

WESTERN AUSTRALIA.



ANNO SEPTIMO

GEORGII QUINTI REGIS,

XXI.

No. 1 of 1917.

AN ACT to amend the Law relating to the Sale of Fermented and Spirituous Liquors, and to prohibit the Sale of Tobacco to young persons.

[Assented to 2nd March, 1917.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Sale of Liquor and Tobacco Act, 1916.* Short title.

2. While the Sale of Liquor Regulation Act, 1915, continues in force, section ninety-nine of the Licensing Act, 1911, shall have effect as if the words "nine o'clock" were inserted therein in place of the words "eleven o'clock" and "six o'clock" respectively. "Nine o'clock" substituted for "eleven" and "six" o'clock in Section 99 of Licensing Act, 1911. (No. 32 of 1911.)

Provided that this section shall only apply within the Metropolitan District and the Agricultural District as constituted by the said Act.

Dealings by gallon licensees to be recorded, and books, etc., produced.

3. (1) The holder of any gallon license or two gallon license granted under the Licensing Act, 1911,—

- (a) Shall keep a book and shall enter therein forthwith, after every purchase by him of liquor, for sale under his license, the date of purchase, the quantity and kind of liquor purchased, and the name of the seller ;
- (b) Shall keep a book and shall enter therein forthwith, after every sale under such license, the date of sale, the quantity and kind of liquor sold, and the name of the purchaser ; and
- (c) Shall produce to any police officer, inspector of licensed premises, or inspector of liquor, on demand, such books and the invoices of all liquor purchased, and copies of the sale notes or invoices of all liquor sold.

Penalty : Fifty pounds.

- (2.) Any police officer or inspector of liquor may, on demand, search the cart or vehicle of any licensee delivering liquor and examine the sale notes or invoices, and the person in charge of such cart or vehicle shall permit such examination, and produce the sale notes and invoices.

Penalty : Fifty pounds.

Amendment of section 117 of Licensing Act, 1911. (No. 23 of 1911.)

4. Section one hundred and seventeen of the Licensing Act, 1911, is hereby amended by omitting the word "child," wherever that word appears in the section, and inserting "person" in place thereof, and by omitting the word "sixteen" in subsections (1) and (2) and inserting "eighteen" in place thereof.

Australian wine license.

5. (1) No Australian Wine License shall be hereafter granted or renewed except in respect of premises used for the sale of Australian wine, and in which no goods of any other kind, except aerated waters, cigars, cigarettes, tobacco, and newspapers, are sold, or offered or exhibited for sale, or apparently for sale.

(2.) No person holding an Australian Wine License shall have or keep his licensed premises open to the public at any time before or after the time during which wine may be lawfully sold on the premises, or sell or offer or exhibit for sale, or apparently for sale, on the premises, any goods of any other kind than Australian wine, except aerated waters, cigars, cigarettes, tobacco, and newspapers.

Penalty : For a first offence, Fifty pounds. For any subsequent offence, One hundred pounds.

(3.) Every application for an Australian Wine License, or the renewal of such license, shall, subject as aforesaid, be granted or refused in the absolute discretion of the Court.

(4.) The Court shall not grant to the holder of an Australian Wine License a gallon license or two-gallon license in respect of the same premises.

(5.) Section nineteen of the Illicit Sale of Liquor Act, 1913, is hereby repealed.

6. No person holding an eating-house license granted under the Licensing Act, 1911, shall cause intoxicating liquor to be supplied to, or permit intoxicating liquor to be consumed by any person on his licensed premises except during such time as such liquor might be lawfully sold in the licensed house from which such liquor was obtained.

Restriction of supply of liquor in eating houses.

Penalty: For a first offence, Fifty pounds. For any subsequent offence, One hundred pounds.

7. No person holding an Australian Wine Bottle License shall have or keep the premises named in the license open to the public at any time before or after the time during which wine may be lawfully sold.

Premises for which Bottle Licenses held to be closed except when wine may be lawfully sold.

Penalty: For a first offence, Fifty pounds. For any subsequent offence, One hundred pounds.

8. A paragraph is hereby added to section sixteen of the Sale of Liquor Regulation Act, 1915, as follows:—

Amendment of section 16 of Act No. 63 of 1915.

Where a lease has been assigned or transferred for monetary consideration, the right which, except for such assignment or transfer, would have continued in the lessee to a proportionate return of a part of the premium paid by the lessee to the lessor shall, subject as hereinafter provided, vest in the assignee of the lease. Provided that where such consideration paid by an assignee or transferee is less than the amount of the premium paid by the lessee, the proportionate return of a part of the premium shall be calculated on the amount of such consideration.

9. (1) If the holder of a license under the Licensing Act, 1911, is on naval or military service, the Licensing Court may renew such license on an application by an agent on his behalf; and an application to the Licensing Court, or any member thereof, for permission for a licensee on naval or military service to be absent from his licensed premises may be made by an agent.

Absence of licensee on naval or military service.

(2) Any person who, in the absence of a licensee, has the management, superintendence, or conduct of the licensed premises shall be subject to the duties and liabilities of the licensee in respect of such premises.

(3) If any licensee, on naval or military service, is a married man, and his wife resides on the licensed premises, the Licensing Court, or the Chairman thereof, may grant a permit to the wife of the licensee to manage, superintend, or conduct the sale of liquor on the licensed premises during the licensee's absence, and while such permit shall continue, the wife of the licensee shall, in respect of such management, superintendence, and conduct, be deemed the licensee of the premises.

Tobacco not to be sold or supplied to children.
See Vic., No. 2708, s. 213.

10. No person shall sell, give, or supply tobacco in any form or cigarette paper to or for the use of any person under the age of eighteen years.

Penalty: Forty shillings.

Complaints to be heard before Magistrate.

11. All proceedings for offences against the Licensing Act, 1911, or this Act, shall be heard and determined before and by a Police or Resident Magistrate.