

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ

No. 26

An Act to regulate the granting of licenses under 'The Wines, Beer, and Spirit Sale Act, 1880,' in certain districts, and further to amend the said Act.

[Assented to 2nd September, 1886.]

WHEREAS by reason of the recent settlement of the Districts of East Kimberley, West Kimberley, and the Kimberley Goldfield District, the provisions of 'The Wines, Beer, and Spirit Sale Act, 1880,' as to applications for licenses, and in respect of the transfer, renewal, and removal thereof in such districts are inapplicable; And whereas it is desirable to further amend the said Act: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble

1. This Act may be cited as 'The Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1886,' and shall come into operation on

Short title

The Wines, Beer, and Spirit Sale Act, 1880—Amendment

the first day of November, 1886, and is divided into parts, as follows:—

Part I.—Special, Kimberley Districts.

Part II.—General Provisions.

Interpretation

2. In the construction of this Act, the word 'District' shall mean the Magisterial District, and the words 'Resident Magistrate' shall mean and include a Government Resident Magistrate, and any person lawfully acting as a Resident Magistrate or Government Resident Magistrate.

PART I.—SPECIAL, KIMBERLEY DISTRICTS

Applications for licenses in the Kimberley District may be made to and heard by Resident Magistrate alone

3. All applications for licenses or in respect of the transfer, renewal, or removal of licenses or otherwise relating thereto, required by 'The Wines, Beer, and Spirit Sale Act, 1880' (hereinafter called the principal Act) or 'The Wines, Beer, and Spirit Sale Amendment Act, 1884,' to be made to the Licensing Magistrates of a district may, in the districts of East Kimberley and West Kimberley respectively, and in the Kimberley Goldfield District, be made to the Resident Magistrate alone; and all the duties, powers, and authorities by the said Acts or either of them imposed upon or vested in the Licensing Magistrates or a majority of them may be performed and exercised by the Resident Magistrate alone in the said districts of East Kimberley and West Kimberley, and the Kimberley Goldfield District.

Requirements of principal Act as to publication in newspapers not to apply to Kimberley Districts

4. So much of the provisions of the principal Act as require or relate to the publication of notices or any other documents in a newspaper shall, from and after the passing of this Act, cease to have any operation in the districts of East Kimberley and West Kimberley, and the Kimberley Goldfield District.

Fees to be paid to Resident Magistrate
Certificates for licenses need not issue

5. All fees payable in respect of any licenses in the said districts shall be payable to the Resident Magistrate of the district where the license is issued, and all licenses in either of the districts shall be issued by the Resident Magistrate of the district without the grant of a certificate in the first instance.

Accommodation required under s. 18 of principal Act may be insisted on

6. It shall be lawful for the Resident Magistrate of the said districts respectively to grant the licenses mentioned in Section 18 of the principal Act, or any or either of them, subject to the provision of the whole of the accommodation in such section mentioned, notwithstanding anything in the said section inconsistent with the provisions of this part of this Act.

Accommodation required under s. 18 of principal Act may be dispensed with in Kimberley Goldfield District

7. It shall be lawful for the Resident Magistrate of the Kimberley Goldfield District, in granting the licenses mentioned in Section 18 of the principal Act, or any or either of them, to dispense with the provisions of the whole or any part of the accommodation mentioned in such section, and the Resident Magistrate granting any license referred to in this section shall endorse thereon to what extent (if any) the licensee is liable to provide any such accommodation, and in any proceedings for a declaration of suspension of any such license, the accommodation so endorsed shall be deemed to be that required under the provisions of the 18th Section of the principal Act.

The Wines, Beer, and Spirit Sale Act, 1880—Amendment

8. The Resident Magistrate of the East Kimberley and West Kimberley Districts respectively, and the Kimberley Goldfield District, shall sit for the hearing of all applications under the said Acts on the first Monday in every month, and every such sitting shall be deemed to be a licensing meeting, and the words 'quarterly licensing meeting,' whenever they occur in the said Acts, shall be read 'monthly licensing meeting.'

Sitting of Resident Magistrate to constitute licensing meeting

9. No license in the before-mentioned districts shall issue unless the fee payable for the same be paid within fourteen days from the granting of the application for the license.

No license to issue unless fee paid within 14 days

10. The operation of this part of this Act or any portion thereof in the districts of East Kimberley or West Kimberley, or in both, may be suspended at any time by proclamation by the Governor to be published in the 'Government Gazette,' and at the expiration of two months from the date of such publication, the whole of the provisions of the before-mentioned Acts then in force, except as varied by any of the provisions of this Act as may not be included in such suspension, shall apply in all respects in the districts or district to which such proclamation may apply.

Operation of this Act in East and West Kimberley may be suspended

PART II.—GENERAL PROVISIONS

11. The Licensing Magistrates may, in the certificate authorising the issue of either of the licenses mentioned in Section 18 of the principal Act, dispense with the provision of stabling or stockyard or both, and in such case the licensee shall not be bound to provide the accommodation so dispensed with.

Licensing Magistrate may dispense with certain accommodation

12. If any licensed person shall sell, supply, or give any spirituous liquor, or mixed liquor part whereof is spirituous, in any quantity whatsoever, or fermented liquor or any mixed liquor part whereof is fermented, in any quantity whatsoever, to any person under the age of fourteen-years for himself or for any other person, the licensed person so selling, supplying, or giving the same shall for every such offence forfeit and pay a penalty of Five pounds, to be recovered before any one or more Justice or Justices of the Peace in Petty Sessions.

No liquor to be sold or supplied by a licensee to person under 14 years of age

13. The penalty mentioned in Section 56 of the principal Act shall be and is hereby increased to Twenty pounds instead of Five pounds.

Penalty in 56th section of principal Act raised to £20

14. The prohibition of the sale of liquor by a licensed person on a Sunday, Good Friday, or Christmas Day, in the 61st Section of the principal Act contained, shall not extend to a sale by a person holding a publican's general license, wine and beer license, or a way-side house license, to a *bonâ fide* traveller or lodger.

Liquors may be sold to *bonâ fide* travellers and lodgers on Sunday, Good Friday, or Christmas Day

15. The 12th section of the principal Act shall be, and is hereby amended, by adding thereto the words 'and also at any ball, concert, theatrical or other entertainment during the continuance of such entertainment,' after the last word in the said section.

Temporary licenses may be granted at balls, concerts, &c.

16. The 23rd section of the principal Act shall be, and is hereby amended, by adding thereto the words, 'Provided, nevertheless, that the disqualification of a Justice by reason of his being the landlord,

Operation of 23rd section of principal Act partially restricted

The Wines, Beer, and Spirit Sale Act, 1880—Amendment

owner, or part owner of any house licensed or about to be licensed, or by reason of his being directly or indirectly interested in such house, shall apply only when such house is situated in the district within which such meeting of Justices as aforesaid is held, or such conviction as aforesaid is made, after the last word in the said section.

Applications
may be renewed
at any quarterly
meeting

17. The 32nd section of the principal Act shall be, and is hereby amended, by repealing the word 'a,' in the third line, between the words 'at' and 'quarterly,' and substituting the word 'any' in lieu thereof; and also by repealing the words within brackets, in the fourth line, between the words 'meeting' and 'for.'

Houses may be
kept open until
11 p.m.

18. The 59th section of the principal Act shall be, and is hereby amended, by repealing the word 'ten,' in the sixth and ninth lines, and by substituting the word 'eleven' in lieu thereof, and also by inserting the words 'or travellers' between the words 'lodgers' and 'Provided,' in the sixteenth line.

Hotel License
may issue to un-
married woman

19. An Hotel License may be granted to any unmarried woman above the age of twenty-one years.

This Act to be
read with other
Acts

20. This Act and 'The Wines, Beer, and Spirit Sale Act, 1880,' and 'The Wines, Beer, and Spirit Sale Amendment Act, 1884,' shall be read and construed together as one Act. Provided that where any of the provisions of this Act shall be inconsistent with any of the provisions of either of the said Acts, the provisions of this Act shall prevail.

F. NAPIER BROOME,
GOVERNOR.
