

# THE LICENSING ACT, 1911.

(No. 32 of 1911.)

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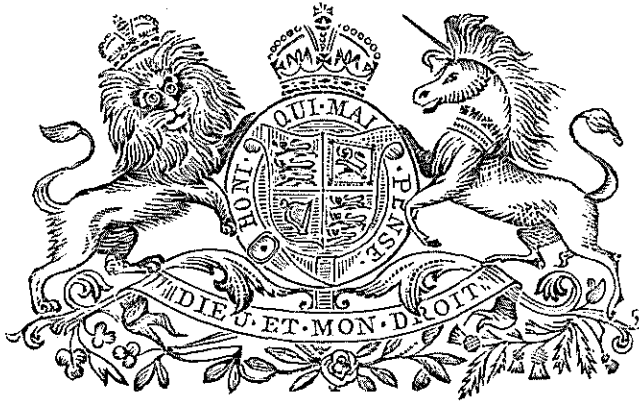
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WESTERN AUSTRALIA.



ANNO PRIMO

GEORGE V. REGIS,

XLIII.

\*\*\*\*\*

No. 32 of 1911.

AN ACT to consolidate and amend the  
Law relating to the Sale of Fermented  
and Spirituous Liquors.

[Assented to 16th February, 1911.]

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:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Licensing Act, 1911*, and shall  
come into operation on a day to be fixed by Proclamation.\*

Short title and  
commencement.

2. This Act is divided into Parts as follows:—

Division.

PART I.—PRELIMINARY, ss. 1-6.

PART II.—LICENSING DISTRICTS, s. 7.

PART III.—LICENSING COURTS, ss. 8-26.

Division (1.) *Constitution of Licensing Courts*, ss.  
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Division (2.) *Sittings of Licensing Courts*, ss. 24-26.

\*Proclaimed to commence 7th April, 1911; see *Government Gazette* 24th February, 1911.

## PART IV.—LICENSES, ss. 27-74.

*Division (1.) Description of Licenses, ss. 27-43.*

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*Division (4.) Applications, ss. 46-51.*

*Division (5.) Renewal of Licenses, ss. 52-53.*

*Division (6.) Transfer and transmission of Licenses, ss. 54-56.*

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*Division (8.) Provisional certificates, ss. 59-60.*

*Division (9.) Objections, ss. 61-63.*

*Division (10.) Disqualifications, ss. 64-65.*

*Division (11.) Issue of certificates and licenses, ss. 66-69.*

*Division 12.) Fees, ss. 70-74.*

## PART V.—LOCAL OPTION, ss. 75-86.

*Division (1.) Preliminary, s. 75.*

*Division (2.) The Vote and its effect, ss. 76-86.*

## PART VI.—STATE HOTELS, s. 87.

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## PART VIII.—CLUBS, ss. 142-171.

PART IX.—INSPECTION OF LICENSED PREMISES, ss.  
172-176.

## PART X.—ADULTERATION OF LIQUOR, ss. 177-188.

## PART XI.—MISCELLANEOUS PROVISIONS, ss. 189-204.

Repeal.  
First Schedule.

**3.** The Acts specified in the First Schedule are hereby repealed.

Existing licenses  
subject to Act.  
N.S.W. 1898, No. 9,  
s. 2.  
N.Z. 1908, No. 104,  
s. 71.

**4.** All licenses granted under any repealed Act, and held at the commencement of this Act, and all licensed persons holding any such license, and all licensed premises in respect of which any such license is held at the commencement of this Act, shall be under and subject to the provisions of this Act.

The authority conferred by any such license shall, at the commencement of this Act, become such (and such only) as would be conferred on the holder of a license of the same designation issued hereunder; but if no provision is made hereby for the issue of a license of the same designation, the authority of the licensee shall, until the expiry or sooner determination of his license, remain unaltered, subject however to the general provisions (except those relating to renewal) applicable in respect of licenses issued under this Act.

5. In this Act, unless the context otherwise indicates—

Interpretation.

- “Court” means a Licensing Court constituted under this Act; See W.A. 1880, No. 9, s. 3.
- “Date of License” means the time when the license takes effect; N.S.W. 1905, No 40, s. 63.  
Vic. No. 2068, s. 116.
- “District” means a licensing district constituted under this Act;
- “Elector” means a person qualified to vote in the district at an election for the return of a member of the Legislative Assembly;
- “Electoral District” means an electoral district for the Legislative Assembly defined in the Redistribution of Seats Act, 1904, or any amendment thereof;
- “Electoral Roll” means the roll of electors for the time being of an electoral district;
- “Grant of License” includes the granting of the certificate authorising the issue of the license;
- “Inspector” means an inspector of licensed premises appointed under this Act, and includes an inspector of liquor;
- “Intoxicating Liquor” or “Liquor” means any spirits, wine, beer, or other fermented, distilled, or spirituous liquor capable of producing intoxication; and “beer” includes ale, porter, and stout; and “wine” includes cider and perry.
- “License” means any license granted under this Act or any Act hereby repealed;
- “Licensee” or “Licensed person” means any person holding or entitled to exercise a license within the meaning of this Act;
- “Licensed Premises” means premises in respect of which a license has been granted and is in force;

“Liquor” means “intoxicating liquor;”

“Local governing Act” means the Municipal Corporations Act, 1906, the Roads Act, 1902, and any Act amending the same respectively.

“Local Option Vote” means a vote of electors taken under Part V. of this Act;

“Minister” means the responsible Minister of the Crown charged for the time being with the administration of this Act ;

See Vic. No. 1111,  
s. 3.

“Owner” of licensed premises means the person for the time being entitled to receive either on his own account or as mortgagee or other encumbrancer in possession, the rent of such premises, or if he is absent from the State, means the attorney or agent of such person capable of giving a valid receipt for such rent, and includes any mesne lessor of the premises;

“Police Officer” includes any constable or officer of police

“Premises” includes house or place, and extends to every room, closet, cellar, yard, stable, outhouse, or any other place whatsoever of, belonging or in any manner appertaining to, such house or place:

“Prescribed” means prescribed by this Act or by any regulation made under the authority thereof;

“Proclamation” means a proclamation by the Governor published in the *Government Gazette*.

“Receiver of Revenue” means any person duly appointed for the purpose of issuing licenses under this Act for the district in which the licensed premises are situated.

“Townsite” means any land constituted, defined, or reserved as the site of a town or village under the Land Act, 1898, or any amendment thereof or under any Land Regulations in force at any time prior to that Act, and also any land subdivided and laid out as the site for a town, township, or village in accordance with a subdivisional plan registered in the Office of Titles or the Department of Lands.

Penalties at foot  
of sections and  
subsections.  
See Com., No. 1  
of 1904, s. 3.

6. The penalty, pecuniary or other, set out at the foot of any section or subsection of this Act, shall indicate that any contravention of the section or of the subsection respectively, whether by act or omission, shall be an offence against this Act, punishable on summary conviction by a penalty not exceeding the penalty mentioned and not less than one-tenth of such penalty.



## PART II.—LICENSING DISTRICTS.

7. The electoral districts for the time being constituted for the representation of the people in the Legislative Assembly are hereby constituted licensing districts for the purposes of this Act:

Licensing Districts.  
See Vic. No. 1111,  
s. 19.

Provided that the Governor may by proclamation—

- (a.) Amalgamate two or more electoral districts into one licensing district;
- (b.) Divide any electoral district into two or more licensing districts;
- (c.) Declare the name by which any licensing district shall be known.

## PART III.—LICENSING COURTS.

*Division (1.) Constitution of Licensing Courts.*

8. (1.) For every licensing district there shall be a Licensing Court.

Licensing Courts.  
See W.A. 1893, No.  
25, ss. 9, 10.

(2.) Every Licensing Court shall be constituted of three persons, to be appointed from time to time by the Governor.

9. Every member of the Licensing Court shall be, by virtue of his office, a justice of the peace for the State, and shall hold office for a period of three years from the date of his appointment, unless he dies, resigns, becomes disqualified, or is removed from office, in any of which events a successor shall be appointed, who shall hold office for the unexpired period of his predecessor's term of office.

Tenure of Office.  
See N.S.W. 1898,  
No. 18, s. 5 (2).

10. (1.) Every person shall be disqualified from holding office as a member of a Licensing Court who is interested beneficially in the manufacture or sale of liquor, or in any premises licensed or proposed to be licensed under this Act, or who holds any license whatsoever within the meaning of this Act, or is beneficially interested in any trade or calling exercised under any such license.

Disqualifications.  
See W.A. 1880, No.  
9, s. 23, N.S.W.  
1898, No. 18, s. 5 (4).

(2.) Any person so disqualified who acts as a member of such Court commits an offence against this Act.

Penalty: One hundred pounds.

Resignation, N.S.  
W. 1898, No. 18, s.  
5 (8).

**11.** Any member of a Licensing Court may resign his office by writing under his hand addressed to the Governor.

Extraordinary  
vacancies, N.S.W.  
1898, No. 18, s. 5  
(9).

**12.** Any member of a Licensing Court who absents himself from any two consecutive quarterly sittings of the Court, except in case of sickness or for other reasonable cause allowed by the Minister, shall be deemed to have vacated his office, and to have created an extraordinary vacancy, which shall, as soon as conveniently practicable, be filled up by the appointment of some other person.

Death, etc., of mem-  
ber, N.S.W. 1898,  
No. 18, s. 5 (10).

**13.** Notwithstanding any alteration in the constitution of a Licensing Court by reason of the death, removal, absence, or resignation of any of its members, the jurisdiction conferred by this Act on such Court may be lawfully exercised by a quorum of such Court.

Chairman.

**14.** (1.) The Governor shall, from time to time, appoint a member of each Licensing Court to be the chairman thereof.

(2.) The same person may be appointed the chairman and a member of two or more Licensing Courts.

(3.) The chairman must be a police or resident magistrate.

Licensing Courts to  
be Courts of record.  
N.S.W. 1898, No. 18,  
s. 6.

**15.** (1.) Every Licensing Court shall be a court of record, with full power to make all general and other rules necessary for the conduct of its business, and for the enforcement of its orders, and adjudications; but such rules shall be subject to any regulations made by the Governor as hereinafter provided.

(2.) Every such Court shall have and use a seal having inscribed thereon the words "Licensing Court," with the name of the licensing district of the Court.

(3.) Any member of a Licensing Court may take, administer, and cause to be taken and administered, oaths, declarations, affirmations, and depositions in any licensing or other matter or proceeding to be heard and determined or dealt with by such Court.

Deputy members of  
Court.  
N.S.W. 1905, No. 40,  
s. 34.

**16.** Subject to this Act the Governor may appoint any person to be for such period as he specifies a deputy member of the Licensing Court of any district; and such deputy may, in the case of the sickness or of the absence of any member from any sitting of the Court or from the State, exercise all the powers vested in, and shall perform all the duties of such member.

Provided that any person appointed deputy chairman must be a police or resident magistrate, and may be appointed deputy chairman of two or more Courts.

**17.** Any two members of the Licensing Court shall form a quorum for the constitution of the Court: Provided that one of such members shall be chairman or deputy chairman.

Quorum  
See N.S.W. 1898,  
No. 18, s. 5 (7).

**18.** Every application made to a Licensing Court shall be decided by a majority of the members, and in the case of a disagreement where only two members are present, the decision of the chairman or deputy chairman shall prevail.

Majority to decide.  
See W.A. 1880,  
No. 9, s. 22:  
1893, No. 25, s. 12.

**19.** Notwithstanding anything hereinbefore contained, a member or deputy member of a Licensing Court—

Members and  
deputies liable to  
removal and not in  
general to sit in  
more than one  
Court.

(a) may be removed from office at any time by the Governor;

(b) may not (except for the purpose of holding office in more than one Court in the capacity of chairman or deputy chairman as hereinbefore provided) be a member or deputy member of another Court.

**20.** The chairman or any two members of the Court may, on behalf of the Court, sign or sign and seal all certificates and other documents issued and recorded.

Certificates.  
See N.S.W., 1898,  
No. 18, s. 9 (10).

**21.** The Governor may, from time to time, appoint any person, being a clerk of petty sessions, to be clerk of the Licensing Court of any one or more districts.

Appointment of  
clerk.  
See N.S.W., 1898,  
No. 18, s. 5 (6).

**22.** (1.) The Licensing Court\* may summon witnesses and examine them on oath as nearly as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of justices of the peace on summary convictions and orders.

Power to summon  
witnesses.

See W.A. 1880,  
No. 9, s. 20,  
N.S.W. 1895, s.  
10 (2).

(2.) If any person required by a summons under the seal of the Court to attend as a witness at any Licensing Court neglects, without sufficient excuse, to appear and give evidence, or refuses to be sworn, or to answer any lawful question; or if any person wilfully interrupts the proceedings of the Court, or hinders, obstructs, or assaults any person in attendance before the Court, or any officer thereof in the lawful execution of his duty, such person shall be guilty of contempt of Court.

Punishment of  
Contempt of Court  
for non-attend-  
ance, etc.  
N.S.W. 1898, No.  
18, s. 7.

(3.) The chairman or, in his absence, any member of the Court, either on his own view, or on the oath of a witness, may, by warrant under his hand and the seal

of the Court, commit any person guilty of such contempt to any prison, there to be imprisoned for any term not exceeding fourteen days, or may order such person to forfeit any sum by way of fine not exceeding ten pounds; and, if such fine is not forthwith paid, he may order such person to be imprisoned in any prison for any term not exceeding fourteen days, but subject to the discharge of such person if the fine is paid within the term of the imprisonment.

Proceedings not to be invalid in certain cases.

**23.** All acts and proceedings of every Licensing Court shall, notwithstanding it is afterwards discovered that there was some defect in the constitution of the Court, or that any member of the Court was disqualified, be as valid and effectual as if the Court had been duly constituted or such member duly qualified.

*Division (2.) Sittings of Licensing Courts.*

Court to sit quarterly.  
See W.A. 1880, No. 9, s. 26.  
N.S.W. 1898, No. 18, s. 11.

**24.** An ordinary sitting of the Licensing Court, to be called the "Quarterly Sitting," shall be held for each district on the first Monday in the months of March, June, September, and December in every year, or on such other day as may be appointed by the Minister, of which at least twenty-one days' notice shall be published in the *Government Gazette*.

Provided that special sittings may be held from time to time for the purposes of this Act, on a day to be appointed by the Governor of which at least fourteen days' notice shall be published in the *Government Gazette*.

Place of sitting.

**25.** (1.) The Licensing Court shall sit at such petty sessional court house or other place as the Minister may, from time to time, appoint.

(2.) It shall not be necessary for the place at which the Licensing Court is appointed to sit to be situated within the licensing district to which such sitting relates.

Adjournment.  
See W.A. 1880, No. 9, s. 26.

**26.** (1.) Any Licensing Court may adjourn from time to time.

(2.) If at any sitting a quorum is not present, any member present, and if no member is present the clerk, may adjourn the Court.

(3.) If any applicant for a license, or for the renewal, transfer, or removal of a license, requires an adjournment, the Court may, upon such terms as to costs or otherwise as it thinks fit, from time to time, adjourn the application for any period not exceeding one month.

## PART IV.—LICENSES.

*Division (1.) Description of Licenses.*

**27.** (1.) Subject to the provisions of this Act, licenses may be granted under this Act of the several descriptions following, that is to say:—

- |   |  |
|---|--|
| (a.) Publicans' general licenses.                             | Licenses.<br>W.A. 1880, No. 9,<br>s. 4.<br>1884, No. 14, s. 8. |
| (b.) Hotel licenses.  | 1895, No. 15, s. 11.   |
| (c.) Wayside-house licenses.                                  | 1902, No. 2, s. 2.   |
| (d.) Australian Wine and Beer licenses.                       | 1909, No. 5, ss. 5.  |
| (e.) Australian Wine licenses.                                |  |
| (f.) Packet licenses.   |  |
| (g.) Railway Refreshment Room licenses.                       |  |
| (h.) Railway Restaurant Car licenses.                         |  |
| (i.) Spirit Merchants' licenses.                              |  |
| (j.) Two gallon licenses.                                     |  |
| (k.) Eating house, boarding-house, or lodging house licenses. |  |
| (l.) Billiard-table licenses.                                 |  |
| (m.) Temporary licenses.                                      |  |
| (n.) Occasional licenses.                                     |  |
| (o.) Gallon licenses.   |  |

(2.) Such licenses respectively shall be in such one of the forms in the Second Schedule as may be applicable.

(3.) No license or renewal of a license shall be granted to any person who is not a natural born or naturalised British subject.

(4.) No hotel license or Australian wine and beer license shall be granted except for premises so licensed respectively at the commencement of this Act.

**28.** A publican's general license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of any liquor in any quantity on the licensed premises.

Publican's general  
license.  
W.A. 1880, No. 9,  
s. 3.

**29.** An hotel license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of any liquor, at any time—

Hotel license.  
W.A. 1884, No. 14,  
s. 9.

- (a.) To lodgers or boarders in the hotel, for the use of such lodgers or boarders and their guests; or
- (b.) To persons taking a meal at the hotel, the liquor to be consumed during such meal;

but shall not authorise the licensee to sell or dispose of liquor to any other person or in any other manner than as aforesaid.

Wayside house  
license.

See W.A. 1880,  
No. 9, s. 14.

1893, No. 25, s. 20.

**30.** (1.) A wayside house license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of any liquor in any quantity on the premises therein specified; but no license for a wayside house shall be granted or renewed for any house or premises situated within a distance of ten miles from any municipal district or townsite in which the population exceeds one hundred persons.

(2.) The Licensing Court may insert a clause in any wayside house license prohibiting any liquor from being taken off the premises, excepting liquor sold to *bona fide* travellers.

Australian wine  
and beer license,  
W.A., 1909, No. 5,  
s. 5.

**31.** An Australian wine and beer license shall authorise the sale of wine or beer made in any State of the Commonwealth, in any quantity on the premises named in the license, such wine to be made from fruit grown in the Commonwealth.

Australian wine  
license.

W.A. 1909, No. 5,  
s. 6.

**32.** (1.) An Australian wine license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of, on the premises named in the license, any wine made in a State of the Commonwealth, produced from fruit grown in the Commonwealth, for consumption on the premises or otherwise: Provided that such wine does not contain more than thirty-five per centum of proof spirit.

(2.) No Australian wine license shall be granted for any premises beyond the limits of a municipal district or townsite.

Packet license.

W.A. 1909, No. 3,  
4.

**33.** A packet license shall, subject to the provisions of this Act, authorise the master of the vessel therein mentioned, being a vessel licensed to carry passengers within the State of Western Australia, to sell and dispose of liquor to passengers on board of such vessel while such vessel is on her passage:

Provided that section ninety-eight of this Act shall not apply to a packet license:

Provided also that no license shall be necessary to authorise the granting of allowances of liquor to the crew of any vessel.

Provided also that a packet license shall not authorise the sale of liquor upon any Sunday, Good Friday, or Christmas Day on any vessel whilst such vessel is in any river or estuary.

Railway refresh-  
ment room license.  
See W.A. 1895, No.  
15, s. 11.

**34.** A railway refreshment room license shall, subject to the provisions of this Act, authorise the licensee, being the lessee or occupier of a refreshment room or stand at a railway station, to sell and dispose of any liquor at such refreshment room or stand on the arrival, and within half an hour before and after the arrival and departure of any passenger train at or from the railway station where such refreshment room or stand is situated.

Provided that sections ninety-seven and ninety-eight of this Act shall not apply to a Railway Refreshment Room license.

**35.** A railway restaurant car license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of liquor in such car:

Railway restaurant car license.  
W.A. 1902, No. 4,  
s. 3.

Provided that no liquor shall be sold except while such car is attached to a travelling train:

Provided also that no liquor shall be sold to any person who is not travelling by such train.

Provided further that sections ninety-seven and ninety-eight of this Act shall not apply to a Railway Restaurant Car license.

**36.** A spirit merchant's license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of any imported spirituous liquor or wine, in quantities of not less than two gallons, or any other imported fermented liquor in quantities of not less than eight gallons:

Spirit merchant's license.  
W.A. 1880, No. 9,  
s. 8.

Provided that no such license shall authorise the sale of any such liquor except in the casks or cases in which such liquor was imported.

**37.** (1.) A two-gallon license shall authorise the licensee to sell and dispose of any liquor in any quantity of not less than two gallons, not to be drunk on the premises in which such liquor is sold.

Two-gallon license.  
W.A. 1902, No. 2,  
s. 3.

(2.) The minimum quantity shall consist wholly of spirits, or of wine, or of beer, or of some other kind of liquor, and shall be delivered and taken away from the premises at one time, and not by instalments.

**38.** (1.) An eating house, boarding house, or lodging house license shall not authorise the licensee to sell or dispose of liquor to any boarder, lodger, or other person, but it shall authorise the licensee to cause the boarders or lodgers in the licensed house, and any person taking a meal in such house, to be supplied therein directly from any house licensed for the sale of the kind of liquor required, in the quantity required, with any liquor to be consumed in the licensed eating house, boarding house, or lodging house.

Eating, boarding, and lodging house license.  
W.A. 1880, No. 9,  
s. 13.

(2.) Any keeper of any such house who, without being licensed under this section in respect of such house, shall supply or cause to be supplied any liquor to any boarder, lodger, or person taking a meal therein, shall be liable in the same manner and to the same extent as if he had sold such liquor.

**39.** A billiard table license shall authorise the licensee to keep and maintain a billiard or bagatelle table, or both, on his licensed premises.

Billiard table license.  
W.A. 1880, No. 9,  
s. 11.

Temporary license.  
W.A. 1880, No. 9,  
s. 12.  
1886, No. 26, s.  
15.

**40.** A temporary license shall authorise the licensee, being also the holder of a publican's general license, or an Australian wine and beer license, or a wayside house license, to exercise the privileges of his license at any fair, military encampment, races, regatta, rowing match, cricket ground, or other place of public amusement, or at any ball, concert, theatrical, or other entertainment for a period to be specified in the license.

Provided that no temporary license shall be granted so as to permit of the sale or supply of liquor at any military encampment of cadets or at any athletic or aquatic sports, games or contests wholly or mainly held or engaged in by scholars of any educational establishment, or by members of any association or society the majority of the members whereof are minors.

Occasional license.

**41.** An occasional license shall exempt the licensee from the provisions of this Act relating to the closing of the premises on any special occasion during certain hours and on the special occasion to be specified in the license.

Provided that no liquor shall by virtue of an occasional license be sold or consumed at any public bar on the licensed premises.

Gallon License.  
W.A. 1880, No. 9,  
s. 9.

**42.** (1.) A gallon license shall authorise the licensee to sell and dispose of any liquor in any quantity of not less than one gallon, not to be drunk on the premises in which such liquor is sold.

(2.) The minimum quantity shall consist wholly of spirits, or of wine, or of beer, or of some other kind of liquor, and shall be delivered and taken away from the premises at one time, and not by instalments.

Duration of license.  
See W.A. 1880,  
No. 9, s. 4.

**43.** (1.) Every license (except a temporary or occasional license) shall, subject to the provisions of this Act, remain in force until the thirty-first day of December in the year for which it is granted: Provided that any publican's general license, hotel license, Australian wine and beer license, or wayside house license may, at the request of the applicant, or in the discretion of the Licensing Court, be granted or renewed to have effect only during a portion of the year to be specified in the license.

(2.) All licenses renewed at the quarterly sitting of the Licensing Court held in December shall, unless otherwise specified, take effect as from and inclusive of the first day of January next following.



*Division (2.)—Exemptions.*

**44.** (1.) No license under this Act shall be required to be held by any person who— Exemptions.

- (a.) Sells on the premises of such person wine in quantities not less than ~~twenty~~ <sup>five</sup> gallons at any one time, the produce of fruit of his own growing within the State; or W.A. 1880, No. 9,  
s. 3. *46/1911*
- (b.) Being the occupier of a vineyard or orchard, sells, on such vineyard or orchard, in quantities of not less than one reputed quart bottle at any one time, wine, manufactured by such person and the product of fruit of his own growing. See W.A. 1884, No. 14, s. 11.  
1909, No. 5, s. 8.

Provided that such wine—

- (i.) Is not consumed or intended to be consumed on the premises where the same is sold, and
- (ii.) Is not sold or delivered on Sunday, Good Friday, or Christmas Day.

(2.) No license under this Act shall be required to be held by any person who—

- (a.) Sells or supplies liquor in the Houses of Parliament by the permission of or under the control of the members ; or
- (b.) Sells or supplies liquor in a club registered in accordance with the provisions hereinafter contained to a member of the club for the use or consumption of such member or other members of the club or his or their guests ; or W.A. 1880, No. 3,  
s. 3.
- (c.) Sells or supplies liquor in any military canteen established under the regulations of His Majesty's service ; or
- (d.) Sells any spirituous or distilled perfumery *bona fide* as perfumery ; or
- (e.) Being an apothecary, chemist, or druggist, administers or sells any spirituous distilled or fermented liquors for *bona fide* medicinal purposes ;
- (f.) Being a licensed auctioneer, in the *bona fide* exercise of his business, sells or offers for sale, by auction, liquor on account of another person, under and subject to the provisions of "The Auctioneers' Amendment Act, 1881." W.A. 1881, No. 19, s. 3.

(3.) Nothing in this Act contained shall affect the provisions of section fifty-nine of the Government Railways Act, 1904.

*Division (3.)—New Licenses.*

## New licenses.

**45.** (1.) No license to which Part V. of this Act applies shall be granted in any district for any premises not licensed at the commencement of this Act, until a resolution has been duly carried under that Part that the number of licenses in the district may be increased:

Except when Resolution D has been carried and is in force in the district, the Licensing Court may in its discretion grant a license for premises in any locality in which no licensed premises are situated within a radius of fifteen miles from the premises to which the application relates.

(2.) Notwithstanding that a resolution is carried that the number of licenses in a district may be increased, and a petition is presented pursuant to paragraph (b) of section seventy-nine, every application for a license made pursuant to such resolution shall be granted or refused in the absolute discretion of the Court.

(3.) Every application for a license under the proviso to subsection one of this section, and every application for a license of a class to which Part V. of this Act does not apply, for premises not licensed at the commencement of this Act, shall be granted or refused in the absolute discretion of the Court.

*Division (4.)—Applications.*Mode of applying  
licenses.

## Third Schedule.

See W.A. 1880,  
No. 9, s. 16

**46.** (1.) Every person who desires to obtain a license shall, fourteen days at least before applying for the same,—

(a.) Affix on the outer door or front of the principal entrance door of the premises for which such license is applied for, there to be kept until the day upon which the Licensing Court sits, notice in writing, signed by such applicant, in such one of the forms in the Third Schedule as is applicable: Provided that notwithstanding that such notice is not so kept affixed, if the Court shall be satisfied that the applicant has used all reasonable care to keep it so affixed, and that it is not due to any default on his part that it has not been so kept affixed, the Court shall be at liberty to deem the requirements of the subsection in this respect complied with.

(b.) Deliver a like notice in triplicate to the clerk of the Licensing Court of the district.

(2.) The applicant shall also publish a copy of such notice in a newspaper circulating in the district wherein the premises are situated, at least seven days before he applies for the license;

Provided that the Governor may, in his discretion, order that this subsection shall not have effect in any licensing district in which he may deem compliance therewith impracticable.

(3.) The clerk of the Licensing Court shall, immediately after the receipt thereof, post one of such notices inside and another of such notices outside on some conspicuous part of the court house or building in which the Licensing Court is to sit.

(4.) Provided as follows :—

(a.) This section shall not apply to temporary or occasional licenses.

(b.) In the case of an application for a packet license, the notice shall be delivered to the clerk of the Licensing Court for the district of a place or port to or from which the vessel plies, and the notice shall be advertised in a paper circulating in the district in which the notice is delivered. See W.A. 1880, No. 9, s. 19.

(c.) In the case of applications for a packet license or a spirit merchant's license, it shall not be necessary to affix any notice elsewhere than on the court house or building in which the Licensing Court is to sit. See W.A. 1880, No. 9, s. 16.

**47.** (1.) Every applicant for a publican's general license for premises not so licensed at the commencement of this Act shall deliver to the Clerk of the Licensing Court an offer in writing in the form in the Fourth Schedule of a premium to be paid by the applicant to the Colonial Treasurer for the grant of the license. Premium for new publicans' general licenses. Fourth Schedule.

(2.) If pursuant to such application the license is granted such premium shall be paid to the receiver of revenue with the prescribed fee payable on the certificate for the license, and in default of payment of such premium the certificate shall be void.

(3.) Provided that nothing herein contained shall affect the absolute discretion of the Licensing Court to grant or refuse any application.

**48.** (1.) Every application for a license, or the renewal, transfer or removal of a license, and all objections to every such application shall be heard and determined by the Licensing Court for the district wherein the premises in respect of which the license is sought, or to which it relates, are situated, or, in the case of a packet license, for the district of a place or port to or from which the vessel plies. Application to be heard in open court. See W.A. 1880, No. 9, s. 20.

(2.) Every such hearing shall be open to the public, and every applicant shall attend in person or by an agent at such hearing:

Provided that the Court may, if it thinks fit, require the personal attendance of any applicant.

Certain licensed houses to possess accommodation for travellers and guests.

See W.A. 1880, No. 9, s. 18.

49. (1.) Every house for which—  
 (a.) A publican's general license ;  
 (b.) An hotel license ;  
 (c.) A wayside house license ; or  
 (d.) An Australian wine and beer license

is granted or renewed shall, at the time of the granting or renewal of such license, contain at least two sitting rooms and two sleeping rooms ready and fit for public accommodation, independent of the apartments occupied by the family of the licensee, and shall also be provided with sufficient places of accommodation in or near the premises for the use of the customers thereof, to prevent nuisances or offences against public decency, and with stabling sufficient for six horses at least, and a sufficient supply of wholesome and usual provender for the same, and with such further accommodation as the Licensing Court deems expedient in any other respect:

W.A. 1886, No. 26, s. 11.

Provided that the Court may, if it thinks proper, by indorsement in writing upon its certificate, dispense with the said stabling accommodation or such part thereof as to the Court may seem fit.

(2.) The Licensing Court may insert conditions as to further accommodation in its certificate, and any such conditions shall be deemed to be conditions imposed and binding on the licensee.

(3.) If any such licensed house shall cease to be provided with the accommodation required by this section or by the conditions inserted in the certificate, the Licensing Court, upon proof thereof to its satisfaction, may suspend the license until such accommodation is provided.

Temporary licenses.  
 See W.A. 1880, No. 9, s. 27.

50. Temporary and occasional licenses may be granted at any time by the chairman or any two members of the Licensing Court of the district wherein the license is to be exercised, and subject to such conditions as may be deemed fit.

Provided that the applicant for such license shall give notice in writing to the officer in charge of the police station nearest to the applicant's licensed premises within the district of the intention to make such application at least forty-eight hours before making the application.

Temporary eating house, boarding house, or lodging house license.

See W.A. 1884, No. 14, s. 7.

51. A temporary eating house, boarding house, or lodging house license, to be in force until the first day of the month following the next quarterly licensing sitting of the Licensing Court, may be granted at any time by the chairman or any two members of the Court, without any previous notice thereof being given by the applicant.

*Division (5.)—Renewal of Licenses.*

**52.** (1.) Except as hereinafter provided, and subject to Part V. of this Act, every licensee who applies to the Licensing Court for the renewal of his license may, on production of his license, obtain from the Court a certificate authorising the renewal of such license:

Provided that—

- (a.) If an objection to such renewal is made under the provisions of Division (9) of this Part, and such objection is sustained to the satisfaction of the Court; or
- (b.) If the license has been allowed to expire, or is liable to be forfeited or cancelled under any of the provisions of this Act,

the Court may refuse the application for renewal, and against such refusal there shall be no appeal:

Provided also that the renewal of any license granted after the commencement of this Act for premises not licensed at the commencement of this Act shall, subject to the provisions of Part V. of this Act, be in the absolute discretion of the Court.

**53.** No compensation shall be payable to any person by reason of the refusal of the Court to renew any license.

Renewal of existing licenses.

See W.A. 1880, No. 9, s. 33.

N.S.W. 1898, No. 18, s. 37.

Vic. No. 1111, s. 101.

N.Z. 1908, No. 104, s. 106.

Renewal of new licenses.

No compensation on non-renewal of license.

*Division (6.)—Transfer and Transmission of Licenses.*

**54.** (1.) The Chairman or any two members of the Licensing Court may, in his or their discretion, on application in writing in the form in the Fifth Schedule by the licensee and a proposed transferee, and on payment of the prescribed fee, transfer, at any time, the license of any licensee to such transferee by indorsement upon the license in the form in the Sixth Schedule.

(2.) Subject to this Act every transferee shall, until the end of the year for which the license was granted, possess all the rights of the original licensee, and shall be liable to the same duties, obligations, and penalties as if such license had been originally granted to him.

(3.) At least seven days before the hearing of an application under this section, the application shall be lodged with the clerk of the Licensing Court, and a copy thereof served on the officer in charge of the police station nearest to the licensed premises, and a copy thereof published in a newspaper circulating in the district.

**55.** (1.) For the purposes of this section and subject to the context—

“License” includes “Certificate.”

“Licensee” includes a person to whom a certificate has been granted.

Transfer of licenses. Fifth and Sixth Schedules.

See W.A. 1880, No. 9, s. 34.

N.S.W. 1898, No. 18, s. 39.

N.S.W. 1905, No. 40, Sch.

Interpretation.

“Lessor” includes a mesne lessor and the person for the time being entitled to the rent of the premises.

“Lease” includes “Sub-lease” and “Under-lease.”

“Owner” means any person (other than the licensee) who (whether as lessor, mortgagee, or otherwise) is or shall become entitled to the possession of the premises.

“Successor” means any person who is entitled under subsection two to the benefit of the license.

(2.) If a licensee shall—

- (a.) Die;
- (b.) Become bankrupt;
- (c.) Assign his estate for the benefit of his creditors;
- (d.) Be declared or become an insane person or insane patient under the Lunacy Act, 1903; or
- (e.) Be declared an incapable person under that Act;

then the license shall terminate so far as regards the licensee, and shall enure for the benefit of, and, on entry being made on the premises by or on behalf of the successor, shall vest in—

- (a.) The widow, husband, next of kin, legatee or executor entitled to apply for letters of administration of the deceased's estate or probate of his will;
- (b.) The licensee's trustee in bankruptcy;
- (c.) His assignee;
- (d.) His committee, or the Master, as the case may be; or
- (e.) The person appointed by the Supreme Court to undertake the control or management of his property;

respectively, and as the case may be:

Provided that if no successor entitled on the happening of event (a) shall enter within twenty-one days thereafter, then any creditor of the deceased to whom letters of administration of his estate are granted shall be deemed the successor, and may enter on the premises accordingly.

(3.) Every successor may, subject to the rights of any owner, enter forthwith after the event, and may exercise the license, subject as hereinafter provided, for the term or extended term thereof.

(4.) If a licensee shall (except as a consequence of any event mentioned in subsection two)—

- (a.) Cease to occupy the premises in which he is entitled to exercise his license;
- (b.) Fail to apply for, or be refused a renewal of his license on grounds personal to himself;
- (c.) Fail to pay any license or other fee or money by which failure his license shall have become void;

Transmission of  
licenses.

See W.A. 1880,  
No. 9, ss. 35.

W.A. 1884, No. 16,  
ss. 2-6.

W.A. 1897, No. 25,  
s. 19.

Right of entry by  
successor.

Right of entry by  
owner.

(d.) Suffer a forfeiture of his license for any act or omission by himself or his servant or agent or on grounds personal to himself; or

(e.) Be convicted of a crime;

or if, after the happening of any event mentioned in subsection two, no successor shall enter within a period of twenty-eight days, then any owner may enter on the premises at any time thereafter, and thereupon the license shall (if not already terminated) be terminated as regards the licensee, and shall enure for the benefit of and vest in such owner.

(5.) On the happening of any event mentioned in subsection two or four the license shall (notwithstanding any forfeiture, avoidance or expiry thereof) be deemed to continue as regards the premises, and shall so continue for the benefit of the successor or owner who has entered till after the disposal of the application for confirmation hereinafter mentioned, or the expiry of the time for making such application.

Continuance of license.

Provided that if no successor or owner shall enter within a period of thirty-five days, or such extended time as the chairman or two members of the Court may allow after the happening of any event mentioned in subsection two, then the license shall become absolutely void:

Provided, also, that if no owner shall enter within a period of ten days or such extended time as the chairman or two members of the Court may allow after the happening of any event mentioned under heading a, b, c, d, or e of subsection four, then the license shall become absolutely void.

(6.) It shall be an implied term of every mortgage heretofore or hereafter given by a person licensed under a publican's general, wayside house, hotel, or Australian wine and beer license over his licensed premises, that the mortgagee may enter into possession of such premises, or may bring an action of ejectment to recover the same, on the happening of any event mentioned in subsection four.

Entry by mortgagee.

(7.) It shall be an implied term of every lease, heretofore or hereafter granted, of any premises licensed or to be licensed under a publican's general, wayside house, hotel, or Australian wine and beer license, to a licensee or intended licensee thereof, that, on the happening of any event mentioned in subsection four, the lessor may terminate the lease and thereupon re-enter and take possession of the premises.

Lessor may determine lease and enter.

(8.) An owner may enter under any other power of entry given by or implied against a licensee, and shall (subject to the provisos to subsection five) be entitled to all such rights and advantages and subject to all such liabilities as he would have been entitled or subject to if he had entered on a cesser of occupation then happening on the part of the licensee.

Entry by owner under power.

Successor or owner  
may enter by agent

- (9.) (a.) A successor or owner may enter by himself or his agent;
- (b.) Such an agent may exercise the license, and sell thereunder for his principal without subjecting the principal to any penalty;
- (c.) A body corporate may enter, but by its agent only;
- (d.) One of two or more persons jointly entitled in the same right may exercise the rights vested in such persons;
- (e.) The principal of an agent licensee shall be deemed to be his successor for the purposes of subsection two on the happening of any event therein mentioned;
- (f.) No license shall be renewed in favour of an agent as such at any Court held after the expiry of three months from the confirmation, but a transfer of any agent's license may be made on the application of the principal without the concurrence of the agent;
- (g.) No owner shall be entitled to the benefit of subsection four or eight where the licensee is such owner's agent.

Confirmation.  
Seventh Schedule.

- (10.) (a.) A successor, owner, or agent shall, after entry, be the licensee, but must within ten days after entry obtain from the chairman or two members of the Court a confirmation in the form in the Seventh Schedule.
- (b.) Such confirmation shall be endorsed on the license, or on a duplicate thereof, which may be issued for that purpose;
- (c.) Every confirmation shall have effect according to its tenor.
- (d.) If such successor, owner or agent shall not obtain or apply for such confirmation then he shall be deemed to have suffered a forfeiture of the license on grounds personal to himself.

Extension of term  
of license.

(11.) A successor, owner or agent who has obtained confirmation in respect of licensed premises, the term mentioned in the license whereof has expired, or will expire before the next quarterly Licensing Court, shall be entitled to have added to the confirmation a clause extending the term of the license till after the holding of such Court.

Fee.

(12.) The fee payable on a confirmation shall be such as is prescribed to which shall be added, if the term be extended as aforesaid, such amount as would be payable if it were a renewal granted on or after the first day of October.

Fees to be paid,  
otherwise license  
voided.

(13.) Every successor, owner, or agent shall, after the granting to him of a confirmation, pay all fees and moneys (if any)



which have accrued or become due for the grant or renewal or in respect of the license, and if any such fee or moneys or any fee payable under subsection twelve be not paid within three days after the granting of the confirmation then the license shall become void.

(14.) Every successor or owner may, before entry, submit himself or his agent to the chairman or two members of the Court as a fit and proper person to hold the license, and such chairman or members shall, if he or they approve such successor, owner, or agent, signify such approval, and in such case the confirmation, if duly applied for, shall be granted to such successor, owner, or agent.

Approval by Court of successor or owner or his agent.

**56.** (1.) In case of the marriage of any woman being a licensed person, the license held by her shall confer on her husband the same privileges, and shall impose on him the same duties, obligations, and liabilities, as if such license had been granted to him originally:

License of female to vest in husband on her marriage.

See N.Z. 1908, s. 134.

See W.A. 1893, No. 25, s. 18.

N.S.W. 1898, No. 18, s. 78.

N.Z. 1908, No. 104, s. 134.

Provided that at the quarterly licensing meeting occurring next after any such marriage the husband shall apply to the Licensing Court for the transfer to him of his wife's license for the remainder of the term of the duration thereof, and if the sitting of the Court at which such application is made be the sitting to which application to renew the license should be made he may also apply at such sitting for a renewal of the license in his name.

(2.) Such transfer shall be made if the Court is satisfied that no objection can be made to the character of the husband, and that he has not forfeited a license within the preceding three years.

#### *Division (7.)—Removal of Licenses.*

**57.** (1.) No removal of a license from one district to another shall be lawful, but if any licensee desires to remove his license from his licensed premises to any other premises in the same district he shall give and publish notice in the form in the Eighth Schedule of his intended application in the same manner as notice is required to be given and published of an application for a license.

Removal of licenses.

Eighth Schedule.

See W.A. 1880, No. 9, s. 36.

N.S.W. 1898, No. 18, s. 41.

(2.) The clerk shall cause such notice to be posted in the same manner provided in the case of an application for a license.

(3.) A copy of the notice shall be served upon or sent by registered letter to the owner of the premises from which the license is to be removed.

(4.) The Licensing Court shall not make an order of removal unless satisfied that no valid objection to such removal is made by the owner of the premises to which a license is attached, but subject thereto may, in its discretion, grant or refuse the application.

N.S.W. 1898, s. 41 (4).

See W.A. 1880, No. 9, s. 31.

Ninth Schedule.  
See W.A. 1880,  
No. 9, s. 38.  
N.S.W. 1898, No.  
18, s. 41 (5).

(5.) If the application is granted an indorsement may be made upon the license in the form in the Ninth Schedule on payment of the prescribed fee, and the license so indorsed shall have the same effect as if it had been originally granted in respect of the premises specified in such indorsement, but as to the original premises the said license shall be deemed to be cancelled.

Temporary removal  
in case of destruc-  
tion of premises by  
fire, etc.

See N.S.W. 1898,  
No. 18, s. 42.  
1905, No. 40, s. 39.  
N.Z. 1908, No.  
104, s. 138.

**58.** If the premises of any licensee are, by fire, tempest, or other calamity, or by dilapidations, or by reason that such premises are being repaired or rebuilt, rendered unfit for the carrying on of his business, the Licensing Court, upon application by or on behalf of such licensee, may in its discretion authorise such licensee temporarily to carry on his business in any portion of such premises, or in any temporary building or structure thereon, or in some neighbouring premises (although the place in which the business is so authorised to be carried on may not have the accommodation required by this Act), for any period not exceeding twelve months.

*Division (8.)—Provisional Certificates.*

Provisional certifi-  
cates.

See W.A. 1889,  
No. 8, s. 1.

**59.** (1.) Subject to the provisions of Part V. of this Act, any person desirous of obtaining a publican's general license for premises—

- (a.) proposed to be erected ; or
- (b.) not at the time completed and fit for occupation ; or
- (c.) already erected but requiring additions or alterations to make them suitable to be licensed under this Act,

may, before building or completing such new premises or effecting such additions or alterations, make application at any quarterly sitting of the Licensing Court for a provisional certificate.

Plan, etc., to be  
delivered.

(2.) The applicant shall, fourteen days at least before making such application, deliver to the clerk of such Licensing Court a properly drawn plan showing the precise locality, the number, size, and dimensions of the rooms, and all other information necessary to enable the Licensing Court to form a correct estimate of the nature and style of such proposed premises, and pay the prescribed fee.

Notice of applica-  
tion to be given.  
Tenth Schedule.  
*Ibid.*, s. 2.

(3.) Notice of such application shall be in the form in Tenth Schedule, and shall be given and published as nearly as may be in the same manner and at the same time as is required in the case of applications for new licenses, and the like procedure shall be observed:

But the notice required to be affixed to the principal entrance door of the premises to be licensed shall, in the case of premises proposed to be erected, be affixed to a notice board or otherwise

exhibited on a conspicuous part of the frontage of the land upon which it is intended to erect such premises.

(4.) At the hearing of the application—

Hearing of application.

*Ibid.*, s. 3.

(a.) If the premises are already erected, evidence must be produced as to the fulfilment of the conditions imposed by this Act as to number and size of rooms and the condition of the premises; or

(b.) If the premises require alteration to fit them to fulfil such last mentioned conditions, evidence must be produced of the nature and extent of such proposed alteration; or

(c.) If the premises are not yet commenced, or are in the course of erection and not yet complete, evidence with plans and specifications must be produced to show that when finished they will fulfil such conditions.

(5.) The Licensing Court, after hearing any objections to the application, may, subject to the provisions of Part V. of this Act, grant a provisional certificate subject to any conditions it considers necessary to ensure the fulfilment of the requirements of this Act, or may refuse the application.

Certificate may be granted subject to conditions.

*Ibid.*, s. 3.

(6.) The Licensing Court may, before granting a provisional certificate, require the applicant to enter into a bond with one or more sureties approved by the Court in favour of His Majesty, his heirs and successors, in a sum to be fixed by the Court, conditioned to be void in case the premises are duly completed within the time specified to the satisfaction of the Court, otherwise to be in full force and virtue.

Bond.

W.A. 1897, No. 25, s. 22.

(7.) A provisional certificate shall be in the form in the Eleventh Schedule, and may be granted for any period not exceeding twelve months.

Eleventh Schedule.

(8.) The refusal of an application for a provisional certificate for any informality only shall not prevent any such application being renewed at any subsequent sitting of the Court.

**60.** On the application of the holder of a provisional certificate, or of any other fit and proper person, at any quarterly sitting of the Licensing Court made within the time specified in such certificate, and on proof of the performance of such conditions, if any, as are imposed by the certificate, the applicant shall be entitled to the license.

On performance of conditions, license to be granted.

W.A. 1889, No. 8, s. 4.

(2.) The application shall be made in the same manner as provided in the case of applications for new licenses, and the like procedure shall be observed.

#### *Division (9.)—Objections.*

**61.** (1.) Objections to the granting of any license, or to the renewal, transfer, or removal of any license, or to the granting of

Objections to licenses.

See W.A. 1880,  
No. 9, ss. 24, 25.  
N.S.W. 1898, No.  
18, s. 30.  
Vic. No. 1111, ss.  
92, 93.

any provisional certificate, may be made, either personally or by petition, to the Licensing Court—

- (a.) By the owner of the premises to which the application relates.
- (b.) By any resident in the licensing district within which the premises to which the application relates are situated.
- (c.) By any inspector of licensed premises.
- (d.) By any police officer stationed in such district.
- (e.) By any person acting with the authority and on behalf of the council of the municipal district, or the board of the road district, within which such premises are situated.

(2.) Any one or more of the following objections may be taken to the granting of any such license or provisional certificate :—

- (a.) That the applicant is of drunken or dissolute habits, or otherwise of bad repute.
- (b.) That the applicant has, within the six months preceding the date of application, been deprived of a license.
- (c.) That the applicant has been convicted of selling liquor without a license, or of selling adulterated liquor, within the six months preceding the date of application.
- (d.) That the premises in question are out of repair, or have not the accommodation required by this Act, or reasonable accommodation if the premises are not subject to the said requirements.
- (e.) That the reasonable requirements of the neighbourhood do not justify the granting of such license.
- (f.) That the premises are in the vicinity of a place of public worship, hospital, or school.
- (g.) That the quiet of the place in which such premises are situate will be disturbed if a license is granted ;  
or
- (h.) Any other objection which appears to the Licensing Court to be sufficient.

(3.) The objections which may be taken to the renewal, transfer, or removal of any license may be any of the grounds of objection hereinbefore specified which the Court may deem applicable.

(4.) It shall not be necessary to give to the applicant any previous notice of objection, but the applicant, on any objection being raised at the hearing of which at least three days' previous notice has not been given to him, shall be entitled to an adjournment.

(5.) In this section the word "premises" means the building or premises for or with reference to which the particular application is made.

**62.** (1.) On the hearing of any application for the grant, renewal, transfer, or removal of any license, or for any provisional certificate, any member of the Licensing Court, although such application is unopposed, may raise any of the objections set out in the last preceding section by stating the same in open court, as matter within his knowledge.

Member of a licensing Court may object.  
See W.A. 1880, No. 9, s. 21.

(2.) Thereupon the applicant shall be heard by himself and his witnesses upon the matter of such objection, and may, if necessary, apply for an adjournment, to afford him a better opportunity of answering the same.

(3.) After hearing such objection and the applicant, the Licensing Court may refuse to grant a certificate for the license on the ground that such objection has been established to its satisfaction.

**63.** (1.) The Licensing Court may, in its discretion, order payment by the applicant to the objector of a sum sufficient to meet his reasonable costs and expenses, and such order may be made whether the application is granted or refused.

Costs.  
See W.A. 1880, No. 9, s. 28.

(2.) If the objection to an application appears vexatious or malicious, the Court may order payment by the objector of a sum sufficient to meet the reasonable costs and expenses of the applicant.

#### *Division (10.)—Disqualifications.*

**64.** No license shall be granted or transferred to any licensed auctioneer with authority to sell by auction on the premises for which any license may be granted under this Act, nor to any person under a sentence for any criminal offence, whether such sentence be partially remitted or not; nor shall any license be granted for any premises or packet of which a police officer is the owner, landlord, or proprietor, or wherein he has any interest.

Disqualifications.  
See W.A. 1880, No. 9, s. 17.

**65.** Subject to the provisions of section fifty-five, no publican's general license or wayside house license shall be granted or transferred to a female, unless she is over thirty years of age and a widow or married woman divorced or under judicial separation from her husband, or living apart from him under a deed of separation, and in no case shall such license be granted or transferred to, or held by a woman whose husband holds any such license, or granted or transferred to, or held by a man whose wife holds any such license.

As to females.  
See W.A. 1898, No. 34, s. 2.

*Division (11.)—Issue of Certificates and Licenses.*

Certificates.  
See W.A. 1880,  
No. 9, s. 29.

**66.** (1.) Upon the granting of any license, except a temporary or an occasional license, and upon the renewal of any license, the Licensing Court shall—

Twelfth Schedule.

(a) issue to the applicant a certificate in the form in the Twelfth Schedule; and

Thirteenth  
Schedule.

(b) transmit to the receiver of revenue a list of such certificates in the form in the Thirteenth Schedule.

(2.) Any dealing with a license authorised by the chairman or any two members of a Licensing Court under the powers conferred by this Act shall be reported to the receiver of revenue by the clerk of the Court.

Certificate to be void  
for non-payment of  
license fee.  
See W.A. 1880,  
No. 9, s. 30.

**67.** (1.) Except as hereinafter provided, every certificate shall be void, unless the fee payable for the license is paid to the receiver of revenue within fourteen days after the granting of the certificate.

(2.) Provided that if, after the granting of such certificate, the fee payable for the license is not duly paid, it shall be lawful for the owner of the licensed premises, within a week after the last day on which the fee was payable, to pay the fee to the receiver of revenue, and thereupon the license shall issue to the owner in his own name, or in the name of his nominee, if in the opinion of the chairman or two members of the Court the owner or his nominee is a fit person to hold the license.

(3.) The receiver of revenue shall forthwith, after the receipt of every certificate and payment of the proper fee, issue the license authorised by the certificate.

Temporary and  
occasional licenses.  
See W.A. 1880,  
No. 9, s. 27.

**68.** A certificate shall not be required for a temporary or an occasional license, but the license, if granted, may be issued by the clerk of the Licensing Court on payment of the prescribed fee.

Duplicate License.  
See Vic. No. 1111  
s. 118.  
Vic. 2008, s. 57 (d).

**69.** (1.) Whenever any license is lost or destroyed the licensee may apply to the Licensing Court or any member thereof for a certificate that such license has been issued to such person, and the Court or any member thereof, on being satisfied that such license is lost or destroyed and has not been forfeited or transferred, may grant a certificate in the form in the Fourteenth Schedule, and on production of such certificate to the receiver of revenue, and on payment of a fee of one pound, the receiver of revenue shall deliver a duplicate of such license, which shall be of the same form as the original license, but shall have the word "duplicate" stamped, written, or printed across the face of the same.

Fourteenth  
Schedule.

(2.) In this Act the word "duplicate" used in reference to a license includes a copy thereof made by the Receiver of Revenue for the time being.

*Division (12.)—Fees.*

**70.** (1.) The fees hereinafter prescribed shall be payable in respect of licenses granted, renewed, transferred, or removed under this Act:

Fees for licenses.  
See W.A. 1880,  
No. 9, s. 15.  
1884, No. 14, s.  
22.

Provided that, if the term of any license shall commence on or after the first day of April, the licensee shall pay only three-fourths of the annual fee for such license; if on or after the first day of July, one-half of such fee; and if on or after the first day of October, one-fourth of such fee.

(2.) If a publican's general license, hotel license, Australian wine and beer license, or wayside house license is granted to have effect only during a specified portion of the year, such part of the annual fee for the license shall be payable as is proportionate to the period for which the license is to have effect.

**71.** (1.) The annual fee to be paid for a publican's general license shall be as follows:—

Fees for publicans' general licenses.  
See 1905, No. 21, s. 2.

(a.) for any house or premises situated within a municipal district—

- (i.) if the annual value of the house or premises does not exceed five hundred pounds, Fifty pounds;
- (ii.) if the annual value of the house or premises exceeds five hundred pounds, Seventy-five pounds.
- (iii.) if the annual value of the house or premises exceeds one thousand pounds, One hundred pounds.

(b.) for any house or premises not situated within a municipal district—

- (i.) if the annual value of the house or premises does not exceed two hundred pounds, Forty pounds;
- (ii.) if the annual value of the house or premises exceeds two hundred pounds, Fifty pounds.

(2.) On the granting or renewal of any publican's general license—

Annual value to be assessed.

(a.) for any house or premises situated within a municipal district, the Licensing Court shall assess the annual value of the licensed house or premises as not exceeding five hundred pounds, or as exceeding five hundred pounds but not exceeding one thousand pounds, or as exceeding one thousand pounds; and

(b.) for any house or premises not situated within a municipal district, the Licensing Court shall assess the annual value of the licensed house or premises as not exceeding two hundred pounds or as exceeding two hundred pounds,

and such value shall be stated in the certificate.

(3.) The annual value shall be assessed at the full annual rent at which the licensed house or premises might be expected to let, and in making such assessment the Licensing Court shall take into consideration, with the other evidence, the amount of every fine, premium, or other sum of money or valuable consideration that may have been paid or given, or agreed to be paid or given, in addition to the rent reserved or agreed upon on any letting or renewal, assignment, or transfer of tenancy or occupation of the house or premises.

Fees for other licenses.

See W.A. 1880, No. 9, s. 15.

**72.** (1.) The annual fees to be paid for licenses other than publicans' general licenses shall be as follows:—

For an hotel license .. .. .	Twenty-five pounds.
For a way-side house license .. ..	Fifteen pounds.
For an Australian wine and beer license ..	Ten pounds.
For an Australian wine license .. ..	Five pounds.
For a packet license .. .. .	Ten pounds.
For a spirit merchant's license .. ..	Fifteen pounds.
For a two-gallon license .. .. .	Fifteen pounds.
For a gallon license .. .. .	Fifteen pounds.
For an eating house, boarding house, or lodging house license .. .. .	One pound.
For a billiard table license .. .. .	Ten pounds.

See 1895 No. 15, s. 11.

(2.) The fee for a railway refreshment-room license or a railway restaurant car license, shall be not less than Five pounds and not more than Thirty pounds, and shall be fixed by the Colonial Treasurer.

Fee for a temporary license.

See W.A. 1880, No. 9, s. 15.

Fee for an occasional license.

Fee for transfer or removal.

See W.A. 1880, No. 9, s. 34.

(3.) The fee for a temporary license shall be One pound for each day for which the license is granted.

(4.) The fee for an occasional license shall be One pound.

(5.) The fee for the indorsement of a transfer or removal of a license or of a confirmation shall be—

(a.) for a publican's general license, Five pounds,

(b.) for an eating, lodging, or boarding house license, Ten shillings.

(c.) for any other license, Two pounds.

W.A. 1884, No. 14, s. 7.

(6.) The fee for a temporary eating house, boarding house, or lodging house license shall be Ten shillings.

Fee for provisional certificate.

(7.) The fee on an application for a provisional certificate shall be Five pounds.

Increased license fee may be deducted from rent.

W.A. 1905, No. 21, s. 6.

**73.** If, under the provisions of this Act, any tenant of premises for which a publican's general license is held is required to pay a larger annual license fee than that in force at the time when the lease of such premises was granted, the tenant shall, during the currency of such lease, be entitled to deduct from the rent payable under such lease the increase in the amount of annual



license fee payable by him, and the amount so deducted shall be deemed to be a payment on account of the rent reserved by the lease.

74. Where, under the provisions of the last preceding section, a tenant is empowered to set off any part of the licensing fee against rent payable by him in respect of the premises, the following conditions shall apply :—

Conditions as to set-off from rent.  
W.A. 1905, No. 21, s. 7.

(1.) If the immediate landlord of such tenant—

- (a.) is a former tenant under an original lease who has sublet at the same rental as that reserved in the original lease, and has not received any greater sum by way of ingoing than that paid by him to the lessor named in the original lease ; or
- (b.) is a mortgagee in possession who has entered into possession of the premises under the powers of a mortgage registered against the original lease, and has sublet to such tenant at the same rental as that reserved in the original lease, and has not received by way of ingoing any greater sum than that paid to the lessor named in such original lease,

the deduction of the increased licensing fee shall be made from the rental payable to the lessor named in the original lease.

(2.) If the immediate landlord of such tenant—

- (a.) is a former tenant under an original lease who has sublet at a higher rental than that reserved in such original lease, or has received a greater sum by way of ingoing than that paid by him to the lessor named in the original lease ; or
- (b.) is a mortgagee in possession who has entered into possession of the premises under the powers of a mortgage registered against the original lease, and has sublet to such tenant at a higher rental than that reserved in the original lease, or has received a greater sum by way of ingoing than that paid by the original tenant to the lessor named in such original lease,

the increased licensing fee arising from such increased rental or ingoing shall be payable by such immediate landlord.

#### PART V.—LOCAL OPTION.

##### *Division 1.—Preliminary.*

75. In this Part the word “license” means and includes publican’s general license, hotel license, wayside-house license, Australian wine and beer license, and Australian wine license, and this Part applies only to such licenses.

Application of this Part.

Provided that Resolution “B” shall not extend to hotel licenses or Australian wine and beer licenses.

*Division 2.—The Vote and its effect.*

Place and date of  
voting.

See Vic. No. 2068,  
s. 119.

N.S.W. 1905, No.  
40, s. 66.

**76.** (1.) A vote of electors under this Part, that is to say a local option vote, shall be taken in every district in or before the month of April in the year one thousand nine hundred and eleven, and in the month of April in every third year thereafter.

Provided that the local option vote shall not be taken in April, 1920, and in the month of April in every third year thereafter, but shall be taken in April, 1921, and in the month of April in every third year thereafter.

(2.) The Governor shall, from time to time, by notice in the *Government Gazette* appoint for each district, the date on which the local option vote shall be taken.

Resolutions to be  
submitted.

Vic. No. 2068,  
s. 120.

N.S.W. 1905, No.  
40, s. 67.

S.A. No. 970,  
s. 183.

**77.** (1.) Except where resolution D of this section has previously been carried, and is in force in a district, the following resolutions shall be submitted to the vote of electors:—

- (a.) That the number of licenses existing in the district continue. (Resolution A.)
- (b.) That the number of licenses existing in the district be increased. (Resolution B.)
- (c.) That the number of licenses existing in the district be reduced. (Resolution C.)
- (d.) That no licenses be granted or renewed in the district. (Resolution D.)

Fifteenth  
Schedule.

And the voting paper shall, subject as hereinafter provided, be in the form in Part I. of the Fifteenth Schedule.

(2.) Where resolution D has been previously carried, and is in force in the district, the resolution submitted shall be:—

- (e.) That licenses be restored in the district. (Resolution E.)

Sixteenth  
Schedule.

And the voting paper shall be in the form in the Sixteenth Schedule.

(3.) Provided that Resolutions A, C, and D shall not be submitted to the electors until after the thirty-first day of December one thousand nine hundred and twenty, and until after that date the voting paper shall be in the form in Part II. of the Fifteenth Schedule.

(4.) At the taking of every local option vote the following questions shall be submitted to the electors, namely:—

Do you vote that all new publican's general licenses in the district shall be held by the State?

Are you in favour of State management throughout the district?

Seventeenth  
Schedule.

And the voting papers shall be in the forms in the Seventeenth Schedule.

**78.** (1.) Resolution A, B, or C of the last preceding section is carried if a majority in number of the votes given is in favour of any such resolution:

What majority is required for carrying resolutions.

Provided that where resolution B has not been carried the votes given in favour of that resolution shall, if resolution A has been submitted to the electors at the same time, be added to the votes given for resolution A and shall be deemed to have been given in favour of resolution A.

See Vic. No. 2068, s. 121.  
N.S.W. 1905, No. 40, s. 68.

(2.) Resolution D is carried if three-fifths at least in number of the votes given are in favour of that resolution:

Provided that where resolution D has not been carried, the votes given in favour of that resolution shall be added to the votes given for resolution C and shall be deemed to have been given in favour of resolution C.

(3.) Resolution E is carried if three-fifths at least in number of the votes given are in favour of that resolution.

(4.) Provided that resolution D or E shall not be carried unless thirty per centum or more of the number of electors in the licensing district vote for such resolution.

(5.) The returning officer shall have power to make the necessary calculations from the result of the voting, and from the number of electors in the district as appearing from the appropriate electoral roll or rolls, and to determine what resolution has been carried and the result of the voting.

See N.S.W. 1907, No. 21, s. 3.

**79.** (1.) If any resolution is carried it shall be notified by the returning officer in the *Government Gazette*, and shall, subject to the provisions of this Act, be given effect to within the district as follows, until altered by a subsequent vote:—

Effect of carrying resolutions.  
See Vic. No. 2068, s. 122.

(a.) If resolution A is carried or in the case of a local option poll taken before the end of the year 1920 if resolution B is negatived, the number of licenses shall not exceed the number at the time of the taking of the vote.

N.S.W. 1905, No. 40, s. 69.

(b.) If resolution B is carried, the Licensing Court may, in its discretion, subject to the provisions of Part IV. of this Act, increase the number of licenses:

See S.A. No. 970, s. 201.

Provided that no license shall be granted pursuant to such resolution, unless the applicant shall present to the court a petition in favour of the granting thereof which appears to the court to be signed by a majority of the electors of the district whose names appear on the last printed electoral roll, and who live in the neighbourhood (as defined by the chairman of the court) of the premises in respect of which the license is sought. The chairman shall, at least ten days before the commencement of the sitting of the court at which the application is to be heard, define the area which shall be deemed the neighbourhood of such premises for the purpose of this proviso.

Provided also that if on the question "Do you vote that all new publican's general licenses in the district shall be held by the State?" a majority in number of the votes given is in the affirmative, no new publican's general license shall be granted pursuant to such resolution except under the provisions of Part VI. of this Act.

- (c.) If resolution C is carried, the number of licenses at the time of the taking of the vote shall be reduced, and may be reduced to three-fourths of such number.
- (d.) If resolution D is carried, no licenses shall be granted, renewed, or transferred, and the provisions hereinafter in this Part provided shall have effect.
- (e.) If resolution E is carried, licenses may be granted, renewed, and transferred, but so that the number of licenses shall not be greater than the number held when the resolution D was carried in the district.

Provided that if on the question "Do you vote that all publican's general licenses in the district shall be held by the State?" a majority in number of the votes given is in the affirmative, no publican's general license shall be granted pursuant to such resolution except under the provisions of Part VI. of this Act.

- (f.) If resolution E is not carried, the resolution D previously carried shall continue to have effect until altered in pursuance of this Part.

(2.) The result of the voting on the questions "Do you vote that all new publican's general licenses in the district shall be held by the State?" and "Are you in favour of State management throughout the district?" shall be notified by the Returning Officer in the *Government Gazette*.

Resolution C, how given effect to.

See Vic. No. 2068, s. 124.

N.S.W. 1905, No. 40, s. 72.

**80.** (1.) Where resolution C is carried, the Licensing Court having jurisdiction within the district shall—

- (a) determine the reduction to be made in the number of the existing licenses.

Provided that—

- (i.) Where such number exceeds twelve, and is less than twenty-four, such number shall be reduced by at least two.
- (ii.) Where such number is twenty-four or more, but is less than thirty-six, such number shall be reduced by at least three.
- (iii.) Where such number is thirty-six or more, such number shall be reduced by at least four.
- (b) for the purpose of the said reduction, cause a classification of the licensed premises to be made as hereinafter provided;

Classification of premises.

- (c) make the reduction by declaring that certain specified licenses shall cease to be in force;
  - (d) notify in the *Government Gazette* its determination, and give notice to the licensees affected thereby.
- (2.) The classification shall include licensed premises as to which the following conditions or any of them apply:—
- (a.) There have, within the three years next preceding the taking of the vote, been either two convictions for one of the following offences or one conviction for two of such offences made against the same or different licensees of the same premises, that is to say,—
    - (i.) an offence against Part X. of this Act (Adulteration of Liquor);
    - (ii.) selling or permitting or suffering to be sold or supplied any liquor to persons under the age of sixteen years or to prohibited persons;
    - (iii.) selling, or permitting, or suffering to be sold or supplied liquor to persons in a state of intoxication;
    - (iv.) permitting or suffering any unlawful game or sport or gaming on the licensed premises;
    - (v.) permitting or suffering prostitutes or thieves on the licensed premises;
    - (vi.) permitting or suffering drunkenness on the licensed premises;
    - (vii.) letting or subletting any bar or the right to sell liquor on the licensed premises;
    - (viii.) selling liquor or permitting or suffering liquor to be sold on prohibited days or in prohibited hours;
  - (b) there has within the said three years been a conviction of any licensee of the premises for any one of the said offences;
  - (c) it is proved that the business in the premises is so badly conducted as to be a serious inconvenience to persons requiring accommodation or a nuisance to neighbours, or that the premises are insufficiently provided with proper sanitary conveniences.
- (3.) In carrying out the said reduction the Licensing Court, in determining what licenses shall cease to be in force, shall—
- (a) consider the convenience of the public and the requirements of the several localities in the district;
  - (b) subject to the above consideration, deal in the first place with the licenses of premises to which paragraph (a) of the last preceding subsection applies, and in the second and third places respectively with those to which paragraphs (b) and (c) of such subsection respectively apply.

Order of reduction of licenses to which paragraphs (a), (b), and (c) apply.

When license to  
cease.

(4.) When the Licensing Court has determined that any license shall cease, such license shall, at the expiration of the period for which the same was granted, cease and become absolutely void, and shall not be renewed.

Right to appear  
before Court.

(5.) In any such proceeding as aforesaid—

(a) classifying licensed premises; or

(b) declaring that licenses shall cease to be in force,

any person who may be directly affected by the determination of the Licensing Court in such proceedings may appear before the Court and shall be heard.

Resolution D, how  
given effect to.

See Vic. No. 2068,  
s. 125.

N.S.W. 1905, No.  
40, s. 73.

81. (1.) If resolution D is carried it shall take full effect within the district at the expiration of the year in which the vote is taken.

(2.) When such resolution so takes effect, all licenses of every description to which this Part applies shall cease to be in force within the district.

Admittance to  
licensed premises.  
See Vic. No. 2068,  
ss. 48, 123.

N.S.W. 1905, No.  
40, s. 71 (4).

82. (1.) For the purposes of this Part any member of a Licensing Court, or any person authorised by the Court in writing, may enter any licensed premises at any time by day or night.

(2.) If admittance to such premises is refused or unreasonably delayed, after demand made by such member or person as aforesaid, the licensee of such premises, and every person who wilfully refuses or delays such admittance, commits an offence against this Act.

Penalty: Fifty pounds.

Provisions applic-  
able as between  
lessor and lessee.  
See Vic. No. 1111,  
s. 34.

Vic. No. 2068,  
s. 126.

N.S.W. 1905, No.  
40, s. 74.

83. (1.) Where, in pursuance of a vote under this Part, the license of any premises ceases to be in force, the following provisions shall apply:—

(a.) If any of the conditions set out in paragraph (a) of subsection two of section eighty apply to such premises, the lessor may, within fourteen days after the license ceases to be in force, give to the lessee written notice of the determination of the lease at the expiration of fourteen days from such notice, and the same shall thereupon determine as by effluxion of time.

(b.) In any other case, the lessee may within three months after the license ceases to be in force

(i.) determine the lease by a surrender to the lessor;  
or

(ii.) give to the lessor written notice that he desires to have the rent of the premises fixed by arbitration.

On such notice being given, the said rent shall be fixed by arbitration under the provisions of the Arbitration Act, 1895, and shall, from the date when the license ceases to be in force, and during the currency of the lease, be the rent payable thereunder in respect of the premises.

(2.) In this section—

“Lessee” includes a mesne lessee and an assignee of a lease and a sub-lessee;

“Lessor” includes a mesne lessor and the person for the time being entitled to the rent of the premises.

**84.** The following provisions shall apply to the taking of a vote under this Part:—

Provisions for voting.

Vic. No. 2068, s. 128.

N.S.W. 1905, No. 40, s. 75.

- (a.) The vote shall in each district be taken at the polling-places appointed by the Governor and notified in the *Government Gazette*.
- (b.) Every elector is qualified to vote, but on the resolutions A, B, C, D, or E may vote for one resolution only.
- (c.) A returning officer appointed by the Governor shall conduct the taking of the vote in each district, and shall, with respect to such poll, have all the powers possessed by a returning officer under the law for the time being regulating the conduct of elections for the Legislative Assembly.
- (d.) The manner of voting shall be similar to that followed in the election of members to serve in the Legislative Assembly, but the voting paper shall be marked as prescribed thereon.
- (e.) The provisions of any law for the time being regulating the conduct of elections for the Legislative Assembly shall, so far as they can be made applicable, *mutatis mutandis*, apply to the taking of a vote under this Part.
- (f.) A voting paper is invalid if—
  - (i) the elector has voted on the resolutions A, B, C, D, or E for more than one resolution; or
  - (ii) the voting paper is not endorsed with the initials of the officer presiding at the polling-booth.
- (g.) The result of the voting shall be notified by the returning officer in the *Government Gazette*, and such notification shall be *prima facie* evidence of such result.

**85.** If in any district a vote of electors under this Part is for any reason void, the Governor may appoint another day and the places for taking the vote in such district, and may appoint

Provisions where vote is void.

Vic. No. 2068, s. 129.

N.S.W. 1905, No. 40, s. 76.

officers and make necessary arrangements for the purpose of such vote being taken.

No compensation.  
See Vic. No. 2068,  
s. 42.

**86.** When pursuant to a resolution duly carried under this Part any licensed premises shall be deprived of a license, no compensation shall be payable to any person whomsoever.

#### PART VI.—STATE HOTELS.

Power to establish  
State hotels.

**87.** If at any poll of the electors taken under Part V. of this Act resolution B is carried in any district, and on the question "Do you vote that all new publican's general licenses in the district shall be held by the State?" a majority of the votes given is in the affirmative, the Minister may, with the approval of the Governor, but subject to the provisions of this Act—

(a.) Establish State hotels in the district; and

(b.) Carry on, by his authorised agent in any such State hotel, the trade and business of a person holding a publican's general license:

Provided that every such agent, before acting in that capacity in any such hotel, must duly apply for and obtain from the Licensing Court a publican's general license in respect of such hotel, but Section forty-seven of this Act shall not apply:

Provided, also, that an application for the transfer of such license may be made by the Minister without the concurrence of such agent.

(2.) Any State hotel shall be subject to the provisions of Part V. of this Act.

#### PART VII.—DUTIES AND LIABILITIES OF LICENSEES AND OTHER PERSONS.

Certain licensees to  
have their names  
affixed on premises.  
W.A. 1880, No.  
9, s. 46.

**88.** Every holder of a publican's general license or a wayside house license shall have his name at length painted or fixed in legible letters at least three inches long, with the words "licensed to retail fermented and spirituous liquors" constantly and permanently remaining and plainly to be seen and read on a conspicuous part of the outside of his licensed premises; and every person holding an Australian wine and beer license shall have his name painted or affixed as aforesaid, with the words "licensed to retail Australian wine and beer" constantly and permanently remaining and plainly to be seen and read on a conspicuous part of the outside of his licensed premises.

Penalty: Five pounds.

Change of name of  
premises.  
Vic., No. 1111,  
s. 120.

**89.** The Licensing Court may, on an application by the holder of a publican's general license or wayside house license, give permission in writing for a change in the name or sign of the licensed premises; but no such change shall be made without the previous consent of the Court.

Penalty: Five pounds.



**90.** Every holder of a publican's general license, or wayside house license or an Australian wine and beer license shall keep a lamp, with a sufficient light, affixed outside and over the door of his licensed premises, lighted, and kept burning during the whole of each and every night from sunset to sunrise, during the time of his holding such license.

Penalty: Five pounds.

When lamp to be lit.

W.A. 1880, No. 9.  
s. 46.

**91.** Every licensee shall—

- (a) cause his licensed premises to be furnished with proper sanitary appliances sufficient for any lodgers or inmates of the premises, and to the satisfaction of the local board of health;
- (b) cause his licensed premises to be provided with sufficient places of accommodation for the use of the customers thereof, to prevent nuisances or offences against public decency;
- (c) maintain such appliances and any room or place in which they are, and such places of accommodation, in a good sanitary condition;
- (d) keep his licensed premises free from offensive or unwholesome matters.

Penalty: Twenty pounds.

Duties of licensee as to sanitary matters.  
N.S.W. 1905, No. 4, s. 15.

**92.** (1.) Every licensee shall thoroughly cleanse and disinfect all the rooms, passages, stairs, floors, windows, walls, ceilings, closets, places of accommodation, cesspools, and drains of his licensed premises to the satisfaction of the inspector of licensed premises.

(2.) If any licensee refuses or neglects to comply with any requirement, in writing, of any inspector under this section, the Licensing Court may direct the premises to be closed, and suspend the license until such requirement is complied with.

Sanitary precautions.  
See N.Z. 1908,  
s. 161.

**93.** No structural alteration in, or enlargement of, any licensed premises shall be made without the permission in writing of the Court; but when it has been made with such consent, the premises as altered or enlarged shall be deemed to be the licensed premises.

Alteration or enlargement of licensed premises.

**94.** Any holder of a publican's general license, an hotel license, or a wayside-house license, or an Australian wine and beer license, who, without reasonable cause, refuses to receive any person as a guest into his house, or to supply any person with food, liquor, refreshment or lodging, or (unless stabling accommodation has been dispensed with) to receive the horse or horses of a traveller and to provide them with sufficient provender and water, whether the owner or person in charge thereof lodges in his house or not, commits an offence against this Act.

Penalty: Twenty pounds.

Penalty for refusing entertainment.  
See W.A. 1880,  
sec. 9 s. 48.  
1886, No. 26, s. 11.

Immunity from distress of property of guests.

W.A. 1880, No. 9, s. 49.

**95.** (1.) Every house for which a publican's general license, an hotel license, or a wayside-house license or an Australian wine and beer license is granted shall be deemed a common inn, and no goods or chattels whatsoever the property of any lodger or stranger being on such licensed premises shall be liable to be distrained or seized for rent or any other claim whatsoever against any such premises, or the owner or occupier thereof.

(2.) If any such goods shall be so distrained or seized any two justices in petty sessions may summarily inquire into any complaint made in respect of such distress or seizure, and order such goods or chattels to be restored, or their value paid, to the owner thereof, and may award and enforce payment of reasonable costs of the proceedings against the person distraining or seizing such goods or chattels.

License to be kept by licensee.

**96.** Every license shall be and continue in the custody of the licensee, and shall not be subject to detention by reason of any lien, charge, or interest whatever had or claimed by any other person.

Licensed premises not to be open before or after certain hours.

See W.A. 1880, No. 9, s. 59.  
50 Vic., No. 26, s. 18.

**97.** (1.) No licensee shall—

(a.) have or keep his licensed premises open for the sale of liquor; or

(b.) sell any liquor or permit or suffer any liquor to be drunk or consumed in or upon his licensed premises at any time before six o'clock in the morning nor after eleven o'clock at night upon any day in the week, except under the authority of an occasional license.

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

(2.) But this section shall not prohibit the sale or consumption of liquor to or by any *bona fide* traveller, lodger, or inmate if the liquor is not drunk at the public bar of the licensed premises.

No liquor to be sold on Sundays and certain other days.

See W.A. 1880, No. 9, s. 61  
N.S.W. 1905, No. 40, s. 16.

**98.** (1.) No licensee shall—

(a.) have or keep his licensed premises open for the sale of liquor; or

(b.) sell any liquor, or permit or suffer any liquor to be drunk or consumed in or upon his licensed premises, upon any Sunday, Good Friday, or Christmas Day.

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

(2.) But this section shall not prohibit the sale or consumption of liquor to or by any *bona fide* traveller, lodger, or inmate if the liquor is not drunk at the public bar of the licensed premises.

**99.** Every holder of a publican's general, hotel, wayside house, or Australian wine and beer license shall cause every door or other entrance by which admission can be gained to any bar-room on his licensed premises whether from outside or inside to be kept closed and locked between eleven o'clock at night and six o'clock in the morning, and during the whole of every Sunday, Christmas Day, and Good Friday; provided that any such door or entrance may be unlocked and opened at any time between such hours or on such days in order to allow ingress or egress to the licensee or any employee of the licensee for the purpose of enabling, subject to the provisions of this Act, such licensee or employee to obtain and bring liquor for delivery to any person to whom he may then lawfully sell liquor or to do any other lawful act.

Bar to be kept closed during prohibited time.

Penalty: Ten pounds.

**100.** No person shall be deemed to be a *bona fide* traveller within the meaning of this Act unless the place where he lodged during the preceding night is at least five miles distant from the place where he demands to be or is supplied with liquor—such distance to be calculated by the shortest practicable route along or over any public highway or thoroughfare, or by or across any arm of the sea, inlet, river, or creek between the place of lodging and of supply.

Definition of *bona fide* traveller.  
See W.A. 1898, No. 24, s. 3.  
N.S.W. 1898, s. 64.

**101.** Any person who, by falsely representing himself to be a *bona fide* traveller, lodger, or inmate, buys or obtains, or attempts to buy or obtain, at any licensed premises liquor or refreshment during Sunday, Good Friday, or Christmas Day, or during the prohibited hours on other days, commits an offence against this Act.

Penalty for obtaining liquor by false representations.  
W.A. 1884, No. 14, s. 21.

Penalty: Five pounds.

**102.** If in course of any proceedings under section ninety-seven or ninety-eight the licensee sets up as a defence and fails to prove that the purchaser was a *bona fide* traveller but the Court is satisfied that he truly believed that the purchaser was a *bona fide* traveller, and further that he took all reasonable precautions to ascertain whether or not the purchaser was a *bona fide* traveller, the justices may dismiss the case as against the licensee, and shall direct proceedings to be instituted against such purchaser under the last preceding section.

Proof of *bona fide* traveller.  
W.A. 1899, No. 21, s. 2.

**103.** (1.) Any person, not being a *bona fide* lodger, inmate, or traveller found drinking liquor on any licensed premises, or in the act of leaving any licensed premises with liquor in his possession, at any time when such premises should not be open for the sale of liquor commits an offence against this Act.

Person found drinking liquor on premises during prohibited time.  
N.S.W. 1905, No. 40, s. 17.

Penalty: For a first offence, Ten pounds; for any subsequent offence, Thirty pounds.

Person on premises during prohibited time.

*Ibid.*

(2.) Any person found on any licensed premises at any time when such premises should not be open for the sale of liquor shall, unless he satisfies the Court that he was at the time when he was so found a *bona fide* lodger, inmate, or traveller, or that his presence on such premises at such time was not in contravention of the provisions of this Act, be deemed to have committed an offence against this Act.

Penalty: Two pounds.

Licensees not to be compelled to supply liquor during prohibited hours.  
See N.S.W. 1898, s. 65.

**104.** Nothing in this Act contained shall be deemed or taken to make the supplying of liquor between the hours of ten o'clock at night and six o'clock in the morning compulsory on any licensee.

Penalty on sale of liquor by unlicensed persons.

See W.A. 1880, No. 9, s. 39.  
N.S.W. 1898, s. 45.

**105.** (1.) Subject to the provisions of section forty-four of this Act, any person who sells or offers for sale any liquor without holding a license authorising the sale thereof (unless he is the agent or servant of the holder of such license) commits an offence against this Act.

Penalty: For a first offence, Fifty pounds.

For any subsequent offence, One hundred pounds, or imprisonment for six months, or both.

(2.) Upon any conviction under this section the offender shall forfeit all liquor in his possession, with the vessels containing the same, to the use of His Majesty.

(3.) In the event of a second or subsequent offence the offender shall, on conviction, be disqualified from holding a license of any description for the sale of liquor for a period of three years from the date of such conviction.

Penalty for selling contrary to license.  
See W.A. 1880, No. 9, s. 39.

**106.** Any licensee who sells, or having sold, delivers liquor in any less quantity or in any other place or manner than is authorised by the terms of his license, commits an offence against this Act.

Penalty: Fifty pounds.

Penalty on keeper of eating, boarding, or lodging house supplying liquor contrary to license.

**107.** No holder of a boarding house, lodging house, or eating house license shall supply or cause to be supplied any liquor to any boarder, lodger, or person taking a meal, in such house, unless his action in so doing is authorised by the terms of such license or of some other license held by him.

Penalty: For a first offence, Five pounds.

For any subsequent offence, Twenty pounds.

**108.** Any person, not being the holder of a publican's general license, who in any house keeps and maintains a billiard table or bagatelle table, open to the public, without being duly licensed under this Act to keep and maintain the same, commits an offence against this Act.

Penalty: Twenty pounds.

Penalty for keeping billiard or bagatelle table without license.

W.A. 1880, No. 9, s. 44.

**109.** No person shall maintain any action for, or recover any debt or demand on account of any liquor sold or disposed of in contravention of this Act, whether sold or disposed of without a license or by exceeding the authority or violating the conditions of any license.

No action for price of liquor illegally supplied.

W.A., 1880, No. 9, s. 50.

**110.** No person, however licensed, shall maintain any action for, or recover any debt or demand on account of any liquor sold or delivered in any quantity less than one gallon and delivered or taken away all at one time :

No action for price of less than one gallon of liquor.

W.A., 1880, No. 9, s. 50.

Provided that nothing herein contained shall extend to prevent a licensee from keeping an account with *bona fide* lodgers, passengers, and travellers, in which any charge for liquor may be included and lawfully recovered as part of the amount thereof.

**111.** Any licensee who is found drunk in any part of his licensed premises to which the public have access commits an offence against this Act.

Licensees drunk on premises liable to penalty.  
S.A. 1908.

Penalty: Twenty pounds.

**112.** Any licensee or other person who, on any licensed premises, supplies any intoxicating liquor to any person who is at the time in a state of intoxication, commits an offence against this Act.

Penalty for supplying liquor to intoxicated persons.

See W.A. 1880, No. 9, s. 45.

Penalty: Twenty pounds.

**113.** (1.) If any licensee, or any servant or agent of a licensee, knowingly or carelessly allows any intoxicated person to remain in or upon any licensed premises, the licensee commits an offence against this Act.

Penalty for allowing intoxicated persons to remain on premises.

See W.A. 1880, No. 9, s. 45.

Penalty: Twenty pounds.

(2.) Provided that, if upon the hearing of the complaint it is proved to the satisfaction of the court that the intoxicated person was, at the time of the alleged offence, a *bona fide* lodger or inmate in the licensed premises, and that every due and proper precaution was observed to prevent such lodger or inmate from drinking, or expending his money upon liquor whilst in a state of intoxication, then such complaint shall be dismissed.

**114.** No licensee shall take or receive from any person in payment or in pledge for liquor, or for any entertainment whatsoever supplied in or out of his licensed premises, any article or

Licensed persons to receive payment in money only.

See W.A. 1880, No. 9, s. 51.

thing whatsoever, except current coin, any notes being legal tender, bank notes, or bank cheques.

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

Bars not to be sub-let.  
Vic., No. 2068,  
s. 85.

**115.** No licensee shall let or sublet any bar or the right to sell liquor on his licensed premises.

Penalty: Twenty pounds.

Exclusion of children from bars of licensed premises  
See 8 Edw. VII.  
(Imp.) Bill, cl. 21.

**116.** (1.) No licensee shall allow a child to be at any time in the bar of the licensed premises.

Penalty: Ten pounds.

(2.) No person shall cause or procure, or attempt to cause or procure, any child to go to or be in the bar of any licensed premises.

Penalty: Ten pounds.

(3.) If a child is found in the bar of any licensed premises, the holder of the license shall be deemed to have committed an offence under this section unless he shows that he has used due diligence to prevent the child being admitted to the bar.

(4.) In this section the expression "child" means a child under the age of fourteen years, and where any person is charged with an offence under this section in respect of a child who is alleged in the charge or complaint to be under that age, and the child appears to the court to be under that age, the child shall be deemed to be under that age unless the contrary is shown.

(5.) Nothing in this section shall apply in the case of a child who is resident but not employed in the licensed premises or in the case of premises constructed, fitted, and intended to be used in good faith for any purpose to which the holding of a license is merely auxiliary.

(6.) In this section the bar of licensed premises means any open drinking bar or any part of the premises exclusively or mainly used for the sale and consumption of intoxicating liquor.

Penalty for supplying liquor to children.  
See W.A. 1886,  
No. 26, s. 12.  
1897, No. 25, s. 23.

**117.** (1.) No licensee shall sell, supply, or give or permit or suffer to be sold, supplied, or given any liquor, in any quantity whatsoever, either alone or mixed with water or any other liquid, to any child apparently under the age of sixteen years for himself or for any other person.

Penalty: Twenty pounds.

(2.) Where any licensee is charged with an offence under this section in respect of a child who is alleged in the charge or complaint to be under the age of sixteen, and the child appears to the court to be under that age, the child shall be deemed to be under that age until the contrary is proved.

**118.** No person, whether licensed or unlicensed, shall sell, supply, or give any liquor, in any quantity whatsoever, either alone or mixed with water or any other liquid, to any aboriginal native for himself or for any other person.

Penalty for supplying liquor to aborigines.  
See W.A. 1880, No. 9, s. 56.

Penalty: One hundred pounds or imprisonment for six months, or both.

**119.** (1.) No person being the holder of a publican's general license or a wayside house license shall permit any aboriginal native to remain on or loiter about his licensed premises.

Aborigines not to loiter about public houses.  
See W.A. 1880, No. 9, s. 57.

Penalty: Ten pounds.

(2.) Provided that this section shall not extend to prevent the lawful employment, by any person holding any such license, of any aboriginal native on the licensed premises with the consent in writing of the Chief Protector of Aborigines.

**120.** Every aboriginal native of Australia, and every aboriginal half-caste or child of a half-caste (such half-caste or child habitually associating and living with aboriginal natives), shall be deemed to be an aboriginal native within the meaning of this Act, and the court adjudicating upon any complaint may, in the absence of other sufficient evidence, decide on its own view and judgment whether any person, with reference to whom any proceedings are taken under the Act, is or is not an aboriginal native.

Definition of aboriginal native.

**121.** Any licensee who—

(a.) employs any unlicensed person to sell or dispose of, by retail, any liquor on any premises, or in any vehicle, vessel, or boat, or in any place whatsoever not within the premises or in the place in which such licensee is authorised to sell liquor by his license, or in such last-mentioned premises or place otherwise than as the servant or agent of such licensee and under his immediate superintendence and control; or

(b.) sells, barter, or lends to any unlicensed person any such liquors with the knowledge or upon the understanding that such liquors are to be sold or bartered by such unlicensed person contrary to this Act,

commits an offence against this Act.

Penalty: Fifty pounds.

Penalty for employing unlicensed persons to sell liquor.  
See W.A. 1880, No. 9, s. 66.

**122.** Any person not actually holding a license under this Act who keeps up any sign, writing, painting, or mark on or near his house or premises which may imply or give reasonable cause to believe that such house or premises is or are licensed for the sale of liquor, or that liquor is sold or served therein commits an offence against this Act.

Unlicensed persons keeping up signs, etc.  
See W.A. 1880, No. 9, s. 47.

Penalty: Twenty pounds.

Liquors in any unlicensed house suspected to be for sale may be seized and forfeited.

See W.A. 1880, No. 9, s. 67.  
N.S.W. 1898, No. 18, s. 96.

**123.** (1.) Upon complaint on oath before any justice of the peace that the complainant suspects and believes any liquor to have been sold

(a.) by any person not holding a license authorising the sale thereof; or

(b.) by any licensee at or in some premises or place not authorised by his license and to be specified in such complaint, and

(c.) upon reasonable grounds being therein shown for such suspicion and belief,

such justice of the peace may grant a warrant to any police officer to enter and search any specified premises or place; and such police officer may break open any doors not opened within a reasonable time after demand, and may seize all liquors which he then and there finds, and any vessel in which the same is contained.

(2.) Such justice of the peace shall grant a summons calling upon the owner of such liquors to appear to show how and for what purpose he became possessed of the same. And upon his so appearing, or if after being so summoned he fails to appear, any two justices may inquire into the matter, and if they are satisfied by reasonable proof that any liquor was in such premises or place for the purpose of being illegally sold, they shall adjudge the same and also every such vessel to be forfeited; and the same shall be sold, and the proceeds of the sale, after deducting the expenses of sale, shall be paid to the Colonial Treasurer and appropriated as penalties under this Act are directed to be appropriated.

(3.) In default of such reasonable proof such liquor and the vessels containing the same shall be restored to the owner.

Liquors hawked about to be seized and condemned.  
See W.A. 1880, No. 9, s. 68.  
N.S.W. 1898, No. 18, s. 99.

**124.** (1.) Any police officer may seize and take away any liquor which he reasonably suspects to be hawked about or exposed for sale in any street, road, booth, tent, store, shed, boat, or vessel, or in any other place whatsoever, by any person not holding a license to sell the same therein respectively, and also every vessel containing, or used for drinking or measuring the same, and every cart, dray, or other carriage, and every horse or animal, carrying or drawing the same, or any boat or vessel conveying the same.

(2.) Any person who hawks about or exposes for sale as aforesaid any liquor commits an offence against this Act.

Penalty: For a first offence, Fifty pounds; for any subsequent offence, One hundred pounds, or imprisonment for six months, or both.



(3.) The convicting justices may adjudge any such liquor, vessel, cart, dray, or other carriage, horse or other animal, boat or vessel to be forfeited, and may order the same to be sold, and the proceeds thereof, after deducting the expenses of sale, shall be paid to the Colonial Treasurer, and be appropriated in like manner as penalties under this Act are directed to be appropriated.

**125.** (1.) Any member of the police force may demand from any person found on or seen coming out of any licensed premises at any time when such premises should not be open for the sale of liquor the name and address of such person, and if he has reasonable ground to suppose that the name or address so given is false, may require such person to produce evidence of the correctness of the name or address given by such person.

Powers of police with respect to persons on licensed premises at prohibited times.

See N.S.W. 1905, No. 40, s. 19.  
S.A. 1908, No. 970, s. 168.

(2.) If any such person, on demand being made as aforesaid, refuses or neglects to give such name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, such member of the police force may without any warrant apprehend such person forthwith, and shall bring him before any two justices of the peace as soon as practicable to be dealt with according to law.

(3.) Every such person who, on demand being made as aforesaid, refuses or neglects to give his name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, or gives a false name or address, or produces false evidence with respect to such name or address, commits an offence against this Act.

Penalty: Two pounds.

(4.) Every licensee, upon whose licensed premises any person is so found, unless he proves to the satisfaction of the justices that such person was on such premises for a lawful purpose, shall be deemed to have committed an offence against this Act.

Penalty: Five pounds.

**126.** Every licensee shall, on demand at his licensed premises, produce his license to any justice of the peace, police officer, or inspector of licensed premises.

License to be produced on demand.

See W.A. 1880, No. 9, s. 75.

Penalty: Five pounds.

**127.** No master or other person employing workmen, servants, or labourers, shall pay or cause payment of wages to be made to them or any of them in or at any house in which liquor is sold by retail.

Payment of wages where liquor sold.

W.A. 1880, No. 9, s. 79.

Provided that nothing herein contained shall extend to any licensee paying his own workmen, servants, or labourers on his own licensed premises.

Penalty: Five pounds.

Justices may prohibit supply of liquor to inebriates.  
See W.A. 1880, No. 9, s. 80.

**128.** (1.) Upon proof being given to the satisfaction of any two justices of the peace that any person, by excessive drinking of liquor, is likely to impoverish himself to such a degree as to expose himself or his family to want, or to seriously impair his health, such justices may order that no licensee shall sell or supply such inebriate with any liquor for not exceeding the space of one year.

(2.) Any two justices of the peace may in like manner renew such order from time to time as to all such persons as have not, in their opinion, reformed.

(3.) No licensee, after notice of such prohibition, shall sell or deliver to any such inebriate any liquor.

Penalty: Five pounds.

(4.) No person so prohibited as aforesaid shall loiter about or enter any licensed premises for the purpose of obtaining liquor.

Penalty: Five pounds, or imprisonment for seven days.

(5.) An order made under this section may be revoked by any two justices of the peace.

Penalty for procuring liquor for prohibited persons.  
W.A. 1880, No. 9, s. 81.

**129.** Whenever any justices of the peace have, in execution of the foregoing powers, prohibited the sale of liquor to any inebriate, no person, having a knowledge of such prohibition, shall give, sell, purchase, or procure for or on behalf of such inebriate or for his use, any liquor.

Penalty: Five pounds.

Penalty for employing females beyond certain hours.  
See W.A. 1899, No. 21, s. 4.

**130.** (1.) No licensee, or person managing or conducting licensed premises, shall employ any female, or suffer any female to assist or serve in or about any bar, or in or about the sale of liquor on the licensed premises—

(a.) for a longer period than forty-eight hours in any one week, exclusive of such time as may be allowed for meals; or

(b.) on a Sunday, Christmas Day, or Good Friday; or

(c.) after eleven o'clock on any night.

Penalty: Fifty pounds.

(2.) The licensee shall at all times keep a record book, wherein shall be entered a correct record showing the time worked by all females employed by him to serve in the bar, and shall on demand at his licensed premises by any inspector produce such book and allow the inspector to examine it.

Penalty: Ten pounds.

Penalty for permitting disorderly conduct.  
See W.A. 1884, No. 14, s. 20.  
N.S.W. 1905, No. 40, s. 12.

**131.** No licensee shall permit drunkenness, or any indecent or disorderly conduct to take place, or any reputed prostitute or thief to remain on any part of his licensed premises.

Penalty: Thirty pounds.

**132.** (1.) Where any licensee is charged with permitting drunkenness on his licensed premises, and it is proved that any person was drunk on his premises, it shall lie on the licensee to prove that he did not permit such drunkenness.

Evidence of permission of disorderly conduct.  
See *Ibid.*

(2.) The presence of any reputed prostitute or thief upon licensed premises shall be *prima facie* evidence that the licensee permitted such reputed person to be present with knowledge that such person was a reputed prostitute or thief.

**133.** No licensee shall permit any billiards, bagatelle, or other games to be played on his licensed premises after eleven o'clock at night by any persons other than *bona fide* lodgers, except under the authority of an occasional license.

Certain games not to be played in public houses after 11 o'clock, except by *bona fide* lodgers.  
See W.A. 1880, No. 9, s. 60.

Penalty: Twenty pounds.

**134.** (1.) Any licensee may refuse to admit to and may turn out of his licensed premises any person who is a reputed prostitute or thief, or any person who is drunken, violent, quarrelsome, or disorderly, or any person whose presence on the premises would or might subject the holder of the license to a penalty under this Act.

Power to exclude or expel certain persons from licensed premises.  
S.A. 1908, No. 970, s. 116.  
35 & 36 Vict., c. 94, s. 18.

(2.) Any such person who, upon being requested in pursuance of this section by a licensee, or his agent or servant, or any police officer, to quit the premises, refuses or fails so to do, commits an offence against this Act.

Penalty: Five pounds.

(3.) All police officers are required, on the demand of a licensee, or his agent or servant, to expel or assist in expelling every such person from the premises, and may use such force as is required for that purpose.

**135.** Every holder of a publican's general license, Australian wine and beer license, or a wayside house license, shall, at the request of any police officer, receive into the licensed premises any dead body that may be brought to such house for the purpose of an inquest being held thereon; and for every dead body so received the licensee shall be paid the sum of one pound: And no licensee shall refuse to receive such dead body for the purpose aforesaid.

Inquests may be held in public houses.  
W.A. 1880, No. 9, s. 63.

Penalty: Five pounds.

**136.** (1.) Any police officer may, for the purpose of preventing or detecting the violation of any of the provisions of this Act which it is his duty to enforce, at all times enter on any licensed premises.

Power to enter licensed premises.  
See W.A. 1880, No. 9, s. 58.  
S.A. 1908, No. 970, s. 175.

(2.) If any person by himself, or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any police officer in the execution of his duty demanding to enter in pursuance of this section, that person commits an offence against this Act.

Penalty: Twenty pounds.

Penalty for tearing down and defacing notices.

**137.** (1.) No person shall tear down, or wilfully deface or render illegible any notice required by this Act to be affixed on any house or premises, or to any notice board, or otherwise exhibited.

Penalty: Ten pounds.

(2.) The fact that any such notice is so torn down, defaced, or rendered illegible shall not affect the validity of any such notice where it is required to be affixed and kept affixed during a specified period, provided the Licensing Court is satisfied that it was not torn down, defaced, or rendered illegible with the privity or knowledge of the person whose duty it was to keep the same affixed during such period.

Forfeiture by licensee convicted of crime.  
See W.A. 1880,  
No. 9, s. 62.

**138.** If any licensee is convicted of a crime his license shall, *ipso facto*, be forfeited.

Forfeiture of license after repeated convictions.  
See W.A. 1880,  
No. 9, s. 41.  
1897, No. 25, s. 21.

**139.** (1.) If any licensee is, within a period of twelve months, convicted two several times of offences under any of the provisions of sections ninety-seven, ninety-eight, one hundred and six, one hundred and thirty-one, or one hundred and thirty-six of this Act, or of keeping or using, or permitting to be kept or used, his licensed premises or any part thereof as a common gaming-house, or common betting-house (whether such convictions are in respect of the same kind of offence or not), the justices by whom such licensee is convicted of the second offence may, if they think fit, by order under their hands in the form of the Eighteenth Schedule, declare his license forfeited, and the same shall thereupon be void.

Eighteenth  
Schedule.

(2.) It shall not be necessary to allege in the complaint the fact of such previous conviction, but evidence of such fact, if not admitted, may be given on the conviction of the licensee for the offence of which he is charged.

Forfeiture to be reported to Licensing Court.

**140.** The clerk of petty sessions shall forthwith report any such order to the clerk to the Licensing Court for the district in which the licensed premises are situate.

**141.** If any person, being the holder of a publican's general license, an hotel license, or a wayside house license—

Forfeiture of license in certain cases.

See W.A. 1880, No. 9, s. 62.

N.S.W. 1898, No. 18, s. 57.

S.A. 1908, No. 970, s. 69.

(a.) Without the permission in writing of a member of the Licensing Court, is absent from the licensed premises for longer in the aggregate than twenty-eight days in any one year, whether he does or does not appoint a person to manage, superintend, or conduct the sale of liquor thereon during such absence; or

(b.) Whether present on such premises or not, permits any unlicensed person to be virtually or in effect the keeper thereof; or

(c.) Fails to maintain such premises and the accommodation thereof at the standard required by this Act; or

(d.) Allows such premises to become ruinous or dilapidated, upon complaint thereof and proof of any of the facts before the Licensing Court such Court may, by an order in the form in the Nineteenth Schedule, declare such license to be forfeited, and the same shall thereupon be void.

Nineteenth Schedule.

But if the premises shall have become ruinous or dilapidated by reason of fire, tempest, or other cause beyond the control of the licensee, the license shall not be forfeited until a reasonable time has elapsed for the repair of such premises.

## PART VIII.—CLUBS.

### *Preliminary.*

**142.** In this Part of this Act—

Interpretation.

See N.S.W. 1905, No. 40, s. 42.

Vic. No. 2068, s. 5.

“ Registered club ” means a club registered or deemed to be registered under this Act;

“ Unregistered club ” means a club which requires, under this Act, to be registered but is not registered, or a club the certificate of registration of which has been suspended or cancelled;

“ Register of members ” means the register of members of a registered club prescribed by this Act to be kept by the secretary.

“ Secretary ” includes any officer or other person performing the duties of a secretary of a club;

*Registration of Clubs.*

Registration of  
clubs.  
See S.A. No. 970,  
s. 83

**143.** The registration of a club under this Act shall not constitute the club premises licensed premises, or authorise any sale of intoxicating liquor therein which would otherwise be illegal.

Provided that the supply or delivery of liquor by or on behalf of any registered club to any member for any money consideration paid or agreed to be paid by such member shall not be deemed illegal by reason of the club being incorporated, but such transaction shall for the purposes of this Act be deemed to have the same effect in law as it would if the club were not incorporated.

Existing  
certificates.

**144.** Every club for which a certificate granted under the Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1893, is in force at the commencement of this Act shall be deemed to be registered under this Act until the conclusion of the quarterly sitting of the Licensing Court of the district in which the premises of the club are situated, to be held next after the commencement of this Act, unless such registration is sooner cancelled or suspended under this Act.

*Conditions of Registration.*

Conditions as to  
clubs.  
See N.S.W. 1905,  
No. 40, s. 44.  
Vic. No. 2068, s. 7.

**145.** No club shall be or continue to be registered under this Act unless all the following conditions exist with respect to it, namely:—

- (a.) The club must be a *bona fide* association, company, or body of not less than thirty persons.
- (b.) The club must be an association, company, or body of persons associated together for social, literary, professional, political, scientific, sporting, athletic, or other lawful purpose.
- (c.) The club must be established for the purpose of providing accommodation for the members thereof and their guests, upon premises of which such association, company, or body are the *bona fide* occupiers, and not for the purpose of making profit divisible amongst the members or any of them, or in support of any object other than the accommodation of the members, or the members and their guests.
- (d.) The accommodation must be provided and maintained from the joint funds of the club, and no person shall be entitled under its rules or articles to derive any benefit or advantage from the club which is not shared equally by every member thereof.

- (e.) The premises upon which the club is established must be suitable for the purposes of a club.
- (f.) No payment or part payment of any secretary, manager, or other officer or servant of the club shall be made by way of commission or allowance from or upon the receipts of the club for liquor supplied.
- (g.) A register of members of the club for the time being shall be kept on the club premises as hereinafter required.

Provided that a club shall not be prevented from becoming or continuing registered under this Act by reason of the fact that provision is or can be made for payment out of its funds for the burial of deceased members or for the relief of sick, aged, or necessitous members or persons who were dependent or partly dependent on any deceased members, or of the fact that the rules do not allow the benefit or advantage of such provision to be shared equally by all the members.

**146.** In order that any club may be eligible to be or to continue registered, the rules of the club shall provide—

- (a.) That the business and affairs of the club shall be under the management of a committee, elected for not less than twelve months by the general body of members;
- (b.) That the committee shall hold periodical meetings, and that minutes of all resolutions and proceedings of such committee be entered in a book to be provided for the purpose;
- (c.) That the names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least a week before their election, and that an interval of not less than two weeks shall elapse between nomination and election of ordinary members;
- (d.) That all members shall be elected by the general body of members or by the committee, on a day to be notified, and that a record shall be kept by the secretary of the club of the names of the members present and voting on such day;
- (e.) That there shall be a defined subscription of not less than one pound per annum payable by members quarterly, half-yearly, or annually in advance;
- (f.) That correct accounts and books shall be kept showing the financial affairs of the club, and the particulars usually shown in books of account of a like nature;

Provisions to be made in rules of clubs.

See N.S.W. 1905, No. 40, s. 45.  
Vic. No. 2068, s. 8.

- (g.) That a visitor shall not be supplied with liquor in the club premises, unless on the invitation and in the company of a member.
- (h.) That no liquor shall be sold or supplied for consumption elsewhere than on the club premises unless such liquor is removed from the premises of the club by the member purchasing the same;
- (i.) That no persons shall be allowed to become honorary or temporary members of the club, or be relieved of the payment of the regular subscription, except those possessing certain qualifications defined in the rules, and subject to conditions and regulations prescribed therein; and
- (j.) That no person who does not possess certain qualifications defined by the rules shall be allowed to become an honorary or temporary member of the club—
  - (i.) Whose usual place of residence is situated within fifteen miles of the club premises; or
  - (ii.) Who was afforded the privileges of the club as an honorary or temporary member at any time within three months immediately preceding ; or
  - (iii.) Who is under the age of twenty-one years.
- (k.) That no person under twenty-one years of age shall be admitted a member of the club, except where the club is primarily devoted to some athletic purpose, in which case there shall be no limitation of the age of a member of the club: Provided that no liquor shall be sold or supplied to any person under eighteen years of age;
- (l.) That no person under eighteen years of age, except boys who are being trained as waiters or are serving as messengers and are not allowed to serve behind the bar, shall be employed in the club;
- (m.) That no steward, cook, or other employee of a registered club shall be employed for a longer period than is provided for persons employed in a public house, hotel, restaurant, or coffee palace, under Section fifteen of the Early Closing Act Amendment Act, 1904.

Honorary mem-  
bers

**147.** (1.) No person shall become an honorary or temporary member of a club unless—

- (a.) he is proposed in writing, signed by a member, in a form setting out that such person is, to the knowledge of the proposer, eligible according to the rules



of the club to be elected an honorary or temporary member; and

(b.) notice is posted on the club premises by the secretary thereof, the time of such posting being marked thereon; and

(c.) at least four hours elapse between the posting of such notice and the election; and

(d.) the person proposed as an honorary or temporary member is duly elected according to the rules of the club.

(2.) Any person who makes a false statement for the purpose of procuring the election of any person as an honorary or temporary member or is party to a breach of any of the provisions of this section commits an offence against this Act.

Penalty: Ten pounds.

**148.** (1.) The chairman or two members of the Licensing Court may, on the application of the secretary, grant to any club a permit in writing to admit to the club premises extraordinary honorary members during any time not exceeding seven consecutive hours.

(2.) Such permit shall specify the date and the hours on and during which the privilege may be exercised.

(3.) A record of every permit granted under this section shall be kept by the clerk to the Licensing Court.

**149.** (1.) It shall be unlawful—

(a) for any stranger to use the club premises; or

(b) for any member or other person to admit any stranger to the use of the club premises,

Provided that it shall not be an offence, between the hours of nine o'clock in the morning and half-past eleven o'clock at night, for a stranger to use or be admitted to the use of such part of the club premises as is set apart for visitors. Provided also that it shall be lawful for a member, on giving six hours' notice to the secretary in writing, and subject to the approval of the committee in writing, to invite guests whose names shall be stated in the notice and not exceeding three in number, to the use of the club premises between the hours of seven in the evening and twelve midnight. Provided also that, on the application of the secretary of any club, the chairman or any two members of the Licensing Court may, by an order in writing, suspend the operation of this section in regard to such club on any special occasion during certain hours to be specified in such order.

Penalty: Ten pounds.

(2.) The term "stranger" includes any person not being a member, an honorary member, an extraordinary honorary or temporary member, or an officer or servant of the club, or a workman employed on the club premises.

Extraordinary  
honorary members.

Strangers.

*Grant and Renewal of Certificates of Registration.*

Applications for  
registration.

**150.** (1.) Every application for a certificate of registration of a club, or renewal thereof, or for a certificate of removal from the premises of a registered club, shall be made by the secretary and heard and determined by the Licensing Court of the district in which the premises of the club are situated.

(2.) Applications for certificates of registration or removal may be made at any quarterly sitting of the Licensing Court.

(3.) Applications for renewals of certificates shall be made at the quarterly sitting held in December in each year.

(4.) No member of the Licensing Court shall be precluded from acting as such for any purpose under this Act by reason only of his being a member of a club.

Notice of applica-  
tion for registration.  
See N.S.W. 1905,  
No. 40, s. 46.  
Vic. No. 2068, s. 9.

Twentieth  
Schedule.

**151.** (1.) The secretary of any club desirous of obtaining a certificate of the registration of the club under this Act shall—

(a.) At least fourteen days before applying for the same, deliver to the clerk of the Licensing Court a notice, in writing, and in duplicate, signed by the secretary in the form in the Twentieth Schedule.

(b.) Publish a copy of such notice on one day in each week, for at least two weeks preceding his application (and so that the last of such publications is not less than eight days before the time at which the application is to be made), in a newspaper published in the district, or, if none is so published, then in a newspaper generally circulating in the district;

(c.) At the time of making his application, satisfy the Court that all the conditions prescribed by this Act exist with respect to the club.

(2.) Such application shall be accompanied by the following documents, each of which shall be certified as correct under the hand of the secretary, namely:—

(a.) Three printed copies of all rules of the club;

(b.) A list of members setting forth the names and addresses of all members of the club for the time being, verified by statutory declaration of the secretary.

(3.) Provided that if the application relates to a club for which a certificate granted under the Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1893, is in force, it shall not be necessary to comply with the provisions of paragraph (b) of Subsection one.

Notice of applica-  
tion for renewal.  
See N.S.W. 1905,  
No. 40, s. 47.  
Vic. No. 2068, s.  
10.

**152.** (1.) The secretary of any club desirous of obtaining a renewal of its certificate of registration shall, at least fourteen

days before applying for such renewal, deliver to the clerk of the Licensing Court a notice in writing, and in duplicate, signed by the secretary, in the form in the Twenty-first Schedule.

Twenty-first  
Schedule.

(2.) Such notice shall be accompanied by the following documents, namely:—

- (a.) Two printed copies of all rules of the club ;
- (b.) A list of members, setting forth the names and addresses of all members of the club for the time being, verified by statutory declaration of the secretary.

(3.) It shall not be necessary for an applicant for such renewal to publish any notice, or to attend at the hearing of the application, unless required by the Licensing Court so to do, or unless notice of objection to such renewal has been duly served upon the club.

**153.** (1.) Where application is made for the grant or renewal of any such certificate, the clerk of the Licensing Court shall forthwith forward a copy of such application to the inspector of licensed premises for inquiry and report ; and on receipt of notice of any objection which may be lawfully taken as hereinafter provided shall forward a copy of the same to such inspector for inquiry and report, and to the secretary of the club.

Copy of application  
to be forwarded to  
inspector.  
N.S.W. 1905, No.  
40, s. 48.  
Vic. No. 2068, s.  
10 (4).

(2.) The inspector shall, on receipt of such a notice, inspect the premises of the club and the register of its members, and satisfy himself by all proper inquiries that the particulars contained in the application are correct.

Inspection of club  
premises.

(3.) If the inspector believes that the provisions of this Act with respect to such premises and otherwise are fully complied with, and that the particulars contained in the copy of the register are correct, he shall forthwith give to the applicant or person in charge of the premises a certificate as nearly as may be in the form of the Twenty-second Schedule.

(4.) If he finds that such provisions have not been complied with, or that such particulars are incorrect, he shall withhold such certificate, and report his refusal, with a statement of the grounds thereof, to the clerk of the Licensing Court, at least seven clear days before the day appointed for the hearing of such application.

Twenty-second  
Schedule.

**154.** The clerk of the Licensing Court shall—

- (a.) Cause a list to be prepared, showing the name and place of abode of every applicant for a certificate, or for the renewal of a certificate, and the situation of the premises in respect of which application is made ;
- (b.) Ten days before every meeting at which any application is to be heard, cause one copy of such list to be posted in some conspicuous place outside, and one copy inside, of the building in which the sitting of the Licensing Court is appointed to be held ;

Lists to be pub-  
lished.

- (c.) Report to the Licensing Court in respect of every application for a certificate of registration, whether the applicant has previously been an applicant for a certificate of registration, and, if so, with what result ; and
- (d.) When objection by any person has been made to any application for a certificate, or for the renewal thereof, forward a copy thereof to the inspector of licensed premises for inquiry and report, and to the secretary of the club.

Objections.  
N.S.W. 1905, No.  
40, s. 50.  
Vic. No. 2068, s.  
12.

**155.** (1.) At the hearing of any application for the grant or renewal of a certificate, objections may be taken by any person competent to object to the grant or renewal of a license under Part IV. of this Act, upon one or more of the following grounds:—

- (a.) That the application made by the club is, or the rules of the club or any of them are in any respect specified in such objection, not in conformity with this Act ;
- (b.) That the club has ceased to exist, or that the number of members is less than thirty.
- (c.) That the club is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose, or mainly for the supply of liquor ;
- (d.) That there is frequent drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner :
- (e.) That illegal sales of liquor have taken place in the club premises ;
- (f.) That the club occupies premises in respect of which, within twelve months next preceding the formation of the club, a certificate for the sale of liquor has been forfeited, or the renewal of such a certificate has been refused ;
- (g.) That the supply of liquor to the club is not under the control of the members or the committee appointed by the members ;
- (h.) That any of the rules of the club are habitually broken ;
- (i.) That the rules have been so changed as not to be in conformity with the provisions required by this Act to be embodied in the rules ; or
- (j.) That any other specified provision of this Act has not been complied with.

(2.) For the purpose of determining whether a club is likely to be conducted or is being conducted in good faith as a

club, the Licensing Court shall have regard to the nature of the premises occupied by the club.

*Duration of Certificates.*

**156.** (1.) Subject to this Act, every certificate of registration shall commence and take effect from the date on which it is therein stated to commence, and shall, unless previously cancelled or suspended, be in force until and including the thirty-first day of December then next following.

Duration of certificates.  
N.S.W. 1905, s. 54.  
Vic. No. 2068, s. 16.

(2.) A renewal shall be for twelve months from the day when the certificate or the last preceding renewal thereof expires.

*Removals.*

**157.** (1.) The premises of a registered club may be changed under the authority of a certificate of removal granted by the Licensing Court.

Certificate of removal.  
N.S.W. 1905, No. 40, s. 55.  
Vic. No. 1068, s. 17.

(2.) When such club desires to remove from the premises occupied by it to any other premises, the secretary shall, at least fourteen days before applying for a certificate, deliver to the clerk of the Licensing Court a notice in the form or to the effect of the Twenty-third Schedule.

Twenty-third Schedule.

(3.) The only objection that can be taken to any such application shall be that the proposed premises are not suitable for a club.

(4.) Provided that, if the premises of a club are, by fire, tempest, or other calamity, rendered unfit for the purposes thereof, the club may, without application to the Licensing Court, remove to other premises, under its existing certificate, for any period not extending beyond the currency of the certificate; but notice of such removal and of the reason therefor shall be forthwith given by the secretary to the clerk of the Licensing Court.

Temporary removal where premises destroyed.

*Notice of Objections.*

**158.** No objector shall be heard against any application unless notice of the objection has been given to the clerk of the Licensing Court and to the applicant at least five clear days before the time appointed for the hearing of the application to which such notice applies:

Notice of objections.  
N.S.W. 1905, No. 40, s. 56.  
Vic. No. 2068, s. 18.

Provided that the Licensing Court shall not be precluded from entertaining any objection which may arise during the hearing of an application, but the applicant shall then be entitled to an adjournment for such time as the Court thinks fit.

*Hearing of Applications.*

**159.** (1.) The proceedings of the Licensing Court on the consideration of any application or any objection to an application for a certificate of registration of a club, and also of every application or objection to any application to renew such certificate or change the premises, shall be public.

Hearing of application.  
See S.A. No. 970, s. 92.  
N.S.W. 1905, No. 40, s. 57.  
Vic. No. 2068, s. 19.

## (2.) The Licensing Court shall—

- (a) hear, inquire into, and determine on the merits all such applications, and also all objections which are made to any such applications;
- (b) hear on oath such witnesses as are called;
- (c) grant or refuse the application entirely in the exercise of its discretion, and against such grant or refusal there shall be no appeal; and may
- (d) direct that such additional accommodation shall be supplied in or repairs made to such club premises and in such manner and within such reasonable time as it deems fit.

(3.) If, in the opinion of the Court, any objection is frivolous or vexatious, the person making the objection shall, on the order of the Court, be liable to pay the costs of the applicant in the proceedings.

(4.) When any such application is refused the chairman of the court shall pronounce the decision in open court, and shall then and there make a statement of the grounds of the refusal, and shall cause such statement to be entered on the records of the Court.

(5.) No compensation shall be payable to any person by reason of the refusal of the Licensing Court to grant any application.

Registration and  
issue of certificate.  
See N.S.W. 1905,  
No. 40, s. 52.  
Vic. No. 2068, s.  
14.  
Twenty-fourth.  
Schedule.

**160.** When an application for the registration of a club is granted, an entry thereof shall be made in a register to be kept by the clerk of the Licensing Court, and a certificate under the hand of the clerk, in the form in the Twenty-fourth Schedule, shall be issued to the club upon payment of the registration fee in respect thereof as hereinafter prescribed.

Refusal of  
application.  
See N.S.W. 1905,  
s. 53.  
Vic. No. 2068, s.  
14 (2).

**161.** When any application for a certificate or renewal is refused, an entry thereof shall be made by the clerk of the Licensing Court on the records of the Court.

*Fees.*

Fees.  
See Vic. No. 2068,  
ss. 14, 103.

**162.** (1) The fee payable for a certificate of registration of a club for a year, and for every renewal thereof, shall be assessed and determined by the Licensing Court at a percentage of two pounds ten shillings per centum on the gross amount paid or payable for all liquor (including any duties thereon) purchased by or for such club during the twelve months ended on the thirtieth day of September next preceding the date of the application for registration, or the renewal thereof:

Provided that for the purpose of the first assessment in the case of a club which has not been authorised to sell or supply liquor for such twelve months the percentage may be assessed on an estimate by the Court of the gross amount to become payable for all liquor purchased during the currency of the certificate.

(2.) Every applicant for the registration or renewal of registration of a club shall at least fourteen days before the hearing of his application by the Licensing Court forward to the clerk of the Court a statutory declaration by such applicant in the form in the Twenty-fifth Schedule setting forth, with regard to the twelve months ended on the preceding thirtieth day of September as nearly as practicable, the gross amount paid or payable for liquor purchased for the club, including any duties thereon.

See Vic. No. 2068  
s. 103.

Twenty- fifth  
Schedule.

The applicant shall also, if required by the Court so to do, produce the books and accounts of the club for inspection by the Court.

(3.) In the event of insufficient information being produced to the Court to enable the Court to determine the gross amount paid or payable during the said period, the Court shall finally and conclusively assess the amount at such sum as the Court thinks reasonable.

(4.) Provided the minimum annual registration fee shall be Five pounds.

#### *Cancellation of Registration.*

**163.** (1.) Upon the complaint of an inspector, the chairman or any member of the Licensing Court may issue a summons to the secretary of any registered club calling upon him to show cause at the next sitting of the Licensing Court why the certificate of registration of the club should not be cancelled, on all or any of the grounds of objection to the grant or renewal of a certificate as hereinbefore provided, or on the ground that the conditions of registration have not been complied with.

Cancellation of  
Registration.  
N.S.W. 1905, No.  
40, s. 58.  
Vic. No. 2068, s.  
20.

(2.) Such summons shall be served at least eight days before the day appointed for the sitting of the Licensing Court at which the matter is to be heard: Provided that if the secretary of any registered club cannot be found, or if there is no secretary, such summons may be served by affixing the same upon a conspicuous part of the premises of the club.

(3.) The Licensing Court shall hear and determine the matter of such complaint, and may—

(a.) cancel the certificate ; or

(b.) suspend the certificate until any conditions prescribed by or under this Act are complied with; or

(c.) dismiss the complaint.

(4.) The costs of the hearing and determination of every such matter shall be in the discretion of the Licensing Court.

(5.) During the period of any such suspension as aforesaid the club shall be deemed to be an unregistered club.

*Unlawful sale of liquor.*

Supplying or keeping liquor in unregistered club.

N.S.W. 1905, No. 40, s. 59.

Vic. No. 2068, s. 21.

**164.** (1.) If any liquor is supplied or sold on the premises of an unregistered club, the person supplying or selling such liquor, and every person authorising the supply or sale of such liquor, commits an offence against this Act.

Penalty: One hundred pounds, or imprisonment for six months, or both.

(2.) If any liquor is kept for supply or sale on the premises of an unregistered club, every officer and member of the club commits an offence against this Act, unless he proves to the satisfaction of the Court that such liquor was so kept without his knowledge or against his orders or consent.

Penalty: Ten pounds.

Supplying liquor for consumption outside registered club.

Sec 3 Edw. c. 25, s. 84.

**165.** (1.) If any liquor is sold or supplied in a registered club for consumption outside the premises of the club, except to a member on the premises and for his own consumption, every person supplying or selling such liquor, every person who obtains such liquor, and every person authorising the sale or supply of such liquor commits an offence against this Act.

Penalty: Fifty pounds.

(2.) Where it is proved that such liquor has been received, delivered, or distributed in the premises of the club and taken outside the premises, it shall, failing proof to the contrary, be deemed to have been so taken for consumption outside the premises.

*Inspection.*

Search warrant.

N.S.W. 1905, No. 40, s. 60.

Vic. No. 2068, s. 23.

**166.** (1.) If the chairman or any member of the Licensing Court is satisfied, by complaint on oath, that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for the cancellation or suspension of the certificate of registration thereof, or that any liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any member of the police force.



(2.) A search warrant granted under this section shall authorise the member of the police force named therein and such assistants as he may deem requisite to enter the club, if need be by force, and to inspect the premises of the club, to take the names and addresses of any persons found therein, and to seize any liquor kept for sale or supply as aforesaid and the vessels containing the same, and the registers, books, and papers relating to the business of the club.

(3.) If admittance to such premises is refused or delayed to a member of the police force authorised as aforesaid, such member may break into the premises with such assistance as may be deemed requisite.

(4.) Any person who—

(a.) refuses or wilfully so delays admittance as aforesaid; or

(b.) being on any premises, entered by a member of the police force under this section, on being asked by such member his name and address, refuses or neglects to give such name or address, or wilfully gives a false name or address,

commits an offence against this Act.

Penalty: Ten pounds.

#### *Register of Members.*

**167.** (1.) The secretary of every registered club shall keep on the club premises a register of members setting forth the names in full and addresses of all members of the club for the time being, and the date of the last payment by each member of his subscription, and such register shall be open at any time to the inspection of an inspector or any police officer authorised in writing by the Chairman or any member of the Licensing Court.

Register of members to be kept.  
N.S.W. 1905, No. 40, s. 61.  
Vic. No. 2068, s. 24.

(2.) Any secretary who fails to keep such register containing the prescribed particulars, or who wilfully makes any false entry therein, or any secretary or other person who prevents or obstructs any such inspection as aforesaid, commits an offence against this Act.

Penalty: Fifty pounds.

#### *Miscellaneous.*

**168.** (1.) The clerk of the Licensing Court shall keep a register of all certificates granted from time to time to clubs in the district; and such register shall contain with respect to each club the particulars following, namely:—

Clerk to keep register.  
See 2 Edw. VII., 28, s. 25.

(a.) Date of certificate, and whether granted for the first time or on renewal ;

- (b.) Name and objects of the club.
- (c.) Situation of the premises of the club ;
- (d.) Names and addresses of the officials of the club, including the secretary ; and
- (e.) Number of members ;

and shall also keep a copy of the rules for the time being.

(2.) The clerk shall, as occasion may require, make such alterations and additions as may be required in such register, by reason of the granting of further certificates or the renewal, cancellation, or suspension of certificates previously granted, or the granting of certificates of removal, or by reason of changes in any of the above-mentioned particulars.

(3.) Such register shall at all reasonable hours be open to the inspection of an inspector or of any police officer without fee, and of any other person on payment of a fee of one shilling.

Change of secretary.  
S.A. No. 970, s. 99.

**169.** The committee of management of a registered club shall—

- (a) within fourteen days after any change in the secretaryship thereof, forward notice in writing of such change to the clerk of the Licensing Court, and such notice shall be *prima facie* evidence of the appointment of the person named therein as the secretary of such club ;

Alteration of rules  
*Ibid.*

- (b) within fourteen days from the making of any amendment or alteration in the rules of such club forward to the said clerk a certified copy of every such amendment or alteration.

Penalty: Five pounds.

Application of other provisions of Act.

See N.S.W. 1905  
No. 40, s. 43.  
Vic. No. 2068, s. 6.

**170.** (1.) The following enactments of this Act shall apply to registered clubs, namely—

Sections one hundred and twelve, one hundred and twenty-eight, one hundred and thirty-one, and one hundred and thirty-two.

(2.) In applying such enactments the words “club premises” shall be read for “licensed premises,” and “secretary of the club” for “licensee.”

False statement.  
See N.S.W. 1905,  
No. 40, s. 62.  
Vic. No. 2068, s. 25.

**171.** Any person who in any written application, notice or document, made to or produced before the Licensing Court for any purpose under this Part of this Act, makes any statement which is false in any material particular, commits an offence against this Act.

Penalty: Fifty pounds.

## PART IX.—INSPECTION OF LICENSED PREMISES.

**172.** (1.) The Governor may appoint, and at his discretion remove inspectors of licensed premises and inspectors of liquor.

Appointment of inspectors.

See W.A. 1897, No. 25, s. 24 (1).

(2.) Every inspector and sub-inspector of police, and the senior member of the police force in any licensing district shall, *ex officio*, be an inspector of licensed premises.

(3.) An inspector of liquor may exercise any of the powers conferred by this Act on an inspector of licensed premises.

**173.** It shall be the duty of every inspector of licensed premises—

Duties of inspectors.  
W.A. 1897, No. 25, s. 24 (2).

(a.) To ascertain, by personal inspection, the mode in which the licensed premises situated within the licensing district to which he is appointed are conducted and managed, and the state, condition, nature, and extent of accommodation of such premises;

(b.) To see that the provisions of this Act relating to such premises and the licensee thereof are duly observed; and

(c.) To attend the quarterly and special sittings of the Licensing Court of such district, and to report upon licensed premises situated therein, if he shall be required so to do.

**174.** (1.) An inspector of licensed premises may at all times enter any licensed premises for the purpose of detecting or preventing the violation of any of the provisions of this Act.

Inspectors may enter licensed premises.

See N.S.W. 1898, No. 18, s. 81.

(2.) Any licensee or other person in charge of licensed premises who refuses to admit an inspector on his demanding to enter, or obstructs him, or causes or permits him to be obstructed or delayed in the discharge of his duty, commits an offence against this Act.

Penalty: Fifty pounds.

**175.** Any inspector who takes or receives any fee, perquisite, gratuity, or reward, whether pecuniary or otherwise, either directly or indirectly, from any person on account of anything done or omitted to be done by him, or in any other way relating to his office or employment, not being part of his official emoluments, commits an offence against this Act.

Penalty on inspectors receiving bribes.

See N.S.W. 1898, No. 18, s. 82.

Penalty: One hundred pounds, or imprisonment for six months.

**176.** Any person who, directly or indirectly gives, offers, or promises to any inspector any fee, perquisite, gratuity, or reward commits an offence against this Act.

Penalty for offering bribes to inspectors.  
See N.S.W. 1898, No. 18, s. 82.

Penalty: One hundred pounds.

## PART X.—ADULTERATION OF LIQUOR.

Definitions of proof  
and underproof.

See W.A. 1897, No.  
25, s. 3.

**177.** In this Part of this Act spirits are regarded as being at proof when the alcohol is mixed with water in such proportions that, at a temperature of 60 degrees Fahrenheit, the specific gravity of the admixture is 919.8 (water being 1,000), and the indication on Sykes' hydrometer is 58.8.

The term "under-proof," applied to spirits, means spirits of greater specific gravity than above mentioned.

Specific gravity,  
how ascertained.

W.A. 1897, No.  
25, s. 4.

**178.** The specific gravity of spirits shall, for the purposes of this Act, be ascertained by Sykes' hydrometer.

Governor may ap-  
point public analyst.  
W.A. 1897, No.  
25, s. 5.

**179.** The Governor may appoint, on such terms as he may think fit, and may remove or dismiss one or more public analysts.

Every such appointment shall be notified in the *Government Gazette*.

Such persons may be required, among other duties, to act as analysts under this Act.

Every public analyst exercising that office at the commencement of this Act shall act as analyst under this Act.

Sale or possession of  
adulterated liquor.  
See W.A. 1897, No.  
25, s. 7.

**180.** (1.) Any licensed person, or any person authorised by subsection one of section forty-four to sell wine without a license who, by himself, his agent, or servant, sells or disposes of, or offers or attempts to sell or dispose of, or shall have upon his licensed premises, or on his premises, vineyard, or orchard, as the case may be, any liquor which is adulterated with water or any other substance, or which is mixed with or contains any tobacco, vitriol, opium, cocculus indicus, grains of paradise, quassia, alum, salt of tartar, creosote, or any extract or preparation of any of the aforesaid substances, or any matter or ingredient which is injurious to health, commits an offence against this Act.

Penalty: For a first offence, Fifty pounds, together with Two pounds in respect of the analysis of the liquor.

For a second offence, One hundred pounds or imprisonment for six months, or both; together with Two pounds in respect of the analysis of the liquor.

(2.) On a second or subsequent conviction of a licensed person under this section the Court may declare the license forfeited and declare the licensee disqualified from obtaining a license, or a renewal or a transfer of a license, for any period not exceeding three years.

(3.) Provided that, where the offence charged is in respect of liquor not adulterated otherwise than with water, proof that such admixture has not reduced the spirit more than twenty-five degrees under-proof for brandy, whisky, or rum, or thirty-five degrees under-proof for gin, shall be a good defence.

**181.** Any inspector of liquor or inspector of licensed premises may demand and take for analysis a sample or samples, not being more than he reasonably requires, of any liquor found by him or being upon any licensed premises, upon payment or tender of a reasonable sum for the same.

Inspector may demand samples for analysis  
See W.A. 1897, No. 25, s. 8.

**182.** (1.) Any inspector who purchases any liquor at a licensed house or premises, or from any person licensed to sell liquor, or his agent or servant, and who intends to have such liquor analysed by a public analyst, shall, after the purchase is completed, forthwith notify such intention to the seller, or his agent or servant selling the liquor, and divide the liquor into three parts, to be then and there separated, each part to be sealed up and marked, and shall deliver one of the parts to the seller, his agent or servant.

Liquor may be purchased for analysis.  
See W.A. 1897, No. 25, s. 9.

(2.) The inspector shall afterwards retain one of the said parts for future comparison, and submit the third part, if he deems it right to have the liquor analysed, to the analyst.

**183.** Any licensed person, or the agent or servant of any licensed person, who refuses to sell to an inspector of licensed premises any sample of liquor duly demanded as aforesaid, or obstructs any inspector on the occasion of his duly demanding or buying any liquor for analysis, commits an offence against this Act.

Obstruction of inspectors taking samples of liquor.  
See W.A. 1897, No. 25, s. 11.

Penalty: Fifty pounds.

**184.** Any sample of liquor taken or purchased as aforesaid may be delivered to a public analyst, together with the name and address of the licensed person from whom such liquor was taken or purchased.

Delivery and analysis of samples of liquor.  
W.A. 1897, No. 25, s. 12.

**185.** Every public analyst acting under this Act shall set forth the result of his analysis, in a certificate in the form in the Twenty-sixth Schedule, or to the like effect, and he shall deliver, without fee, a copy thereof, signed by him, to the inspector or licensed person, or his agent, requiring the same, and shall retain and keep one signed copy thereof.

Certificate of result of analysis.  
Twenty-sixth Schedule.  
See W.A. 1897, No. 25, s. 13.

**186.** At the hearing of the complaint, the production of the certificate of the analyst shall be sufficient evidence of the facts therein stated, unless the defendant requires that the analyst shall be called as a witness, and that the sample retained by the person who purchased it shall be produced.

Certificate of analyst to be evidence.

**187.** In every proceeding under this Part of this Act the averment of the complainant contained in the complaint that the complainant is an inspector and that the defendant is a licensee, and that the premises are licensed premises, shall be deemed to be proved in the absence of proof to the contrary.

Certain averments in complaint to be sufficient.

Proceedings by indictment and on contracts not to be affected.

W.A. 1897, No. 25, s. 18.

**188.** Nothing in this Act contained shall affect the power of proceeding by indictment, or take away any other remedy against any offender against this part of this Act, or in any way interfere with contracts and bargains between individuals, and the rights and remedies belonging thereto.

Provided that, on any action brought by any licensed person for a breach of contract on the sale to him of any liquor, such person may recover, alone or in addition to any other damages recoverable by him, the amount of any pecuniary penalty in which he may have been convicted under this part of this Act, together with the costs paid by him upon such conviction, and those incurred by him in and about his defence thereto, if he proves that the liquor, the subject of such conviction, was sold to him as and for a liquor of the same sort as was demanded of him or purchased from him, and that he purchased it not knowing it to be otherwise, and afterwards sold it, not knowing it to be otherwise, in the same state in which he purchased it; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was unreasonable.

#### PART XI.—MISCELLANEOUS.

Liquid presumed to be liquor.  
N.S.W. 40, 1905, s. 18.  
Every sale a separate offence.  
Vic. 1906, No. 2068, s. 84 (1).

**189.** In any proceedings for an offence against any of the provisions of this Act—

- (a.) Any liquid shall, until the contrary is proved, be deemed to be liquor; and
- (b.) Every separate sale or supplying shall be a separate offence.

Proceedings for offences under Act.

**190.** Every offence under this Act may be prosecuted, every penalty recovered, and every order enforced in a summary manner under the provisions of the Justices Act, 1902, but no justice who holds a license or who is the owner of or interested in any licensed premises shall adjudicate in any proceedings instituted under this Act.

Licenses to be produced on hearing of charges against licensees.  
S.A. 1908, No. 970, s. 212.

**191.** (1.) Whenever any licensed person is charged with any offence under this Act he shall produce his license to the justices of the peace hearing such charge, and if such licensed person is convicted of any offence on such hearing the justices shall indorse a memorandum of such conviction on such license.

(2.) Any licensed person who upon the hearing of such charge refuses or neglects to produce his license, commits an offence against this Act.

Penalty: Twenty pounds.

As to penalties and their remissions.  
W.A. 1886, No. 9, s. 87.

**192.** The convicting justices may, in their discretion, direct that any complainant or informer shall receive a portion not exceeding in any case one moiety of any penalty recovered under this Act:

Provided that the Governor may remit the whole or any part of such penalty.

**193.** No minimum penalty imposed by this Act shall be liable to reduction under any power of mitigation which would but for this section be possessed by any Court.

Minimum penalty.

**194.** (1.) In any proceedings under this Act against any person alleged to be the holder of a license, the production of the clerk's book of proceedings of the Licensing Court, or other record of licenses authorised to be kept, wherein such person's name appears as a person to whom a license was ordered to be granted, shall be *prima facie* evidence of his being licensed as alleged:

Proof of license.

See N.S.W. 1998, No. 18, s. 112.

W.A. 1880, No. 9, s. 74.

Provided that any other proof as to the fact of any person holding any license as alleged in any such proceeding may be admitted.

(2.) In all proceedings under this Act against any person for carrying on without a license any trade or business, for the exercise whereof a license is required by law, such person shall, for all purposes connected with such proceedings, be deemed and taken to be unlicensed, unless he produces the license authorising him to carry on such trade or business, to the justices hearing the case, or produces other proof which is satisfactory to such justices, of his being duly licensed to carry on such trade or business.

Burden of proof.

*Ibid.*

W.A. 1880, No. 9, s. 73.

**195.** Notwithstanding any rule of law to the contrary, the evidence of a police officer, or of an inspector of licensed premises in any proceeding before any court of law, against a person charged with an offence against this Act, shall not be deemed to be, nor treated as, the evidence of an accomplice or accessory, so as to require corroboration, by reason only of the fact that such police officer or inspector purchased or obtained the liquor, the subject of the prosecution, from the person charged.

Certain persons obtaining liquor not to be regarded as accomplices.

W.A. 1899, No. 4, s. 4.

See S.A. 1908, No. 970, s. 223.

**196.** The delivery to any person of liquor by a licensed or unlicensed person or by the owner or occupier of any licensed or unlicensed house or premises, or by his servant or other person in any licensed or unlicensed house or premises, shall be *prima facie* evidence of money or other consideration having been given or exchanged for such liquor.

Delivery of liquor to be *prima facie* evidence of payment for same.

W.A. 1899, No. 21, s. 3.

**197.** Any justices of the peace declaring any license forfeited may, if they think fit, order the person whose license is forfeited to pay costs to the person on whose complaint such forfeiture shall have been ordered.

Costs on forfeiture of license.

W.A. 1880, No. 9, s. 64.

**198.** No notice of any intended application to the Licensing Court under this Act shall be deemed insufficient or invalid by reason only that in such notice there is an omission or incorrect or

Notices not invalid for errors not likely to mislead.

insufficient description or misdescription in respect of any matter or particulars required to be contained in such notice if such Court shall be satisfied that such omission or incorrect or insufficient description or misdescription was accidental or due to inadvertence and was not of such a nature as to be liable to mislead.

Governor may rectify irregularities. N.Z. 1908, No. 104, s. 302.

**199.** If through any accidental or unavoidable impediment or omission, anything required by this Act to be done is omitted to be done or is not done within the time fixed, the Governor may take all such measures as may be necessary for removing such impediment or rectifying such omission, and may validate anything that has been irregularly done in matter of form so that the intents and purposes of this Act may have effect.

Proceedings not to be quashed for want of form. W.A. 1880, No. 9, s. 88.

**200.** No order, warrant, or other proceeding made, or purporting to be made under or concerning the conviction of any offender against this Act shall be quashed or vacated for want of form only, or be removed or removable by *certiorari*, or by any writ or process whatsoever into the Supreme Court.

License may be surrendered.

**201.** A licensee being the owner of the licensed premises or with the consent of the owner, may, with the permission, in writing, of the chairman or any two members of the Licensing Court, surrender his license and thereupon the premises shall cease to be licensed.

Provided that no license shall be surrendered unless the consent of every person entitled to any freehold or leasehold interest in the premises in possession, remainder, or reversion, or to any mortgage, charge, or security affecting such premises shall be first had and obtained.

Protection of officers. W.A. 1880, No. 9, s. 88.

**202.** For the protection of persons acting in the execution of this Act—

- (a.) Notice in writing of any action about to be commenced for anything done under this Act shall be given to the defendant one month at least before the commencement of the action; and
- (b.) In every such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and
- (c.) If a verdict shall pass for the defendant, or the plaintiff becomes non-suited or discontinues such action, or if judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and have the like remedy for the same as any defendant has by law



in other cases; and, though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the trial is held shall certify his approbation of the action and of the verdict obtained therein.

**203.** (1.) It shall be sufficient in all cases to use such of the forms provided in the schedules to this Act, or by regulation as in this section mentioned, as are applicable.

Forms sufficient if substantially correct.

S.A. 1908, No. 970, s. 233.

(2.) Any form may be varied to suit the circumstances of the case, and no variation in any form used shall invalidate such form, provided that the substance and effect thereof are not altered.

(3.) By regulations made under this Act any form provided in such schedules may be altered and new forms may be provided in substitution for, or in addition to, or for other purposes than those for which any of the forms provided in such schedule are provided.

**204.** The Governor may make regulations for the more efficient administration and carrying out of the provisions of this Act, or any Part thereof, and prescribing scales of fees to be taken in Licensing Courts, and of fees and allowances to be paid to returning officers and other persons, and of the travelling expenses to be allowed to members of Licensing Courts, and may in any such regulations impose any penalty not exceeding twenty pounds for the breach of the same.

Regulations.

## SCHEDULES.

First Schedule.

	Date of Act.	Title of Act.
Sec. 3.	44 Vict., No. 9 ... ..	The Wines, Beer, and Spirit Sale Act, 1880
	44 Vict., No. 21 ... ..	The Railway Refreshment Room Licensing Act, 1881
	48 Vict., No. 14 ... ..	The Wines, Beer, and Spirit Sale Amendment Act, 1884
	50 Vict., No. 26 ... ..	The Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1886
	52 Vict., No. 13 ... ..	The Goldfields Licensing Act, 1888
	53 Vict., No. 8 ... ..	The Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1889
	57 Vict., No. 25 ... ..	The Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1893
	59 Vict., No. 15 ... ..	The Railway and Theatre Refreshment Room Licensing Act, 1895
	61 Vict., No. 25 ... ..	The Sale of Liquors Amendment Act, 1897
	62 Vict., No. 34 ... ..	The Wines, Beer, and Spirit Sale Amendment Act, 1898
	63 Vict., No. 4 ... ..	The Sale of Liquors Amendment Act, 1899
	63 Vict., No. 21 ... ..	The Wines, Beer and Spirit Sale Act, 1899
	1 & 2 Edwd. VII., No. 2 ...	The Wines, Beer, and Spirit Sale Amendment Act, 1902
	2 Edw. VII., No. 4 ... ..	The Railway and Theatre Refreshment Rooms Licensing Act Amendment, 1902
	2 Edw. VII., No. 44 ... ..	The Wines, Beer, and Spirit Sale Act Amendment Act, 1902
	5 Edw. VII., No. 21 ... ..	The Wines, Beer, and Spirit Sale Amendment Act, 1905
9 Edw. VII., No. 1 ... .. (No. 5 of 1909)	The Wines, Beer, and Spirit Sale Act Amendment Act, 1909.	

### Second Schedule.

*The Licensing Act, 1911.*

PUBLICAN'S GENERAL LICENSE.

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_  
at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, by certificate dated \_\_\_\_\_  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_  
of a Publican's General License for certain premises known [*or to be known*] as \_\_\_\_\_  
\_\_\_\_\_, situated at \_\_\_\_\_.

And whereas the said Licensing Court assessed the annual value of the said premises at £

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to sell and dispose of liquor in any quantity on the said premises under and subject to the provisions of the Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this            day of            , 19   .

Receiver of Revenue.

(Place of issue)

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*The Licensing Act, 1911.*

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HOTEL LICENSE.

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Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of an Hotel License for certain premises situated at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to keep an hotel and to sell liquor therein to lodgers or boarders in the said hotel for the use of such lodgers or boarders or their guests and to persons taking a meal at the said hotel during such meal (such liquor to be consumed on the premises) under and subject to the provisions of the Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Receiver of Revenue.  
(Place of issue)

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*The Licensing Act, 1911.*

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WAYSIDE-HOUSE LICENSE.

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Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of a Wayside-House License for certain premises known [*or to be known*] as \_\_\_\_\_ situated at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_, as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to sell and dispose of liquor in any quantity on the said premises under and subject to the provisions of the Licensing Act, 1911.

The License to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Receiver of Revenue.  
(Place of issue)

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*The Licensing Act, 1911.*

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AUSTRALIAN WINE AND BEER LICENSE.

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Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of an Australian Wine and Beer License for wine and beer made in any State of the Commonwealth, for certain premises, situated at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to sell wine and beer made in any State of the Commonwealth in any quantity on the said premises (such wine to be made from fruit grown in the Commonwealth) under and subject to the provisions of the Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue  
(Place of issue)

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*The Licensing Act, 1911.*

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AUSTRALIAN WINE LICENSE.  
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Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of \_\_\_\_\_, of an Australian Wine License for the sale of wine made in any State of the Commonwealth, for certain premises, situated at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to sell wine, made in any State of the Commonwealth, the produce of fruit grown in the Commonwealth of Australia, on the said premises, under and subject to the provisions of the Licensing Act, 1911.

The License to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.

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*The Licensing Act, 1911.*

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PACKET LICENSE.  
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Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to A.B. of a Packet License for the vessel known as \_\_\_\_\_, being a vessel licensed to carry passengers within the State of Western Australia, of which vessel the said A.B. is the owner [or master].

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said A.B. is licensed to sell and dispose of liquor to passengers on board the said vessel while such vessel is on her passage under and subject to the provisions of the Licensing Act, 1911.

The License to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.  
(Place of issue)

*The Licensing Act, 1911.*

## RAILWAY REFRESHMENT ROOM LICENSE.

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of a Railway Refreshment Room License for the refreshment room at the \_\_\_\_\_ station on the \_\_\_\_\_ Railway.

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to sell and dispose of liquor in the said Railway Refreshment Room on the arrival and within half an hour before and after the arrival and departure of any passenger train at or from the said station under and subject to the provisions of the Licensing Act, 1911, applicable to such license.

The License to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.

(Place of issue)

*The Licensing Act, 1911.*

## RAILWAY REFRESHMENT CAR LICENSE.

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of a Railway Restaurant Car License for the Restaurant Car No. \_\_\_\_\_, on the \_\_\_\_\_ Railway.

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to sell and dispose of liquor in the said Railway Restaurant Car No. \_\_\_\_\_ on the \_\_\_\_\_ Railway (whilst such car is attached to a travelling train to any person travelling by such train), under and subject to the provisions of the Licensing Act, 1911, applicable to such license.

The License to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.

(Place of issue)

*The Licensing Act, 1911.*

## SPIRIT MERCHANT'S LICENSE.

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of a Spirit Merchant's License for the premises of the said \_\_\_\_\_, situated at \_\_\_\_\_.

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to sell and dispose of any imported spirituous liquors or wine in quantities not less than two gallons, or any other imported fermented liquors in quantities not less than eight gallons. The license does not authorise the licensee to sell any such liquor except in the casks or cases in which such liquor was imported, and is granted subject to the provisions of the Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.

(Place of issue)

-----  
*The Licensing Act, 1911.*  
-----

## TWO GALLON LICENSE.

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of a Two Gallon License for the brewery [*or as the case may be*] of the said \_\_\_\_\_ situated at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to sell and dispose of liquor in quantities not less than two gallons, so that such liquor shall not be consumed on the premises, and that the minimum quantity shall consist of but one description of liquor, and be delivered and be taken away from the premises at one time, and not by instalments, under and subject to the provisions of the Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.

(Place of issue)

-----  
*The Licensing Act, 1911.*  
-----

## EATING HOUSE, BOARDING HOUSE, OR LODGING HOUSE LICENSE.

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of \_\_\_\_\_, of an Eating House [*or Boarding House, or Lodging House*] License for a house situated at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to cause the Boarders [*or Lodgers*] in the said house [*or any person taking a meal in the said house*] to be supplied therein directly from any house, licensed for the sale of the kind of liquor required in the quantity required, with any liquor to be consumed in the said house, under and subject to the provisions of the Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.

(Place of issue)

*The Licensing Act, 1911.*

## BILLIARD TABLE LICENSE.

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_  
 at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate  
 dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_  
 of a Billiard Table License for certain premises known as \_\_\_\_\_  
 situated at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_  
 as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to keep and  
 maintain billiard tables and bagatelle tables on the said premises under and  
 subject to the provisions of the Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and  
 continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Receiver of Revenue.

(Place of issue)

*The Licensing Act, 1911.*

## TEMPORARY LICENSE.

A.B., of \_\_\_\_\_, being the holder of a \_\_\_\_\_  
 License for premises known as \_\_\_\_\_  
 and situated at \_\_\_\_\_, is hereby authorised to exercise  
 the privileges of the said license at \_\_\_\_\_ to be  
 held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
 instant, between the hour of \_\_\_\_\_ o'clock in the morning and  
 o'clock in the evening.

Provided that *[insert conditions, if any]*.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Chairman *[or Two Members]* of the Licensing  
 Court for the \_\_\_\_\_ District.

Received the fee of £ \_\_\_\_\_

Clerk of Licensing Court.

*The Licensing Act, 1911.*

## OCCASIONAL LICENSE.

A.B., of \_\_\_\_\_, being the holder of a \_\_\_\_\_ License  
 for premises known as \_\_\_\_\_, and situated at \_\_\_\_\_,  
 is hereby authorised to exercise the privileges of his said license on his licensed  
 premises on the \_\_\_\_\_ day of \_\_\_\_\_ instant, between the extended  
 hours of \_\_\_\_\_ and \_\_\_\_\_, on the occasion of *[here state the special  
 occasion for which the license is granted]*, but so that no liquor shall be sold or  
 consumed on such occasion at any public bar on the said premises.

Provided that *[insert conditions, if any]*.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Chairman *[or Two Members]* of the Licensing  
 Court for the \_\_\_\_\_ District.

Received fee of £ \_\_\_\_\_

Clerk of Licensing Court.

*The Licensing Act, 1911.*

## GALLON LICENSE.

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_  
 at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
 by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the  
 issue to \_\_\_\_\_ of a Gallon License for the shop [or as the  
*case may be*] of the said \_\_\_\_\_ situated at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_  
 as the fee for the said license,

Now it is declared that the said \_\_\_\_\_ is licensed to sell  
 and dispose of liquor in quantities not less than one gallon, so that such liquor  
 shall not be consumed on the premises, and that the minimum quantity shall consist  
 of but one description of liquor, and be delivered, and taken away from the premises  
 at one time, and not by instalments, under and subject to the provisions of the  
 Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
 and continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.  
 (Place of issue)

Sec. 46

## Third Schedule.

*The Licensing Act, 1911.*NOTICE OF APPLICATION FOR A PUBLICAN'S GENERAL LICENSE,  
AN HOTEL LICENSE, OR A WAYSIDE-HOUSE LICENSE.

To the Licensing Court for the District of \_\_\_\_\_, in Western Australia.

I, A.B., now residing at \_\_\_\_\_, in the said district of \_\_\_\_\_, do  
 hereby give notice that it is my intention to apply at the next quarterly sitting  
 of the Licensing Court for this District, for a Publican's General License [or Hotel  
 License, or Wayside-House License] for the sale of liquor, in the house and appur-  
 tenances thereunto belonging, situated at \_\_\_\_\_

[*here describe the house proposed to be licensed, specifying the situation of it, the  
 number of sitting-rooms and bed-rooms contained in it, exclusive of those required  
 by the family, the person of whom rented, the present occupier, whether now  
 licensed, and, if so, under what sign*].

Dated the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_.

(Signature of applicant).....

*The Licensing Act, 1911.*NOTICE OF APPLICATION FOR AN AUSTRALIAN WINE AND BEER  
LICENSE.

To the Licensing Court for the District of \_\_\_\_\_, in  
 Western Australia:

I, A.B., now residing at \_\_\_\_\_, do hereby give notice that it is  
 my intention to apply, at the next quarterly sitting of the Licensing Court for  
 this District, for an Australian Wine and Beer License for the sale on the premises



which I now occupy (or intend to occupy), being \_\_\_\_\_, situated at \_\_\_\_\_ [here describe the house proposed to be licensed, specifying the situation of it, and whether now licensed] of wine and beer made in any State of the Commonwealth of Australia.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(Signature of applicant.)

\_\_\_\_\_  
*The Licensing Act, 1911.*

\_\_\_\_\_  
NOTICE OF APPLICATION FOR AN AUSTRALIAN WINE LICENSE.  
\_\_\_\_\_

To the Licensing Court for the District of \_\_\_\_\_, in Western Australia.

I, A.B., now residing at \_\_\_\_\_, do hereby give notice that it is my intention to apply, at the next quarterly sitting of the Licensing Court for this District, for the sale on the premises which I now occupy (or intend to occupy) [here describe the house proposed to be licensed, specifying the situation of it, and whether now licensed] of wine made in any State of the Commonwealth of Australia.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_.

(Signature of applicant).....

\_\_\_\_\_  
*The Licensing Act, 1911.*

\_\_\_\_\_  
NOTICE OF APPLICATION FOR PACKET LICENSE.  
\_\_\_\_\_

To the Licensing Court for the District of \_\_\_\_\_, in Western Australia.

I, A.B., being master [or commander, or owner] of the vessel [name of vessel] licensed to carry passengers within the State, do hereby give notice that it is my intention to apply, at the next quarterly sitting of the Licensing Court for the said District, for a license for the sale of liquor to the passengers on board such vessel.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_.

(Signature of applicant).....

\_\_\_\_\_  
*The Licensing Act, 1911.*

\_\_\_\_\_  
NOTICE OF APPLICATION FOR RAILWAY REFRESHMENT ROOM LICENSE.  
\_\_\_\_\_

To the Licensing Court for the District of \_\_\_\_\_, in Western Australia.

I, A.B., being the lessee [or occupier] of the Railway Refreshment Room [or Stand] at the \_\_\_\_\_ station on the \_\_\_\_\_ railway, do hereby apply for a license for the sale of liquor at such refreshment room [or stand], under the provisions of the Licensing Act, 1911.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(Signature of applicant).....

*The Licensing Act, 1911.*NOTICE OF APPLICATION FOR RAILWAY RESTAURANT CAR  
LICENSE.

To the Licensing Court for the District of \_\_\_\_\_, in Western Australia.  
I, A.B., being the lessee of the Railway Restaurant Car No. \_\_\_\_\_, on the  
\_\_\_\_\_ Railway, do hereby apply for a license for the sale  
of liquor in such Railway Restaurant Car, under the provisions of the Licensing  
Act, 1911.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
(Signature of Applicant).....

*The Licensing Act, 1911.*APPLICATION FOR A SPIRIT MERCHANT'S LICENSE, A TWO GALLON  
LICENSE, AN EATING HOUSE, BOARDING HOUSE, OR LODGING  
HOUSE LICENSE, OR A BILLIARD TABLE LICENSE, OR GALLON  
LICENSE.

To the Licensing Court for the District of \_\_\_\_\_ in Western Australia.  
I, A.B., now residing at \_\_\_\_\_ in the said District,  
do hereby give notice that it is my intention to apply at the next quarterly  
sitting of the Licensing Court for the said District for a Spirit Merchant's  
[as the case may be] license, for the premises which I now occupy [or intend to  
occupy], situated at \_\_\_\_\_ [here describe the premises proposed  
to be licensed, and state whether it is now licensed].

Dated the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_  
(Signature of applicant).....

Sec. 47.

## Fourth Schedule.

*The Licensing Act, 1911.*

## OFFER OF PREMIUM.

To the Clerk of the Licensing Court for the \_\_\_\_\_ District.  
I, A.B., applicant for a Publican's General License for the premises situated  
at \_\_\_\_\_, offer the premium of £ \_\_\_\_\_ for the grant of such license.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_  
(Signature of applicant).....

Sec. 54.

## Fifth Schedule.

*The Licensing Act, 1911.*

## APPLICATION FOR TRANSFER.

To the Licensing Court for the \_\_\_\_\_ District.  
I, A.B., being the licensee of the \_\_\_\_\_ at \_\_\_\_\_, do  
hereby make application for a transfer of the rights and privileges of the [here  
state the kind of license] license held by me in respect of the said premises to C.D.  
of \_\_\_\_\_, and I the said C.D. do hereby concur in such application  
and request that the said transfer may be made.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
(Signature of proposed transferor).....  
(Signature of proposed transferee).....

## Sixth Schedule.

Sec. 54.

*The Licensing Act, 1911.*

## INDORSEMENT ON A LICENSE OF A TRANSFER THEREOF.

I [or We] the undersigned, being the Chairman [or two members] of the Licensing Court for the district of \_\_\_\_\_, do hereby transfer the rights and privileges of the within license to \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

## Seventh Schedule.

Sec. 5 (10).

*The Licensing Act, 1911.*

## CONFIRMATION ON ENTRY BY SUCCESSOR OR OWNER.

Whereas A.B. has, pursuant to Section 55 of the Licensing Act, 1911, entered into the within premises as successor [or as the agent of the successor] of the within named C.D. [or as being the person, or the agent of the person, entitled to the possession of such premises] and the within License [or Certificate] has become vested in the said A.B. Now I [or We] A.S.R. [or J.K. and M.N.] Chairman [or two members] of the Licensing Court for the District of X. do hereby confirm the said License [or Certificate] unto the said A.B., and do authorise him to hold and exercise the same [or the License therein mentioned which I or We authorise the receiver of revenue to issue to and in the name of the said A.B.] up to the end of the within-mentioned term of such License [or till after the holding of the Licensing Court of the said District to be held in the month of \_\_\_\_\_ next, to which time I [or We] do hereby extend the said License].

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

## Eighth Schedule.

Sec. 57.

*The Licensing Act, 1911.*

## NOTICE OF APPLICATION TO REMOVE LICENSE TO OTHER PREMISES.

I, \_\_\_\_\_, the holder of a [state the nature of the license] license for the house and premises known as \_\_\_\_\_, situated at \_\_\_\_\_, do hereby give notice that it is my intention to apply to the Licensing Court to be held at \_\_\_\_\_, on \_\_\_\_\_, to remove the license to [describe the premises to which it is proposed to remove the license].

Dated the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_.

(Signature of applicant).....

Sec. 57.

## Ninth Schedule.

*The Licensing Act, 1911.*

## INDORSEMENT ON REMOVAL OF LICENSE.

The Licensing Court for the \_\_\_\_\_ District,  
 at the Quarterly Licensing Sitting held at \_\_\_\_\_, on the \_\_\_\_\_  
 day of \_\_\_\_\_, One thousand nine hundred and \_\_\_\_\_, being  
 satisfied that the requisite notice of application for removal was duly served and  
 published, ordered that the within license shall henceforth cease to apply to the  
 house and premises described in the within license, and that the same shall here-  
 after apply to the house and premises known as the \_\_\_\_\_, situate at \_\_\_\_\_

Signed on behalf of the Licensing Court this \_\_\_\_\_ day  
 of \_\_\_\_\_, 19 \_\_\_\_\_.

Chairman.

Sec. 59.

## Tenth Schedule.

*The Licensing Act, 1911.*

## NOTICE OF APPLICATION FOR PROVISIONAL CERTIFICATE.

To the Licensing Court for the \_\_\_\_\_ District.  
 I, \_\_\_\_\_ [state name, residence, and occupation], hereby give notice that  
 I intend to apply, at the next quarterly sitting of the Licensing Court for this  
 District, for a Provisional Certificate for the premises belonging to me [or rented  
 by me from \_\_\_\_\_, of \_\_\_\_\_], and situated at \_\_\_\_\_,  
 within the said district. The said premises are now to be erected [or, are in course  
 of erection, or are now being altered, or are now nearly complete], and will, when  
 finished, be in all respects in accordance with the requirements of the Licensing  
 Act, 1911.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.  
 (Signature of applicant).....

Sec. 59.

## Eleventh Schedule.

*The Licensing Act, 1911.*

## PROVISIONAL CERTIFICATE.

The Licensing Court of the \_\_\_\_\_ District, at the quarterly sitting  
 held at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, hereby certify that  
 the house and premises of \_\_\_\_\_, situated at \_\_\_\_\_, and now in  
 process of erection [or about to be erected], in accordance with the plans and  
 specifications exhibited by the said \_\_\_\_\_ and signed by us, will be a fit and  
 proper place for business to be carried on under a Publican's General License,  
 and upon application being duly made by a fit and proper person for the issue of  
 a license in respect of the said house within twelve months from the date hereof,  
 such application will be granted upon proof being given that the said house and  
 premises have been erected [or completed] in accordance with such plans and  
 specifications, and that the following conditions have been complied with. This  
 certificate is granted subject to the following conditions:

(Here set out the conditions, if any.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Chairman.

## Twelfth Schedule.

Sec. 66.

*The Licensing Act, 1911.*

## CERTIFICATE FOR THE ISSUE OF A LICENSE.

The Licensing Court for the \_\_\_\_\_ District hereby authorises the Receiver of Revenue for the said District to issue to A.B. of \_\_\_\_\_, a [state description of license] License for [describe premises for which license granted, or, in the case of a packet license, the vessel] for the year ending the 31st day of December, 19 \_\_\_\_.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

[SEAL.]

[Signature of Chairman or two members of the Court.]

## Thirteenth Schedule.

Sec. 66.

*The Licensing Act, 1911.*

## LIST OF CERTIFICATES.

To the Receiver of Revenue, \_\_\_\_\_ District.

At the Quarterly sitting of the Licensing Court for the \_\_\_\_\_ District held on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, the following certificates were issued [here state particulars.]

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

Chairman.

## Fourteenth Schedule.

Sec. 69.

*The Licensing Act, 1911.*

## CERTIFICATE OF LOST LICENSE.

The Licensing Court for the \_\_\_\_\_ District hereby certifies that the license granted on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, for the premises known as \_\_\_\_\_, is lost or destroyed, and that a duplicate of such license may be issued.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

Chairman [or member] of the Court.

Sec. 77.

## Fifteenth Schedule.

## PART I.

*The Licensing Act, 1911.*

## LOCAL OPTION VOTING PAPER.

I vote that the number of licenses existing in the District continue.	
I vote that the number of licenses existing in the District be increased.	
I vote that the number of licenses in the District be reduced.	
I vote that no licenses be granted or renewed in the District.	

Note.—This form is not to be used before the end of the year 1920.

## PART II.

*The Licensing Act, 1911.*

## LOCAL OPTION VOTING PAPER.

I vote that the number of licenses existing in the District be increased.	
I vote that the number of licenses existing in the District be not increased.	

*Indicate your vote by making a cross in the square opposite the resolution for which you vote. It will suffice if the point of intersection of the cross is within the square.*

Note.—This form is not to be used after the end of the year 1920.



Sec. 141.

## Nineteenth Schedule.

*The Licensing Act, 1911.*

Western Australia,

to wit.

Be it remembered that on the       day of       , 19   , at       ,  
 in the said State, complaint was made before the Licensing Court of the  
 Licensing District, that A.B., being the holder of a       license  
 for the premises situated at       , [here set out the acts which have  
*caused the forfeiture*], and the substance of the said complaint having been proved  
 to the satisfaction of the Court, the said Court therefore declares the said license  
 forfeited.

Dated this       day of       , 19   .

(Signature of Chairman or two members of the Court).

[Seal.]

Sec. 151.

## Twentieth Schedule.

*The Licensing Act, 1911.*

## NOTICE OF APPLICATION FOR THE REGISTRATION OF CLUB.

To the Licensing Court of the       Licensing District.  
 I,       , of       , being the secretary of the Club  
 known as the       Club, hereby give notice that I intend to apply at  
 the next quarterly sitting of the Licensing Court for a certificate of the registration  
 of the said Club.

Dated this       day of       , 19   .

Secretary.

Sec. 152.

## Twenty-first Schedule.

*The Licensing Act, 1911.*NOTICE OF APPLICATION FOR RENEWAL OF REGISTRATION  
OF A CLUB.

To the Licensing Court of the       Licensing District.  
 I,       , Secretary of the       Club, duly registered  
 under the said Act in       , hereby give notice that I intend to  
 apply at the next quarterly sitting of the said Licensing Court for a renewal of  
 such registration.

Dated this       day of       , 19   .



## Twenty-second Schedule.

Sec. 153.

*The Licensing Act, 1911.*

## INSPECTOR'S CERTIFICATE.

I, \_\_\_\_\_, being an Inspector of Licensed Premises for the Licensing District of \_\_\_\_\_, in the State of Western Australia, hereby certify that I have this day inspected the premises in [*describe the situation*] and known [*or intended to be known*] as \_\_\_\_\_, notice of application for a certificate for registration for which [*or a renewal of a certificate of registration for which or of removal to which*] under the Licensing Act, 1911, has been given. And I hereby certify that the said premises are suitable for the purposes of a club.

I also certify that I have inspected the certified copy of the register of members of the said club, and having made proper inquiries with respect to the particulars contained therein, find that such particulars are correct.

I further certify that after proper inquiries I find that the provisions of the said Act with respect to such club are fully complied with.

As witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
Inspector of Licensed Premises.

## Twenty-third Schedule.

Sec. 157.

*The Licensing Act, 1911.*

## NOTICE OF APPLICATION FOR REMOVAL OF CLUB.

To the Licensing Court of the \_\_\_\_\_ Licensing District.

I, \_\_\_\_\_, Secretary [*or as the case may be*] of the \_\_\_\_\_ Club, duly registered in premises situated at \_\_\_\_\_, in the said district, hereby give notice that I intend to apply at the next quarterly sitting of the said Licensing Court for a certificate of removal, so that it may apply to the premises [*here describe the situation of the new premises*].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

## Twenty-fourth Schedule.

Sec. 160.

*The Licensing Act, 1911.*

## CERTIFICATE OF REGISTRATION OF CLUB.

Whereas the Licensing Court of the District of \_\_\_\_\_, at the quarterly sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, authorised the issue to the \_\_\_\_\_ Club, under the Licensing Act, 1911, of a certificate of registration for the premises situated at \_\_\_\_\_ [*describe locality*]. And whereas the sum of £ \_\_\_\_\_ as the fee for such registration has been paid, I do hereby certify that the \_\_\_\_\_ Club is duly registered for the said premises. This certificate takes effect on the \_\_\_\_\_ day of \_\_\_\_\_, and will continue in force until the 31st day of December, 19 \_\_\_\_, unless cancelled or suspended in the meantime.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_,

Sec. 162.

## Twenty-fifth Schedule.

*The Licensing Act, 1911.*

## DECLARATION AS TO LIQUOR PURCHASED.

I, \_\_\_\_\_, of \_\_\_\_\_, being the applicant for the registration [or the renewal of the registration] of the club known as \_\_\_\_\_ do solemnly and sincerely declare that the gross amount paid or payable for liquor purchased for the said club, including any duties thereon, for the twelve months ended on the 30th day of September last was \_\_\_\_\_

And I make this solemn declaration by virtue of section one hundred and six of "The Evidence Act, 1906."

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Before me,

Justice of the Peace.

Sec. 185.

## Twenty-sixth Schedule.

*The Licensing Act, 1911.*

## CERTIFICATE OF THE RESULT OF ANALYSIS OF LIQUOR.

I, the undersigned, Public Analyst for the State of Western Australia, do hereby certify that I received on the \_\_\_\_\_ day of \_\_\_\_\_, from [name and address of person delivering the sample], a sample of [description of liquor] for analysis, and that I have analysed the same, and I declare the result of my analysis to be as follows:—

The said sample of liquor was not adulterated;

or, The said sample of liquor was adulterated by the admixture of water to the extent of:—

or, The said sample of liquor was adulterated by the following foreign ingredients, that is to say:—

or, The said sample was mixed with or contained tobacco, etc.;

or, The said sample was mixed with or contained a certain matter or ingredient injurious to health, that is to say:—

As witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Public Analyst.