clause 9 11, subclause (3). *Omit* new proviso.

Page 10, clause 17 20, line 3. *Omit* "eighteen" *insert* "twelve"

LIQUOR (AMENDMENT) BILL (No. 2).

SCHEDULE of the Amendments referred to in Message of 8th November, 1916.

- Page 1, Title, line 5. *Omit* "interest on"
Page 1, Title, line 5. *Omit* "interest and"
Page 1, Title, line 6. *After* "premises" *insert* "and of bills of sale or other securities over the
"licensee's lease, license, goodwill, stock, goods, chattels, and effects in or upon or
"about such licensed premises"
Page 2, clause 1. *Add* subclause (2).
Page 2, clause 2, lines 22 and 23. *Omit* "stipendiary or police magistrate appointed by the Governor"
insert "District Court Judge"
Page 3, clause 3, lines 5 and 6. *Omit* "interest or any part of the interest" *insert* "principal or any
"part of the principal"
Page 3, clause 3, paragraph (c), line 16. *Omit* "interest or"
Page 3, clause 3, paragraph (c), line 17. *Omit* "has or"
Page 3, clause 3. At end of paragraph (c) *add* "or in respect of any bill of sale or other security
"over the licensee's lease, license, goodwill, goods, chattels, and effects in or upon such
"licensed premises :
"Provided that the court may revoke any order made under this section"
Page 3, clause 3, line 28. *After* "provided" *insert* "further"
Page 3, clause 3, line 29. *Omit* "interest"
Page 3, clause 3, line 33. *After* "prescribed" *insert* "within three months after the commencement
"of this Act"
Page 3, clause 3, line 41. *After* "how" *insert* "and on what person"
Page 3, clause 3, line 42. *Omit* "and on what person"
Page 4, clause 4, lines 16 and 17. *Omit* "if the person to be served is resident in New South Wales ;
"but if he is not so resident it may be served" *insert* "on the lessor, mortgagee, or vendor,
"or"
Page 4, clause 4, line 20. *Omit* "interest"
Page 4, clause 4, line 37. *After* "lease" *insert* "or any extension thereof"
Page 5, clause 6, line 16. *Omit* "be" *insert* "become"
Page 5, clause 6, line 24. *After* "lease" *insert* "or any extension thereof"
Page 5, clause 7, line 34. *Omit* "after such alteration of the closing hour and"
Page 6. *After* clause 7 *insert* new heading, and clauses to stand as clauses 8 and 9.
Page 7, clause 9. 11. *After* subclause (3) *add* new proviso.
Page 7, clause 9. 11, line 16. *Omit* "twenty" *insert* "one hundred"
Page 7. *After* clause 9. 11 *insert* new clause 12.
Page 7, clause 10. 13, line 35. *Omit* "twenty pounds," *insert* "one hundred pounds"
Page 9, clause 16. 19, line 32. *Omit* "the second paragraph," *insert* "subsection two"
Page 10, clause 17. 20. At end of clause *add* new proviso.



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.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 28 September, 1916.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 8th November, 1916.

New South Wales.



ANNO SEPTIMO

GEORGI V REGIS.

Act No. , 1916.

An Act to amend the law relating to persons engaged in the sale of liquor ; to provide for the abatement of rents of licensed premises and for the reduction of license fees ; for the postponement of the payment of ~~interest on~~ mortgages and of ~~interest and~~ instalments of purchase moneys of licensed premises ; and of bills of sale or other securities over the licensee's lease, license, goodwill, stock, goods, chattels, and effects in or upon or about such licensed premises ; for the closing of bars and other places in licensed and registered premises during prohibited hours ; to suspend the taking of the local option vote at the next general election ; to amend the Liquor Act, 1912, the Liquor Referendum Act, 1916, the Billiards and Bagatelle Act, 1902, the Justices Act, 1902, and other Acts ; and for purposes consequent thereon or incidental thereto.

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6—A

BE

NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter

Liquor (Amendment) (No. 2).

BE it enacted by the King'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
 5 the same, as follows:—

Preliminary.

1. (1) This Act may be cited as the "Liquor (Amend- Short title.
 ment) Act, 1916." It shall be read with the Liquor
 Act, 1912, hereinafter in this Act referred to as the
 10 Principal Act.

(2) Section three of the Principal Act is amended Definition.
 by inserting the following words:—

"Lease" includes every letting, whether oral, in
 writing, or by deed.

15 "Lessor" and "lessee" mean the parties to a lease
 as herein defined, and respectively includes a
 mesne lessor and a mesne lessee.

Abatement of rent.

2. (1) The Governor shall, for the purposes of this Establishing
 20 Act, establish courts for every licensing district to have of courts.
 jurisdiction within such district. Such court shall con-
 sist of a ~~stipendiary or police magistrate appointed by the~~
~~Governor.~~ District Court judge. Each such court shall
 sit at such times as the Governor may direct, and shall
 25 have the powers of a fair rents court, under sections
 seven, eight, eighteen, and nineteen of the Fair Rents
 Act, 1915; and the said sections shall apply to proceed-
 ings in any such court under this Act.

(2) The Governor, upon the recommendation of
 30 the Public Service Board, shall appoint registrars of
 such courts and such other officers as may be necessary
 for carrying out the provisions of this Act.

3. (1) Upon application duly made any such court Orders by
 may make orders— courts.

35 (a) fixing what abatement (if any) shall be made in
 the rent which has or may thereafter become
 payable in respect of any licensed premises
 during the period in which, in pursuance of the
 Liquor Referendum Act, 1916, the closing time
 40 of licensed premises shall be six o'clock;

(b)

Liquor (Amendment) (No. 2).

5 (b) postponing to such dates as may be considered just, not being later than twelve months after the termination of the present war between His Majesty and His Majesty's enemies, the
 10 payment of the ~~interest or any part of the interest~~ principal or any part of the principal which has or may thereafter become payable during the said period by the licensee in respect of his licensed premises on a mortgage of such premises effected before the commencement of this Act;

15 (c) postponing to such dates as may be considered just, not being later than twelve months after the termination of the present war between His Majesty and His Majesty's enemies, any
 20 payments of ~~interest or~~ instalments, or any part thereof, which has ~~or~~ may thereafter become payable during the said period by the licensee in respect of the purchase money of his licensed premises purchased by him before the commencement of this Act, or in
 25 respect of any bill of sale or other security over the licensee's lease, license, goodwill, goods, chattels, and effects in or upon such licensed premises:

Provided that the court may revoke any order made under this section.

30 Provided further that any such order shall not affect the payment of any rent, ~~interest,~~ or instalments the subject of any legal proceedings commenced before the making of such application.

(2) An application under this section shall be made ^{Applications, how made.} in duplicate to the registrar in the form prescribed, **within three months after the commencement of this Act,**
 35 and the registrar shall forthwith serve on the lessor, mortgagee, or vendor, as the case may require, personally or by post, a copy of such application. If the lessor, mortgagee, or vendor to be so served is without the State of New South Wales, service may be made upon
 40 his authorised agent, or, if there be no such agent, or no such agent known to the registrar, the court may on the application of the applicant direct how **and on what person** service shall be made, ~~and on what person.~~

Liquor (Amendment) (No 2).

(3) In any proceedings under this section no order Costs.
as to costs shall be made.

4. (1) An application for an order under the last Order made only after failure of agreements between parties.
preceding section shall not be entertained by the court
5 unless the lessee, mortgagor, or purchaser has first
served on the lessor, mortgagee, or vendor a notice in
writing requiring him to consent to an abatement of
rent or postponement of payment, as the case may be,
and unless it appears to the court that the parties have,
10 within one month after service of such notice, failed to
enter into an agreement (which agreement they are
hereby authorised to enter into) as to the amount of
abatement or period of postponement, as the case may
be.

15 (2) Such notice may be served personally or by
post ~~if the person to be served is resident in New South
Wales; but if he is not so resident it may be served~~ **on the
lessor, mortgagee, or vendor, or** on his authorised agent
or on the person authorised by him to receive on his
20 behalf the payment of the rent, ~~interest,~~ or instalments
the subject matter of the application.

5. (1) In determining any application under para- Matters to be considered by court.
graph (a) of subsection one of section three of this Act
the court shall have regard to all the circumstances of
25 the case, and in particular to—

- (a) the loss of trade (if any) directly attributable to the restriction of trading hours imposed by reason of the vote taken under the Liquor Referendum Act, 1916;
- 30 (b) the reduction (if any) in the expenses of the applicant in carrying on his business on the licensed premises the subject matter of the application consequent on the said restriction of trading hours;
- 35 (c) any sum paid or payable by the lessee making the application to his lessor as a bonus or premium on the granting of the lease, **or any extension thereof.**

(2) In determining any application under para-
40 graph (b) or paragraph (c) of the same subsection the court shall have regard to all the circumstances in the case, and in particular the matters set forth in paragraphs (a) and (b) of subsection one of this section. **6.**

Liquor (Amendment) (No. 2).

6. If any lessor who is respondent to an application under paragraph (a) of subsection one of section three of this Act is himself a lessee of the premises the subject matter of the application, the court, on the application
 5 of the said respondent, shall cause to be served on his lessor notice of the first-mentioned application, and a further notice that on the hearing of such application the respondent intends, in the event of an order being made abating the rent to be paid to him, to apply to the
 10 court for an order abating the rent payable by him to the lessor on whom such notice is to be served.

Notice in case
of mesne
lessee.

On the hearing of the first-mentioned application the court, if it makes an order abating the rent in respect of which the said application is made, shall
 15 proceed to determine what abatement (if any) shall be made in the rent which has or may thereafter be become payable by the respondent in the said application to his lessor.

In making such determination the court shall have
 20 regard to all the circumstances of the case, and in particular the amount by which the rent payable to the respondent in respect of the said premises has been abated, and any sum paid by the respondent to his lessor as a bonus or premium on the granting of the lease or any
 25 extension thereof.

Abatement of licensing fees.

7. A licensing court, in fixing the amount of the license fee for any premises, may take into consideration any diminution of trade on such premises which has
 30 resulted, or is likely to result, from the alteration of the closing-hour in pursuance of the vote under the Liquor Referendum Act, 1916.

Abatement
of licensing
fees.

In any case where a license has been granted or renewed ~~after such alteration of the closing hour and~~
 35 before the commencement of this Act a licensing court may on application made to it by the licensee fix what refund or abatement (if any) should be made in the fee paid or payable in respect of the grant or renewal of the license. Any refund so fixed shall be made out of the Treasury.

Extension

*Liquor (Amendment) (No. 2).***Extension of time after local option vote.**

8. Where any license is ordered to cease to be in force under a local option vote carrying resolution "B," and a time has been fixed for such license to cease, an extension of such time may be allowed on application to the licensing court constituted under this Act, such extension of time to be inversely proportionate to the reduction of trading hours brought about either by proclamation or otherwise by law.

- 10 **9.** Section forty-three of the Principal Act is amended by adding thereto the following words to be read as subsection four:—"Provided that it shall be lawful for a publican's license to be granted to a manager for a public company registered under the Companies Act
15 and being the owner or lessee of the premises in question. Such manager, when holding a publican's license, shall have the same liabilities and duties as any licensee holding a license in his own interest. The interest of a shareholder as such in a public company shall not
20 constitute a beneficial interest within the meaning of section forty-one."

Sale of liquor on Good Friday and Christmas Day.

- 8. 10.** Paragraph (b), subsection one, of section fifty-seven of the Principal Act is amended by omitting
25 all the words after "Christmas Day".

Amendment
of s. 57 (1) (b)
of Principal
Act.

Closing of bars, &c.

- 9. 11.** (1) The holder of a publican's license shall on every day except on such days and during such times as licensed premises may lawfully be open for the sale
30 of liquor close and keep closed to the public every bar on such premises.

Closing of
bars.

- (2) The holder of a colonial wine license or of a brewer's or spirit merchant's license, and the holder of a certificate of registration of a club shall, on every day
35 except on such days and during such times as licensed premises may lawfully be open for the sale of liquor,
close

Liquor (Amendment) (No. 2).

close and keep closed to the public that part of any counter or place at or in which liquor is usually sold in pursuance of such license or certificate.

(3) Provided that nothing in this section shall
5 prevent the sale or consumption of liquor to the persons and in the manner provided by subsection two of section fifty-seven of the Principal Act :

10 Provided further that dry wines manufactured in the Commonwealth and not containing added spirits may be sold to and consumed by any person on such licensed premises at a bona fide meal in a room not being a liquor bar between the hours of six and seven-thirty post meridiem.

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

20 **12.** Section sixty of the Principal Act is amended by omitting the word "twenty" and inserting in lieu thereof the words "twenty-five".

25 **13.** A licensed publican shall not sell, supply, or permit to be sold or supplied on his licensed premises any non-intoxicating drinks other than tea, coffee, cocoa, milk, beef tea, or aerated waters served with meals at usual hours, except during such times as his licensed premises may lawfully be open for the sale of liquor :

30 Provided that nothing in this section shall prevent the sale of such non-intoxicating drinks to the persons and in the manner and under the conditions prescribed by subsection two of section fifty-seven of the Principal Act with respect to the sale of liquor.

35 If a licensed publican contravenes the provisions of this section he shall be liable to a penalty not exceeding ~~twenty pounds.~~ one hundred pounds.

Retail stores on licensed premises.

40 **14.** Subsection four of section nine of the Principal Act is amended by omitting all the words after "any explanation thereof" and by inserting in lieu thereof the words "Providing that if any portion of such premises

Sale of non-intoxicating drinks.

Retail stores on licensed premises.

Liquor (Amendment) (No. 2).

premises shall be fitted up, or it is intended to be used as a retail store there must be no internal access from such store to the licensed premises, otherwise it shall not be lawful for the court to grant such application."

5 *Colonial wine licenses.*

12- **15.** Section thirty-nine of the Principal Act is amended by inserting after "publican's license" Removal of colonial wine licenses. wherever occurring the words "or colonial wine license."

Licensing courts.

10-13- **16.** Section five, paragraph two, of the Principal Act is amended by omitting the words "subject to the provisions of sections one hundred and forty-eight to one hundred and fifty-one inclusive of the Justices Act, 1902," and inserting in lieu thereof the words 15 "subject to the provisions of the next succeeding section."

14- **17.** The following section is inserted next after section five of the Principal Act :— New section 5A.

20 5A. (1) In any police district or part thereof to which the provisions of Part III of the Justices Act, 1902, have been extended, on and after the expiration of thirty days from the day on which such provisions apply to such district or part, and until such provisions cease so to apply, the jurisdiction in the whole of such police district under 25 this Act of any licensing court or licensing magistrate, constituted or appointed or deemed to be constituted or appointed under this Act, shall cease and determine.

30 (2) Thereupon a licensing court for a licensing district within which or within some part of which a stipendiary magistrate has jurisdiction shall be composed of three members, being the stipendiary magistrate or magistrates as official 35 members and such other persons or person as the Governor may appoint.

(3) The stipendiary magistrate or senior stipendiary magistrate present shall preside at meetings

Liquor (Amendment) (No. 2).

meetings of the licensing court; but in the absence of any stipendiary magistrate the members of the court present at any such meeting shall elect one of their number to act as chairman at and for such meeting.

(4) Every stipendiary magistrate shall within such licensing district exercise the powers vested in, and perform the duties imposed upon a licensing magistrate by this Act, and the provisions of this Act, and of any Act amending the same shall, except as herein modified, apply to any licensing district, court, and magistrate aforesaid.

Amendment of Justices Act, 1902.

- 15-18. **18.** The Justices Act, 1902, is amended as follows:— Amendment of Justices Act, 1902.
- (a) Section seven, subsection one, by inserting after the words "any adjoining police district" and after the words "any other police district" the words "or any part thereof".
- (b) Section eight, by inserting in paragraphs (a) and (b) after the words "any police district" the words "or any part thereof".
- (c) Section thirteen, by inserting in paragraph (b) after the words "any police district" the words "or any part thereof".
- (d) Sections one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty, and one hundred and fifty-one, are repealed.

Registered clubs.

- 16-19. **19.** Section eighty of the Principal Act is amended by adding thereto the following:—"for the purposes of ~~the second paragraph~~ subsection two of this section the electorates of King, Belmore, Darling Harbour, and Darlinghurst shall be deemed to be one electorate." Limitation of number of clubs in electorate.

Local option vote.

- 17-20. **20.** The vote of electors under Part IV of the Principal Act shall not be taken in any electorate at the general election next following the commencement of this Local option vote suspended.

Liquor (Amendment) (No. 2).

this Act: Provided that this section shall not apply to a general election taking place after a period of eighteen months after the commencement of this Act.

Billiard and bagatelle licenses.

5 18. **21.** Section eight of the Billiards and Bagatelle Act, Billiard and
12 15 1902, is amended by omitting paragraphs (a) and (b) bagatelle
amended wherever and inserting in lieu thereof the words "between the licenses.
hours of ten o'clock in the morning and eleven o'clock
at night."

Sydney : William Applegate Gullick, Government Printer. —1916.

[9a.]

1916.

Legislative Council.

LIQUOR (AMENDMENT) BILL, 1916.

(Proposed Amendments.)

- Page 1, Title. *After* "interest on mortgages" *insert* "bills of sale
"and other securities."
- Page 1, Title. *After* "licensed premises" *insert* "and of any goodwill,
"goods, chattels, effects, and credits in relation thereto."
- Page 2, clause 2 (1), line 21. *After* "Act" *insert* "Such court may,
"if it thinks fit, sit in camera"
- Page 3, clause 3 (1), paragraph (b), line 4. *After* "premises" *insert*
"or in respect of any bill of sale or other security over the
"licensee's license, goodwill, goods, chattels, and effects in
"or upon such licensed premises, or any credits in relation
"to the business carried on therein"
- Page 3, clause 3 (1), paragraph (c), line 14. *After* "premises"
insert "or of the license, goodwill, goods, chattels, and
"effects in or upon such licensed premises or any credits in
relation to the business carried on therein"
- Page 4, clause 5 (1), paragraph (a), line 15. *After* "trade" *insert*
"or the loss of profit"
- Page 4, clause 5 (1), paragraph (c), line 26. *After* "lease" *insert*
"or any extension thereof"
- Page 5, clause 7, line 16. *After* "trade" *insert* "or profit"

Page 7. *After* clause 12 *insert* the following short heading and section :—

Removal of licenses.

12A. Section thirty-nine of the Principal Act is further amended as follows :—

- (a) At the end of subsection one insert the following :—“ If any such holder desires to remove his license as aforesaid to premises proposed to be erected in the same licensing district or to premises in such district which are already erected but require additions or alterations to make them suitable to be licensed, he may make a conditional application for such removal on giving notice in the form and in the manner aforesaid, *mutatis mutandis* ”.
- (b) In subsection four after “ order ” insert “ or conditional orders ”.
- (c) After subsection four insert a new subsection as follows :—
 - (4A) The provisions of section twenty-seven relating to the making and granting of conditional applications for new licenses and matters incidental thereto shall, *mutatis mutandis*, apply to conditional applications for the removal of licenses.

On the completion of the premises in accordance with the plans deposited with the clerk of the court, an order of removal may be made at the next sitting of the court.
- (d) In subsection five omit “ the application is granted ” insert “ an order for removal is made ”.

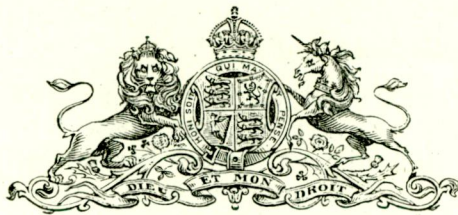
Page 8, clause 16, line 27. *Omit* “ the second paragraph ” *insert* “ subsection three ”

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.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 28 September, 1916.*

New South Wales.



ANNO SEPTIMO

GEORGI V REGIS.

Act No. , 1916.

An Act to amend the law relating to persons engaged in the sale of liquor; to provide for the abatement of rents of licensed premises and for the reduction of license fees; for the postponement of the payment of interest on mortgages and of interest and instalments of purchase moneys of licensed premises; for the closing of bars and other places in licensed and registered premises during prohibited hours; to suspend the taking of the local option vote at the next general election; to amend the Liquor Act, 1912, the Liquor Referendum Act, 1916, the Billiards and Bagatelle Act, 1902, the Justices Act, 1902, and other Acts; and for purposes consequent thereon or incidental thereto.

Liquor (Amendment) (No. 2).

BE it enacted by the King'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
5 the same, as follows:—

Preliminary.

1. This Act may be cited as the "Liquor (Amend- Short title.
ment) Act, 1916." It shall be read with the Liquor
Act, 1912, hereinafter in this Act referred to as the
10 Principal Act.

Abatement of rent.

2. (1) The Governor shall, for the purposes of this Establishing
Act, establish courts for every licensing district to have of courts.
jurisdiction within such district. Such court shall con-
15 sist of a stipendiary or police magistrate appointed by the
Governor. Each such court shall sit at such times as the
Governor may direct, and shall have the powers of a
fair rents court, under sections seven, eight, eighteen,
and nineteen of the Fair Rents Act, 1915; and the said
20 sections shall apply to proceedings in any such court
under this Act.

(2) The Governor, upon the recommendation of the Public Service Board, shall appoint registrars of such courts and such other officers as may be necessary
25 for carrying out the provisions of this Act.

3. (1) Upon application duly made any such court Orders by
may make orders— courts.

- (a) fixing what abatement (if any) shall be made in
30 the rent which has or may thereafter become
payable in respect of any licensed premises
during the period in which, in pursuance of the
Liquor Referendum Act, 1916, the closing time
of licensed premises shall be six o'clock;
- (b) postponing to such dates as may be considered
35 just, not being later than twelve months after
the termination of the present war between
His Majesty and His Majesty's enemies, the
payment of the interest or any part of the
interest

Liquor (Amendment) (No. 2).

interest which has or may thereafter become payable during the said period by the licensee in respect of his licensed premises on a mortgage of such premises effected before the commencement of this Act ;

- 5 (c) postponing to such dates as may be considered just, not being later than twelve months after the termination of the present war between His Majesty and His Majesty's enemies, any
10 payments of interest or instalments, or any part thereof, which has or may thereafter become payable during the said period by the licensee in respect of the purchase money of his licensed premises purchased by him
15 before the commencement of this Act :

Provided that any such order shall not affect the payment of any rent, interest, or instalments the subject of any legal proceedings commenced before the making of such application.

- 20 (2) An application under this section shall be made in duplicate to the registrar in the form prescribed, and the registrar shall forthwith serve on the lessor, mortgagee, or vendor, as the case may require, personally or by post, a copy of such application. If the lessor,
25 mortgagee, or vendor to be so served is without the State of New South Wales, service may be made upon his authorised agent, or, if there be no such agent, or no such agent known to the registrar, the court may on the application of the applicant direct how service
30 shall be made, and on what person.

(3) In any proceedings under this section no order as to costs shall be made. Costs.

- 4.** (1) An application for an order under the last preceding section shall not be entertained by the court
35 unless the lessee, mortgagor, or purchaser has first served on the lessor, mortgagee, or vendor a notice in writing requiring him to consent to an abatement of rent or postponement of payment, as the case may be, and unless it appears to the court that the parties have,
40 within one month after service of such notice, failed to enter into an agreement (which agreement they are hereby

Applications,
how made.

Order made
only after
failure of
agreements
between
parties.

Liquor (Amendment) (No 2).

hereby authorised to enter into) as to the amount of abatement or period of postponement, as the case may be.

(2) Such notice may be served personally or by post if the person to be served is resident in New South Wales; but if he is not so resident it may be served on his authorised agent or on the person authorised by him to receive on his behalf the payment of the rent, interest, or instalments the subject matter of the application.

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5. (1) In determining any application under paragraph (a) of subsection one of section three of this Act the court shall have regard to all the circumstances of the case, and in particular to—

Matters to be considered by court.

(a) the loss of trade (if any) directly attributable to the restriction of trading hours imposed by reason of the vote taken under the Liquor Referendum Act, 1916;

(b) the reduction (if any) in the expenses of the applicant in carrying on his business on the licensed premises the subject matter of the application consequent on the said restriction of trading hours;

(c) any sum paid or payable by the lessee making the application to his lessor as a bonus or premium on the granting of the lease.

(2) In determining any application under paragraph (b) or paragraph (c) of the same subsection the court shall have regard to all the circumstances in the case, and in particular the matters set forth in paragraphs (a) and (b) of subsection one of this section.

6. If any lessor who is respondent to an application under paragraph (a) of subsection one of section three of this Act is himself a lessee of the premises the subject matter of the application, the court, on the application of the said respondent, shall cause to be served on his lessor notice of the first-mentioned application, and a further notice that on the hearing of such application the respondent intends, in the event of an order being made abating the rent to be paid to him, to apply to the court for an order abating the rent payable by him to the lessor on whom such notice is to be served. On

Notice in case of mesne lessee.

Liquor (Amendment) (No. 2).

On the hearing of the first-mentioned application the court, if it makes an order abating the rent in respect of which the said application is made, shall proceed to determine what abatement (if any) shall be
 5 made in the rent which has or may thereafter be payable by the respondent in the said application to his lessor.

In making such determination the court shall have regard to all the circumstances of the case, and in particular the amount by which the rent payable to the
 10 respondent in respect of the said premises has been abated, and any sum paid by the respondent to his lessor as a bonus or premium on the granting of the lease.

Abatement of licensing fees.

7. A licensing court, in fixing the amount of the
 15 license fee for any premises, may take into consideration any diminution of trade on such premises which has resulted, or is likely to result, from the alteration of the closing-hour in pursuance of the vote under the Liquor Referendum Act, 1916.

20 In any case where a license has been granted or renewed after such alteration of the closing hour and before the commencement of this Act a licensing court may on application made to it by the licensee fix what refund or abatement (if any) should be made in the fee
 25 paid or payable in respect of the grant or renewal of the license. Any refund so fixed shall be made out of the Treasury.

Sale of liquor on Good Friday and Christmas Day.

8. Paragraph (b), subsection one, of section fifty-
 30 seven of the Principal Act is amended by omitting all the words after "Christmas Day".

Closing of bars, &c.

9. (1) The holder of a publican's license shall on
 every day except on such days and during such times
 35 as licensed premises may lawfully be open for the sale of liquor close and keep closed to the public every bar on such premises. (2)

Liquor (Amendment) (No. 2).

(2) The holder of a colonial wine license or of a brewer's or spirit merchant's license, and the holder of a certificate of registration of a club shall, on every day except on such days and during such times as licensed premises may lawfully be open for the sale of liquor, close and keep closed to the public that part of any counter or place at or in which liquor is usually sold in pursuance of such license or certificate.

(3) Provided that nothing in this section shall prevent the sale or consumption of liquor to the persons and in the manner provided by subsection two of section fifty-seven of the Principal Act.

(4) If the holder of any such license or certificate fails to carry out any of the requirements of this section he shall be liable to a penalty not exceeding twenty pounds.

10. A licensed publican shall not sell, supply, or permit to be sold or supplied on his licensed premises any non-intoxicating drinks other than tea, coffee, cocoa, milk, beef tea, or aerated waters served with meals at usual hours, except during such times as his licensed premises may lawfully be open for the sale of liquor :

Sale of non-intoxicating drinks.

Provided that nothing in this section shall prevent the sale of such non-intoxicating drinks to the persons and in the manner and under the conditions prescribed by subsection two of section fifty-seven of the Principal Act with respect to the sale of liquor.

If a licensed publican contravenes the provisions of this section he shall be liable to a penalty not exceeding twenty pounds.

Retail stores on licensed premises.

11. Subsection four of section nine of the Principal Act is amended by omitting all the words after " any explanation hereof " and by inserting in lieu thereof the words " Providing that if any portion of such premises shall be fitted up, or it is intended to be used as a retail store there must be no internal access from such store to the licensed premises, otherwise it shall not be lawful for the court to grant such application."

Retail stores on licensed premises.

Colonial

*Liquor (Amendment) (No. 2).**Colonial wine licenses.*

12. Section thirty-nine of the Principal Act is amended by inserting after "publican's license" wherever occurring the words "or colonial wine license." Removal of colonial wine licenses.

5

Licensing courts.

13. Section five, paragraph two, of the Principal Act is amended by omitting the words "subject to the provisions of sections one hundred and forty-eight to one hundred and fifty-one inclusive of the Justices Act, 1902," and inserting in lieu thereof the words "subject to the provisions of the next succeeding section." Amendment of s. 5 (2) of Principal Act.

14. The following section is inserted next after section five of the Principal Act:— New section 5A.

15 **5A.** (1) In any police district or part thereof to which the provisions of Part III of the Justices Act, 1902, have been extended, on and after the expiration of thirty days from the day on which such provisions apply to such district or part, and until such provisions cease so to apply, the jurisdiction in the whole of such police district under this Act of any licensing court or licensing magistrate, constituted or appointed or deemed to be constituted or appointed under this Act, shall cease and determine. Licensing Courts in places for which stipendiary magistrates are appointed.

20 (2) Thereupon a licensing court for a licensing district within which or within some part of which a stipendiary magistrate has jurisdiction shall be composed of three members, being the stipendiary magistrate or magistrates as official members and such other persons or person as the Governor may appoint.

30 (3) The stipendiary magistrate or senior stipendiary magistrate present shall preside at meetings of the licensing court; but in the absence of any stipendiary magistrate the members of the court present at any such meeting shall elect one of their number to act as chairman at and for such meeting. **(4)**

Liquor (Amendment) (No. 2).

(4) Every stipendiary magistrate shall within such licensing district exercise the powers vested in, and perform the duties imposed upon a licensing magistrate by this Act, and the provisions of this Act, and of any Act amending the same shall, except as herein modified, apply to any licensing district, court, and magistrate aforesaid.

Amendment of Justices Act, 1902.

- 15 **15.** The Justices Act, 1902, is amended as follows :— Amendment of Justices Act, 1902.
- (a) Section seven, subsection one, by inserting after the words "any adjoining police district" and after the words "any other police district" the words "or any part thereof".
- 15 (b) Section eight, by inserting in paragraphs (a) and (b) after the words "any police district" the words "or any part thereof".
- (c) Section thirteen, by inserting in paragraph (b) after the words "any police district" the words "or any part thereof".
- 20 (d) Sections one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty, and one hundred and fifty-one, are repealed.

Registered clubs.

- 25 **16.** Section eighty of the Principal Act is amended by adding thereto the following :—"for the purposes of the second paragraph of this section the electorates of King, Belmore, Darling Harbour, and Darlinghurst shall be deemed to be one electorate. Limitation of number of clubs in electorate.

30 *Local option vote.*

17. The vote of electors under Part IV of the Principal Act shall not be taken in any electorate at the general election next following the commencement of this Act. Local option vote suspended.

Billiard and bagatelle licenses.

- 35 **18.** Section eight of the Billiards and Bagatelle Act, 1902, is amended by omitting paragraphs (a) and (b) and inserting in lieu thereof the words "between the hours of ten o'clock in the morning and eleven o'clock at night." Billiard and bagatelle licenses.