

LICENSING.

11° Elizabeth II., No. LIX.

No. 59 of 1962.

AN ACT to amend the Licensing Act, 1911-1961.*[Assented to 30th November, 1962.]*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Licensing Act Amendment Act, 1962*.

(2) In this Act the Licensing Act, 1911-1961, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Licensing Act, 1911-1962.

Short title
and citation.

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Reprinted
Acts.
Approved
for reprint
8th June,
1960.

Amended by
Acts Nos.
17 and 73 of
1960 and 53
of 1961.

2. Section seventy-three of the principal Act is amended— S. 73
amended.

(a) by repealing and re-enacting subsection (1) with amendments as follows:—

(1) Save as otherwise expressly provided, every licensee (other than the holder of a spirit merchant's license or a brewer's license) shall on or before the thirty-first day of January, one thousand nine hundred and sixty-three, with regard to the period of six months ending on the thirty-first day of December, one thousand nine hundred and sixty-two, and shall thereafter—

(a) on or before the thirty-first day of January in each year, with regard to the period of twelve months ending on the next preceding thirty-first day of December, if his licensed premises are situated south of the twenty-sixth parallel of south latitude; and

(b) on or before the thirty-first day of July in each year, with regard to the period of twelve months ending on the next preceding thirtieth day of June, if his licensed premises are situated elsewhere,

furnish and deliver to the Receiver of Revenue a return setting forth with regard to the period for which the return is so furnished and delivered—

(i) the quantity of liquor of various kinds purchased for the licensed premises by the licensee or by any other person during that period, but not including liquor so purchased but still in bond;

- (ii) the gross amount paid or payable therefor respectively (including all duties but excluding the cost of carriage from place to place within the State) whether purchased in Western Australia or elsewhere; and
- (iii) the names and addresses of the persons who sold or supplied those various kinds of liquor,

and, subject to the provisions of subsection (1a) of this section, shall pay to the Receiver of Revenue as the annual fee for a license a sum equal to five and one-half pounds per centum of the gross amount so paid or payable for the liquors so purchased during the period of twelve months, and shall pay such sum in two moieties the first of which shall be paid together with and on the delivery of the return furnished under this subsection and the other moiety shall be paid within six months after that payment. ;

- (b) by adding after subsection (1) the following subsection:—

(1a) Notwithstanding the provisions of subsection (1) of this section—

- (a) where the license held by a licensee to whom that subsection applies expires on the thirty-first day of December, one thousand nine hundred and sixty-two and that licensee has in respect of the annual license fee for the year commencing on the first day of January, one thousand nine hundred and sixty-three paid the whole or part of the minimum annual fee required to be paid under the provisions of this Act as those provisions existed immediately prior to the

commencement of the Licensing Act Amendment Act, 1962, the licensee shall be credited with the amount so paid against the license fee required to be paid under subsection (1) of this section; and

- (b) where the license held by a licensee to whom subsection (1) of this section applies is in force until the thirtieth day of June, one thousand nine hundred and sixty-three, the license fee payable for the year ending on that date shall in respect of the first half of that year be the sum assessed on the return furnished for the six months ended the thirtieth day of June, one thousand nine hundred and sixty-two, in accordance with the provisions of subsection (1) of this section as those provisions existed immediately prior to the commencement of the Licensing Act Amendment Act, 1962, and in respect of the second half of that year be the sum assessed on the return furnished for the six months ending the thirty-first day of December, one thousand nine hundred and sixty-two, in accordance with the provisions of subsection (1) of this section as now enacted, less the amount (if any) already paid for or towards the license fee in respect of that second half year. ;
- (c) by repealing and re-enacting subsection (2) with amendments as follows:—
- (2) (a) Every licensee being the holder of a spirit merchant's license shall on or before the thirty-first day of

January, one thousand nine hundred and sixty-three, with regard to the period of six months ending on the thirty-first day of December, one thousand nine hundred and sixty-two, and thereafter on or before the thirty-first day of January in each year, with regard to the period of twelve months ending on the next preceding thirty-first day of December, furnish and deliver to the Receiver of Revenue a return setting forth with regard to the period for which the return is so furnished the quantity of liquor of various kinds sold or supplied by the licensee during that period to persons other than persons licensed to sell liquor or registered clubs or State hotels, and subject to the provisions of paragraph (b) of this subsection shall pay to the Receiver of Revenue as the annual fee for a license a sum equal to five and one-half pounds per centum of the gross amount received by the licensee for the liquor sold or supplied (including all duties thereon) whether purchased in Western Australia or elsewhere during the twelve months ended on the next preceding thirty-first day of December, and shall pay that sum in two moieties the first of which shall be paid together with and on the delivery of the return furnished under this subsection and the other moiety shall be paid within six months after that payment.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, if the licensee has in respect of the annual license fee for the year commencing on the first day of January, one thousand nine hundred and sixty-three, paid the whole or part of the minimum annual fee required to be paid under the provisions of this Act as those provisions existed immediately prior to the commencement

of the Licensing Act Amendment Act, 1962, such licensee shall be credited with the amount so paid against the license fee required to be paid under this subsection. ;

- (d) by repealing and re-enacting subsection (3) with amendments as follows:—

(3) (a) Every licensee being the holder of a brewer's license shall on or before the thirty-first day of January, one thousand nine hundred and sixty-three, with regard to the period of six months ending on the thirty-first day of December, one thousand nine hundred and sixty-two, and thereafter on or before the thirty-first day of January, in each year, with regard to the period of twelve months ending on the next preceding thirty-first day of December, furnish and deliver to the Receiver of Revenue a return setting forth with regard to the period for which the return is so furnished the quantity of beer sold or supplied by the licensee during that period to persons other than persons licensed to sell liquor or registered clubs or State hotels, and subject to the provisions of paragraph (b) of this subsection shall pay to the Receiver of Revenue as the annual fee for a license a sum equal to five and one-half pounds per centum of the gross amount paid or payable to the licensee for the beer so sold or supplied (including all duties thereon) during the twelve months ended on the next preceding thirty-first day of December, and shall pay that sum in two moieties the first of which shall be paid together with and on the delivery of the return furnished under this subsection and the other shall be paid within six months after that payment.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, if the licensee has in respect of the annual license fee for the year commencing on the first day of January, one thousand nine hundred and sixty-three, paid the whole or part of the minimum annual fee required to be paid under the provisions of this Act as those provisions existed immediately prior to the commencement of the Licensing Act Amendment Act, 1962, such licensee shall be credited with the amount so paid against the license fee required to be paid under this subsection.

(c) For the purposes of this subsection, a two-gallon license held by the brewer for the year ending thirty-first December, one thousand nine hundred and twenty-two, shall be deemed a brewer's license. ;

(e) by repealing and re-enacting subsection (4) with amendments as follows:—

(4) Every holder of a temporary license shall within fourteen days after the termination of the period of that license furnish and deliver to the Receiver of Revenue a return in writing signed by the holder of the license setting forth the amount paid or payable by him for liquor purchased (including all duties thereon) for sale or disposal under the license, and from the return so furnished the Receiver of Revenue shall assess the fee payable for the license at a sum equal to eight and one-third pounds per centum of that amount (excluding the duties thereon) where and to the extent that the amount has been so paid or is so payable by the holder of the license for liquor so purchased on or before the thirty-first day of December, one thousand nine hundred and sixty-two, or a sum equal to five and one-half pounds per centum of that amount (including all duties thereon) where and to the extent

that the amount has been so paid or is so payable for liquor so purchased after that date, less in every case the fee paid on the issue of the license, and such fee so assessed shall be payable forthwith. .

3. Section two hundred and one of the principal Act is amended— S. 201
amended.

- (a) by substituting for the word, "The", being the first word in subsection (1), the passage, "Subject to the provisions of subsections (1a) and (1b) of this section, the";
- (b) by deleting the proviso to subsection (1);
- (c) by adding after subsection (1) the following subsections:—

(1a) The fee payable for a certificate of registration of a club for a year and for every renewal thereof, with regard to a certificate of registration granted or renewed for a period commencing on or after the first day of January, one thousand nine hundred and sixty-three, shall be assessed and determined by the Licensing Court at a percentage of five and one-half pounds per centum on the amount paid or payable for all liquor (including all duties thereon but excluding the cost of carriage from place to place within the State) purchased by or for that club during the period of twelve months ended—

- (a) on the thirty-first day of August next preceding the date of the application for registration or the renewal thereof, where the premises of the club are situated south of the twenty - sixth parallel of south latitude; or
- (b) on the last day of February next preceding the date of the application for registration or the

renewal thereof, where the premises of the club are situated elsewhere,

and the provisions of this subsection shall apply also to any club that has prior to the commencement of the Licensing Act Amendment Act, 1962, paid any fee in respect of the grant or renewal of a certificate of registration for a period commencing on or after the first day of January, one thousand nine hundred and sixty-three assessed in accordance with the provisions of subsection (1) of this section, in which case such club shall forthwith after the commencement of that Act pay the additional amount payable in respect of that period on assessment of the fee in accordance with the provisions of this subsection but calculated in respect of liquor purchased on or before the thirtieth day of September, one thousand nine hundred and sixty-two; and the provisions of section seventy-three of this Act shall *mutatis mutandis* apply.

(1b) Notwithstanding the provisions of subsections (1) and (1a) of this section, for the purpose of the first assessment in the case of a club that has not been authorised to sell or supply liquor for a period of twelve months ending on the last day of February, or, as the case may be, the thirty-first day of August, the percentage may be assessed on an estimate by the Licensing Court of the gross amount (including all duties thereon) to become payable for all liquor purchased during the currency of the certificate. ; and

- (d) by substituting for the passage commencing with the word, "thirtieth" in line seven of subsection (2) down to and including the word, "thereon" in line ten of that

subsection, the passage, "last day of February, or, as the case may be, thirty-first day of August, the gross amount (including all duties thereon) paid or payable for liquor purchased by or for the club".
