

WESTERN AUSTRALIA.

LICENSING ACT, 1911-1965.

No. 32 of 1911.

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WESTERN AUSTRALIA.

## LICENSING.

### No 32 of 1911.<sup>1</sup>

[Affected by Acts No. 28 of 1921 (s. 32); No. 14 of 1938 (s. 2); No. 42 of 1959 (s. 4); No. 20 of 1960 (s. 7) and No. 113 of 1965 (s. 5).]

As amended by Acts Nos.—

46 of 1911, assented to 22nd December, 1911; 36 of 1913, assented to 30th December, 1913; 20 of 1916, assented to 2nd December, 1916; 1 of 1917, assented to 2nd March, 1917; 1 of 1918, assented to 11th March, 1918; 38 of 1922<sup>2</sup>, reserved 22nd December, 1922; 39 of 1922, assented to 22nd December, 1922; 35 of 1923, assented to 15th December, 1923; 27 of 1928, assented to 27th December, 1928; 41 of 1928, assented to 28th December, 1928; 23 of 1929, assented to 11th December, 1929; 30 of 1930, assented to 22nd December, 1930; 27 of 1931, assented to 3rd November, 1931; 36 of 1931, assented to 1st December, 1931; 49 of 1931, assented to 29th December, 1931; 35 of 1934, assented to 4th January, 1935; 34 of 1939, assented to 16th December, 1939; 45 of 1941<sup>3</sup>, assented to 15th January, 1942; 35 of 1944, assented to 23rd December, 1944; 43 of 1946, assented to 24th January, 1947; 47 of 1947, assented to 19th December, 1947; 14 of 1948, assented to 18th November, 1948; 30 of 1949, assented to 22nd December, 1949; 36 of 1951, assented to 20th December, 1951; 49 of 1951, assented to 7th January, 1952; 59 of 1951, assented to 7th January, 1952; 75 of 1953, assented to 9th January, 1954; 76 of 1953, assented to 9th January, 1954; 73 of 1954<sup>4</sup>, assented to 14th January, 1955; 55 of 1955, assented to 9th December, 1955; 58 of 1955, assented to 9th December, 1955; 7 of 1956, assented to 11th October, 1956; 24 of 1956, assented to 21st November, 1956; 42 of 1956, assented to 18th December, 1956; 39 of 1958, assented to 11th December, 1958; 40 of 1958<sup>5</sup>, assented to 11th December, 1958; 60 of 1959<sup>6</sup>, assented to 3rd December, 1959; 17 of 1960, assented to 6th October, 1960; 73 of 1960, assented to 12th December, 1960; 53 of 1961, assented to 23rd November, 1961; 59 of 1962, assented to 30th November, 1962; 64 of 1962, assented to 30th November, 1962; 66 of 1962, assented to 30th November, 1962; 20 of 1963, assented to 6th November, 1963; 85 of 1963, assented to 23rd December, 1963; 86 of 1963, assented to 23rd December, 1963; 87 of 1963, assented to 23rd December, 1963<sup>7</sup>; 60 of 1964, assented to 4th December, 1964; 80 of 1965, assented to 7th December, 1965; 96 of 1965, assented to 8th December, 1965; 110 of 1965, assented to 17th December, 1965.

and Reprinted pursuant to the Amendments Incorporation Act, 1938, and section one hundred and thirty-four of Act No. 39 of 1922.

<sup>1</sup> Came into operation on 7th April, 1911 (*see Gazette* 24/2/11).

<sup>2</sup> Came into operation on 7th July, 1923 (*see Gazette* 16/11/23).

<sup>3</sup> Temporary Act. Repealed by No. 47 of 1947.

<sup>4</sup> Came into operation on 1st March, 1955 (*see Gazette* 18/2/55).

<sup>5</sup> Came into operation on 18th July, 1959 (*see Gazette* 10/7/59).

<sup>6</sup> Came into operation on 4th January, 1960 (*see Gazette* 24/12/59).

<sup>7</sup> Came into operation on 15th January, 1964 (*see Gazette* 31/12/63).

<sup>8</sup> Came into operation on 1st July, 1964 (*see Gazette* 26/6/64).

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

**PART I.—PRELIMINARY.**

Short title  
and com-  
mencement.  
Amended by  
No. 110 of  
1965, s. 1.

1. This Act may be cited as the *Licensing Act, 1911-1965*, and shall come into operation on a day to be fixed by Proclamation.<sup>1</sup>

Division.

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

**PART I.—PRELIMINARY, ss. 1-6.**

**PART II.—LICENSING DISTRICTS, s. 7.**

**PART III.—LICENSING COURTS, ss. 8-27.**

*Division 1.—Constitution of Licensing Courts, ss. 8-24.*

*Division 2.—Sittings of Licensing Courts, ss. 25-27.*

**PART IV.—LICENSES, ss. 28-80.**

*Division 1.—Description of Licenses, ss. 28-45.*

*Division 2.—Exemptions, s. 46.*

*Division 3.—New Licenses, ss. 47-47A.*

*Division 4.—Applications, ss. 48-53.*

*Division 5.—Renewal of Licenses, ss. 54-55.*

*Division 6.—Transfer and Transmission of Licenses, ss. 56-58.*

*Division 7.—Removal of Licenses, ss. 59-60.*

*Division 8.—Provisional Certificates, ss. 61-62.*

<sup>1</sup> Came into operation on 7th April, 1911 (see *Gazette* 24/2/11).



*Division 9.—Objections, ss. 63-65.*

*Division 10.—Disqualifications, ss. 66-67.*

*Division 11.—Issue of Certificates and Licenses, ss. 68-71.*

*Division 12.—Fees, ss. 72-80.*

[PART V.—LICENSES REDUCTION, ss. 81-97, repealed by No. 60 of 1959, s. 21.]

[PART VI.—PROHIBITION, ss. 98-110, repealed by No. 49 of 1951, s. 8.]

PART VII.—DUTIES AND LIABILITIES OF LICENSEES AND OTHER PERSONS, ss. 111-179.

PART VIII.—CLUBS, ss. 180-213.

PART IX.—INSPECTION OF LICENSED PREMISES, ss. 214-219.

PART X.—ADULTERATION OF LIQUOR, ss. 220-232.

PART XI.—MISCELLANEOUS, ss. 233-249.

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

Repeal.  
1st Schedule.  
(See No. 39 of  
1922, s. 132.)

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.

Existing  
Licenses  
subject to  
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.

Interpreta-  
tion.

Amended by  
No. 39 of  
1922, s. 2;  
No. 49 of  
1951, s. 3; No.  
85 of 1963, s.  
3, No. 110 of  
1965, s. 2.

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

“bar” or “bar room”, in relation to premises the subject of a license under this Act that authorises liquor to be sold and disposed of for consumption on those premises or in relation to the premises of a club registered under this Act, means any room or place in those premises in or from which, or by means of any opening in which, liquor is sold or supplied to persons for consumption whether on the premises or not, and includes any part of those premises known as a bottle department; but does not include any cellar or other part of those premises used solely or principally for the storage of liquor;

“Court” means a Licensing Court constituted under this Act;

“date of license” means the time when the license takes effect;

“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 for the time being constituted under the provisions of the Electoral Districts Act, 1947, or any Act amending or in substitution for that Act;

“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; and **“beer”** includes ale, porter, and stout; and **“wine”** includes cider and perry; but the terms do not include any liquor which does not contain more than two per centum of proof spirit;

**“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 Local Government Act, 1960, and any Act amending or in substitution for that Act;

**“metropolitan licensing district”** means the licensing district constituted and so designated by subsection (3) of section seven of this Act;

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

**“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 the 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 (except when used in section seventy-three of this Act) any person duly appointed for the purposes of issuing licenses under this Act for the district in which the licensed premises are situated;

“sale” and “sell” include barter and exchange, and derivatives have corresponding meanings;

“townsite” means any land constituted, defined, or reserved as the site of a town or village under the Land Act, 1898,<sup>1</sup> 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. Amended by No. 39 of 1922, 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-fifth of such penalty.

<sup>1</sup> Now Land Act, 1933.

PART II.—LICENSING DISTRICTS.

7. (1) 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.  
Amended by No. 46 of 1911, s. 2; No. 1 of 1918, s. 3; No. 85 of 1963, s. 4.

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.

(2) On and from the date of the commencement of the Licensing Act Amendment Act (No. 2), 1963,—

- (a) the licensing districts existing immediately prior to that date are abolished; and
- (b) the electoral districts as they exist and are constituted at that date become, subject to the provisions of this subsection, the licensing districts for the purposes of this Act; and
- (c) such of those electoral districts as at that date are included in and together form the part of the State designated the Metropolitan Area, pursuant to and in accordance with the provisions of the Electoral Districts Act, 1947, are amalgamated into one licensing district designated the metropolitan licensing district.

(3) Whenever under the provisions of the Electoral Districts Act, 1947, or any Act amending or in substitution for that Act, the boundaries of any electoral district are altered at any time, the boundaries of the licensing district comprised by that electoral district or in which that electoral district is included shall by virtue of this subsection be altered to coincide with the boundaries of that electoral district so altered, and if any new electoral

district is constituted, that district shall for the purposes of this Act become a licensing district, or as the case may require, be amalgamated with the metropolitan licensing district.

### PART III.—LICENSING COURTS.

#### *Division 1.—Constitution of Licensing Courts.*

Licensing  
Courts.  
Amended by  
No. 39 of  
1922, s. 4.

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

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

(3) The same persons may be appointed the members of two or more Licensing Courts.

Tenure of  
office.

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.

Disqualifica-  
tions.  
Amended by  
No. 113 of  
1965, s. 8.<sup>1</sup>

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.

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

Penalty: Two hundred dollars.

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<sup>1</sup> Decimal Currency Act, 1965.

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

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. Extraordinary Vacancies.

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. Death, etc., of member.

14. [*Repealed by No. 85 of 1963, s. 5.*]

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. Licensing Courts to be Courts of record.

(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.  
Amended by  
No. 39 of  
1922, s. 5.

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 it shall be no objection that he is chairman or deputy chairman of any other Court or Courts.

A deputy member of the Licensing Court shall, by virtue of his office, be a justice of the peace for the State.

17. [*Repealed by No. 85 of 1963, s. 5.*]

18. [*Repealed by No. 85 of 1963, s. 5.*]

Members and  
deputies  
liable to  
removal.  
Amended by  
No. 39 of  
1922, s. 7.

19. Notwithstanding anything hereinbefore contained, a member or deputy member of a Licensing Court may be removed from office at any time by the Governor.

Certificates.

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.

Licensing  
Magistrates.  
Added as s.  
20A by No.  
39 of 1922, s. 8.  
Renumbered  
s. 21 in 1923  
reprint and  
amended by  
No. 23 of  
1929, s. 2; No.  
49 of 1951, s.  
4; No. 85 of  
1963, s. 6, No.  
110 of 1965,  
s. 3.

21. (1) On and after a date to be fixed by proclamation the Licensing Courts shall be constituted as provided by this section, and all persons immediately before the day so fixed holding office as members of the Licensing Courts shall cease to hold office as such.



(2) The Governor may—

- (a) appoint three persons to be licensing magistrates;
- (b) appoint one of such licensing magistrates to be chairman of Licensing Courts;
- (c) appoint any person to fill any vacancy however caused in the office of licensing magistrate or chairman of Licensing Courts; and
- (d) in case of the absence or temporary incapacity of such chairman or of any licensing magistrate, appoint some person to act in his stead who, when so acting may (as the case may be) exercise all the powers of the chairman or licensing magistrate in whose place he is appointed.

(2a) Subject to subsection (2) of this section, the chairman may delegate to either of the other two licensing magistrates, all or any of his powers under this Act (except this power of delegation) so that the delegated power may be exercised by the delegate. Every such delegation shall be revocable at will and no such delegation shall prevent the exercise of any power by the chairman.

(3) Licensing Courts shall be constituted by the licensing magistrates so appointed under this section, and—

- (a) shall have jurisdiction, and may act in and for every licensing district throughout the State; and
- (b) shall have and may exercise all the powers, authorities, duties, and functions conferred or imposed upon Licensing Courts and the chairman and members thereof by this Act.

(4) Every person appointed as a licensing magistrate—

- (a) shall, subject to this Act, hold office for a period of three years from the date of his appointment;

- (b) shall be eligible for re-appointment or his term of office may be extended by the Governor for not exceeding twelve months; and
- (c) shall be entitled to receive such salary or fees and travelling expenses as may be determined by the Governor.

(5) Two licensing magistrates shall form a quorum for the constitution of the Court.

(6) Every application or matter may be determined by a majority of the members of the Court, but in case of disagreement where only two licensing magistrates are present the application or matter shall be adjourned.

Certain  
duties may  
be delegated  
to resident  
magistrates.

(7) The licensing magistrates may delegate to any licensing magistrate, or to any resident or stipendiary magistrate for the time being assigned to any magisterial district by reference to his assignment, any of their powers, authorities, duties, and functions relating to the renewal, transfer, and removal of licenses, the granting and renewal of permits under section one hundred and thirty-four B of this Act, the making of orders under the proviso to subsection (3) of section one hundred and eighty-seven of this Act, and the granting of occasional and temporary licenses; and the powers, authorities, duties and functions so delegated shall be exercised by that licensing magistrate or that resident or stipendiary magistrate under such delegated authority accordingly, having regard to any recommendations made by the licensing magistrates in regard to the exercise of any of those powers, authorities, duties and functions.

A Licensing Court shall be deemed to be duly constituted by a licensing magistrate or resident or stipendiary magistrate when sitting in any district under such delegated authority.

(8) Every licensing magistrate shall be, by virtue of his office, a justice of the peace for the State.

22. (1) The Minister may appoint a person as clerk to the licensing magistrates and any person to be clerk of the Licensing Court of any one or more districts at any place where that Court sits, and in the absence of such appointment a person appointed a clerk of the Local Court at that place shall perform the duties and exercise the powers of the clerk.

Appointment of clerk.  
S. 21 of No. 32 of 1911, amended by No. 39 of 1922, s. 9.  
Renumbered s. 23 in 1923 reprint.  
Substituted by No. 85 of 1963, s. 7.

(2) During the absence or temporary incapacity of the clerk at any place, the Minister may appoint an acting clerk to discharge the duties of the clerk.

(3) Every clerk of the Licensing Court or other person for the time being discharging the duties of the clerk shall be and be deemed to be a receiver of revenue (other than the receiver of revenue appointed for the purposes of section seventy-three of this Act) for the purposes of this Act.

23. (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.  
S. 22 of No. 32 of 1911.  
Renumbered s. 23 in 1923 reprint.  
Amended by No. 110 of 1965, s. 4, No. 113 of 1965, s. 84.  
Punishment of contempt of Court for non-attendance, etc.

(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 if any such person or any person who voluntarily attends as a witness refuses 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.

(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 twenty dollars; 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 in-  
valid in cer-  
tain cases.

24. 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.*

Quarterly  
and other  
sitting of  
the Court.  
Repealed  
and re-en-  
acted by  
No. 110 of  
1965, s. 5.

25. 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 February, May, August and November in every year, of which at least twenty-one days' notice shall be published in the *Government Gazette*, and other sittings may be held from time to time for the purposes of this Act on a day or days appointed by the Court, of which at least fourteen days' notice shall be published in the *Government Gazette* by the clerk of the Licensing Court at Perth.

Place of  
sitting.

26. (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.

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

Adjournment.  
Amended by No. 85 of 1963, s. 9.

(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, or for such longer period as the Court thinks fit in any case where the Court is of opinion that grounds exist that make it desirable to adjourn the application for such longer period.

#### PART IV.—LICENSESES.

##### *Division 1.—Description of License.*

28. (1) Subject to the provisions of this Act, licenses may be granted<sup>1</sup> under this Act of the several descriptions following, that is to say:—

Licenses.  
S. 27 of No. 32 of 1911, renumbered s. 28 in 1923 reprint.  
Amended by No. 36 of 1913, s. 15; No. 39 of 1922, s. 11; No. 55 of 1955, s. 2; No. 7 of 1956, s. 2; No. 60 of 1959, s. 4; No. 85 of 1963, s. 10.

- (a) Publicans' general licenses.
- (b) Limited hotel licenses.
- (c) Wayside-house licenses.
- (d) Australian wine, beer and spirits licenses.
- (e) Australian wine licenses.
- (f) Australian wine bottle licenses.
- (g) Packet licenses.
- (h) Railway refreshment room licenses.
- (i) Spirit merchants' licenses.
- (j) Gallon licenses.

<sup>1</sup> See the following provisions of the City of Perth Endowment Lands Act, 1920 (Act No. 31 of 1920):—

45. No license under the Licensing Act 1911, or any statutory amendment or modification thereof shall be granted by any licensing authority to any person in respect of any building erected or to be erected on any part of the said lands without the consent in writing of the council is first obtained.

3. "The said lands" means and includes the endowment lands, the Lime Kilns Estate and the lands comprised in Reserve A 16921, mentioned and described in the preamble.

- (k) Brewers' licenses.
- (l) Eating-house, boarding-house, or lodging-house licenses.
- (m) Billiard-table licenses.
- (n) Temporary licenses.
- (o) Occasional licenses.
- (p) Airport licenses.
- (q) Canteen licenses.
- (r) Restaurant licenses.

**Forms,  
2nd Schedule.**

(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, and no license shall be transferred, to a person who is not a natural born or naturalised British subject, or to a person who has not attained the age of twenty-one years.

(3a) Except where this Act provides otherwise, a person who is the holder of a license under this Act shall not during the continuance of his license be or become the holder of any other license under this Act.

(3b) Where at the commencement of the Licensing Act Amendment Act (No. 2), 1963, any premises are the subject of an hotel license granted under this Act, those premises shall during the currency of that license be and be deemed to be licensed under a limited hotel license.

(4) No Australian wine, beer and spirits license shall be granted except for premises that at the commencement of this Act were licensed under an Australian wine and beer license, but any premises that were so licensed immediately prior to the commencement of the Licensing Act Amendment Act (No. 2), 1963, shall upon the commencement of that Act be and be deemed to be licensed under an Australian wine, beer and spirits license.

29. 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.

30. A limited hotel license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of any liquor, at any time—

Limited  
hotel  
license.  
Amended by  
No. 85 of  
1963, s. 11.

- (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.

31. (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.

Wayside-  
house  
license.  
S. 30 of No.  
32 of 1911,  
renumbered  
s. 31 in 1923  
reprint.  
Amended by  
No. 58 of  
1955, s. 2.

(2) [*Repealed by No. 58 of 1955, s. 2.*]

32. An Australian wine, beer and spirits license shall authorise the sale of wine, beer or spirits 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, beer  
and spirits  
license.  
Amended by  
No. 85 of  
1963, s. 12.

33. (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.

Australian  
wine license  
S. 32 of No. 32  
of 1911, re-  
numbered s.  
33 in 1923  
reprint.  
Amended by  
No. 1 of  
1917, s. 5; No.  
39 of 1922,  
s. 12; No. 85  
of 1963, s. 13,  
No. 113 of  
1965, s. 8<sup>1</sup>.

(2) No Australian wine license shall be granted for any premises beyond the limits of a townsite or the municipal district of a municipality that under the Local Governing Act is a city or a town.

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

(4) No person holding an Australian wine license shall keep or bring or permit to be brought on his licensed premises any liquor other than Australian wine, the produce of fruit grown in a State of the Commonwealth.

Penalty: Twenty dollars.

(5) An Australian wine license shall only be issued or renewed in respect of premises of a standard to be prescribed by the Licensing Court.

(6) It shall be unlawful to have or use in any bar-room or saloon of premises for which an Australian wine license is held any partition of wood or other material so as to wholly or partially prevent or limit the uninterrupted view of the whole of the place where the bar is situated, or so as to wholly or partially divide such place into two or more compartments.

Penalty: Fifty dollars.

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

Penalty: For a first offence, one hundred dollars; for any subsequent offence, two hundred dollars.



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

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

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

34. (1) An Australian wine bottle 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 in any quantity of not less than one reputed pint not to be drunk on the premises in which such liquor is sold.

Australian wine bottle license.  
S. 33 of No. 32 of 1911, re-numbered s. 34 in 1923 reprint.  
Amended by No. 36 of 1913, s. 16; No. 1 of 1917, s. 7, No. 113 of 1965, s. 8<sup>1</sup>.

(2) No person holding an Australian wine bottle license shall have or keep the premises named in the license open to the public at any time before or after the time during which wine may be lawfully sold.

Penalty: For a first offence, one hundred dollars; for any subsequent offence, two hundred dollars.

35. 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, for consumption thereof on the vessel only, to passengers on board of such vessel while such vessel is on her passage:

Packet license.  
S. 34 of No. 32 of 1911, re-numbered s. 35 in 1923 reprint.  
Amended by No. 35 of 1923, s. 2; No. 73 of 1960, s. 8, No. 110 of 1965, s. 6.

Provided that section one hundred and twenty-two of this Act shall not apply to a packet license, except that the master of a vessel the subject of a

<sup>1</sup> Decimal Currency Act, 1965.

packet license, if that vessel is south of the twenty-sixth parallel of south latitude, shall not sell any liquor, or permit or suffer any liquor to be drunk or consumed, on that vessel on Good Friday:

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 Anzac Day (the twenty-fifth day of April), except under the authority of an occasional license granted pursuant to subsection (2) of section forty-four of this Act, or upon any Sunday, Good Friday, or Christmas Day on any vessel whilst such vessel is in any river or estuary or stationary at or adjacent to any wharf, jetty, anchorage or mooring, and is south of the twenty-sixth parallel of south latitude.

Railway refreshment room license. S. 35 of No. 32 of 1911, re-numbered s. 36 in 1923 reprint.  
Amended by No. 39 of 1922, s. 13.  
Substituted by No. 85 of 1963, s. 14.

36. (1) 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 that refreshment room or stand; but the liquor shall be sold or disposed of—

- (a) only within the period commencing one hour before the arrival and terminating one hour after the departure of a passenger train or a railway omnibus at or from that railway station between the hours of ten o'clock in the morning and ten o'clock at night in any part of the State except the Goldfields district, and between the hours of nine o'clock in the morning and eleven o'clock at night in the Goldfields district; and
- (b) during any time when other licensed premises are required under the provisions of this Act to be closed, only to passengers who have travelled or are about to travel

on the railway or in the railway omnibus a distance of not less than twenty miles to or from that railway station.

(2) Notwithstanding the provisions of subsection (1) of this section, a railway refreshment room license shall not authorise the sale or disposal of liquor on Good Friday, or before the hour of one o'clock in the afternoon on Anzac Day (the twenty-fifth day of April).

(3) In this section—

“Goldfields district” has the same meaning as that term has in section one hundred and twenty-one of this Act;

“railway omnibus” means a motor omnibus used on a road for the conveyance of passengers operated by or on behalf of The Western Australian Government Railways Commission.

37. A spirit merchant's license shall, subject to this Act, authorise the licensee to sell and dispose of any liquor on the licensed premises in quantities of not less than two gallons not to be consumed on the premises in which the liquor is sold.

*Spirit merchant's license.*  
S. 36 of No. 32 of 1911, re-numbered s. 37 in 1923 reprint.  
Amended by No. 39 of 1922, s. 15.

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

*Gallon license.*  
S. 42 of No. 32 of 1911, re-numbered s. 38 in 1923 reprint.  
Amended by No. 75 of 1953, s. 2.  
(See sec. 33 (9).)

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

Dealings by  
gallon  
licensee's to  
be recorded,  
and books,  
etc., pro-  
duced.

S. 3 of No. 1  
of 1917,  
added as s.  
39 in 1923  
reprint.

Amended by  
No. 39 of  
1922, ss. 132  
and 134; No.  
75 of 1953, s.  
3; No. 86 of  
1963, s. 2; No.  
113 of 1965,  
s. 8<sup>1</sup>.

**39.** (1) The holder of any gallon license or two gallon license, or a brewer's license, or a spirit merchant's license—

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

Penalty: One hundred dollars.

(1a) Notwithstanding the provisions of paragraph (b) of subsection (1) of this section, the holder of a gallon license shall not be required to enter in the book to be kept pursuant to that paragraph, the name of the purchaser of the liquor.

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

Penalty: One hundred dollars.

Brewer's  
license.

Inserted as s.  
37 by No. 39  
of 1922, s. 17,  
renumbered  
s. 40 in 1923  
reprint.

**40.** A brewer's license shall authorise the licensee, being a person, or the representative of a person carrying on the trade or business of a brewer, to sell and dispose of beer on the licensed premises in quantities of not less than two gallons, not to be consumed on the premises, such beer being the produce of the brewery.

41. (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.  
S. 38 of No. 32 of 1911, re-numbered s. 41 in 1923 reprint.  
Amended by No. 1 of 1917, s. 6; No. 60 of 1959, s. 5; No. 113 of 1965, s. 8.<sup>1</sup>

(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.

(3) No person holding an eating-house license shall cause intoxicating liquor to be supplied to, or permit intoxicating liquor to be consumed by any person on his licensed premises except during such time as such liquor might be lawfully sold under the provisions of section one hundred and twenty-one of this Act, in the licensed house from which such liquor was obtained.

Restriction of supply of liquor in eating houses.

Penalty: For a first offence, One hundred dollars; for any subsequent offence, Two hundred dollars.

42. 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.  
S. 39 of No. 32 of 1911, re-numbered s. 42 in 1923 reprint.

43. (1) A temporary license shall authorise the licensee, being also the holder of a publican's general license, or an Australian wine, beer and spirits 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:

Temporary license.  
S. 42 of No. 32 of 1911, re-numbered s. 43 in 1923 reprint.  
Amended by No. 39 of 1922, s. 18; No. 36 of 1931, s. 2; No. 60 of 1959, s. 6; No. 85 of 1963, s. 15; No. 64 of 1964, s. 2.

<sup>1</sup> Decimal Currency Act, 1965.

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.

(2) A temporary license may authorise a licensee to exercise as aforesaid the privileges of his license within or beyond the limits of the district in which his licensed premises are situated.

(3) (a) Subject to the proviso to subsection (1), a temporary license may be granted to any club, or other organising body of race-meetings, or agricultural shows, or other sports meeting if, in the opinion of the Licensing Court or the chairman or members thereof to whom the application is made, the granting of a license is desirable for the accommodation of the public, and that the number of persons likely to be in attendance is sufficient to justify the issue of a license.

(b) In this subsection the expression, "agricultural shows" includes pastoral or industrial shows and organised stud ram and sheep sales.

(4) (a) A temporary license may be granted, on the application of any person approved by the Minister for Agriculture, if in the opinion of the court to which the application is made the granting of such license to the applicant is necessary or desirable for the accommodation of persons in attendance at the holding of any sale of livestock to members of the public.

(b) Every temporary license granted under this subsection shall authorise the licensee to exercise on the day appointed for the holding of the sale, at the place of the sale and in any premises appurtenant thereto, the powers and privileges that are conferred by a publican's general license, subject to such conditions and limitations as may be approved by the Court and set forth in the temporary license.

(c) A temporary license may be granted under this subsection to a person who is not the holder of any other license under this Act.

(d) It shall not be necessary for a separate application to be made for each license desired under this subsection, but two or more licenses (not exceeding nine) may be included in one application, and the court may grant the application wholly or in part; provided that no license which is to be exercised at any time more than five weeks from the date of the application shall be granted under this subsection.

(e) [*Deleted by No. 85 of 1963, s. 15 (c).*]

(f) References to the court in this subsection extend to the chairman or clerk or any member of the court who has authority under this Act to deal with the application.

44. (1) 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.

Occasional license.  
S. 41 of No. 32 of 1911, re-numbered s. 44 in 1923 reprint.  
Amended by No. 59 of 1951, s. 3; No. 73 of 1960, s. 8; No. 53 of 1961, s. 2; No. 60 of 1964, s. 2; No. 110 of 1965, s. 7.

Provided that no liquor shall by virtue of an occasional license except an occasional license granted under subsection (2) of this section, be sold or consumed at any public bar on the licensed premises of a holder of a publican's general license, or an Australian wine, beer and spirits license, or a wayside-house license.

(2) On the application of the holder of a publican's general license, an Australian wine, beer and spirits license, an Australian wine license, a wayside-house license, a packet license, a canteen license, or a restaurant license, and on payment by him of the fee payable under section seventy-five of this Act, an occasional license may be granted exempting the

licensee from the provisions of this Act relating to the closing on Anzac Day (the twenty-fifth day of April) of the premises the subject of his license—

- (a) between the hours of one o'clock in the afternoon and ten o'clock in the evening where the license is other than a restaurant license; and
- (b) between the hour of six o'clock in the evening and the hour of half past twelve o'clock in the morning of the next day, notwithstanding that that next day is a Sunday, where the license is a restaurant license, in which case the occasional license shall also permit liquor to be consumed but not served within thirty minutes after that hour of half past twelve o'clock.

(3) Notwithstanding anything in subsection (2) of this section, no occasional license shall be granted in respect of an Anzac Day which is a Sunday.

(4) An occasional license shall not authorise the holder of a restaurant license granted in respect of premises other than premises the subject of a publican's general license to sell or dispose of liquor on Good Friday, Christmas Day or any Sunday.

**Airport  
license.**

S. 44A added  
by No. 55 of  
1955, s. 3.

Amended by  
No. 85 of  
1963, s. 16.

**44A.** (1) An airport license may be granted in respect of premises that are situate at any airport in the State as the Governor may from time to time, on the recommendation of the Licensing Court, by proclamation declare as one to which this subsection applies.

(2) A proclamation made under subsection (1) of this section may, on the recommendation of the Court, be varied or revoked by a subsequent proclamation.

**Granting of  
airport  
license.**

S. 44B added  
by No. 55 of  
1955, s. 3.

**44B.** (1) An airport license may be granted by the Court to a person nominated in writing for that purpose by the Commonwealth Department of Civil Aviation on the application of such person if, in the



opinion of the Court, the granting of the license to the applicant is necessary or desirable for the refreshment, entertainment and convenience of aircraft passengers and other persons utilising the airport.

(2) On an application for an airport license the Court shall have regard to the necessity of the license in view of existing licenses at or within the vicinity of the airport.

44C. (1) An airport license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of any liquor on the licensed premises specified in the license—

Authority of  
airport  
license.  
S. 44C added  
by No. 55 of  
1955, s. 3.  
Amended by  
No. 39 of  
1958, s. 2.

(a) for a period of thirty minutes before the arrival at the airport of any aircraft conveying passengers and for a period not exceeding six hours during the time after its arrival that the aircraft is grounded at the airport, and for a period of thirty minutes before the departure from the airport of any aircraft conveying passengers—

(i) to any passenger who has alighted from or who intends to board the aircraft;

(ii) to any airline official or to any officer of the Commonwealth Department of Civil Aviation; or

(iii) to any person who is in the company of any such passenger, official or officer; or

(b) to any person being served with a meal at the airport in a room set aside for the purpose, if—

(i) the liquor is drunk or consumed with the meal; and

(ii) the meal is served during the hours when liquor is authorised to be sold and disposed of under this section.

(2) Any liquor sold and disposed of under the provisions of paragraph (a) of subsection (1) of this section shall not be sold by the bottle or in a bottle and shall be drunk or consumed in or upon the licensed premises.

(3) (a) The Court may, by order in writing signed by the Chairman,

- (i) impose, in respect of any airport license whether granted before or after the coming into operation of this subsection, conditions as to the manner in which the licensee shall supply, or cause to be supplied, liquor which is required for consumption with a meal; and
- (ii) revoke, or, from time to time, alter, conditions so imposed;
- (iii) if considered necessary for the adequate function of this section grant a wayside-house license in relation to the room referred to in paragraph (b) of subsection (1) of this section.

(b) Conditions imposed, including alterations, if any, made, under paragraph (a) of this subsection, shall, until revoked, be complied with by the licensee, and for the purposes of this Act shall be deemed to be incorporated in, and to form part of, his license.

Cf. s. 236  
post.

(c) Compliance by the licensee, with conditions so imposed and with alterations, if any, so made, exempts the licensee from liability for an offence under section six, and under section seven, of the Illicit Sale of Liquor Act, 1913, in respect of liquor to which the conditions apply.

Cf. No. 36 of  
1913, ss. 6  
and 7.

Districts in  
which can-  
teen licenses  
may be  
granted.

S. 44D added  
by No. 7 of  
1956, s. 3.

Amended by  
No. 42 of  
1956, s. 2; No.  
85 of 1963, s.  
17.

**44D.** (1) A canteen license may be granted in respect of premises which are situate within the licensing districts of East Kimberley, West Kimberley, Broome, Pilbara, Roebourne, Gascoyne, or Murchison; or such other licensing district as the Governor declares and is hereby authorised to declare from time to time, but only on the recommendation of the Court.

Provided that a canteen license shall not be granted in respect of premises which are situate within twenty miles of premises the subject of a publican's general license or a wayside-house license.

(2) A proclamation made under subsection (1) of this section may, on the recommendation of the Court, be varied or revoked by subsequent proclamation.

**44E.** (1) A canteen license may be granted by the Court on the application of a person nominated in writing by a company,

(a) if the company—

- (i) is one which is exploring, prospecting or mining for petroleum, pursuant to the provisions of the Petroleum Act, 1936; or
- (ii) is one which, for the purposes of its business, is operating in an isolated area,

in any of the licensing districts mentioned in or declared under subsection (1) of section forty-four D of this Act;

- (b) if the premises to which the application relates is situate in the licensing district in which the company is so conducting exploration, prospecting or mining for petroleum or is so operating as aforesaid; and
- (c) if, in the opinion of the Court, the granting of the license to the applicant is necessary or desirable.

(2) A canteen license may be granted only in respect of premises situate within an area in which the granting of any other type of license under this Act, for those premises, is in the opinion of the Court, impracticable or undesirable.

Canteen license may be granted to person nominated by a company carrying on operations under Petroleum Act, 1936. S. 44E added by No. 7 of 1956, s. 3. Amended by No. 42 of 1956, s. 3; No. 65 of 1963, s. 18; No. 110 of 1965, s. 8.

(3) A sitting of the Court to hear an application for a canteen license may be held at such time or times as the Chairman may appoint, without any previous notice thereof being published in the *Government Gazette*.

Canteen  
license.  
S. 44F added  
by No. 7 of  
1956, s. 3.  
Amended by  
No. 42 of  
1956, s. 4;  
No. 85 of  
1963, s. 19.

44F. A canteen license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of any liquor by the bottle, can or glass in any quantity on the licensed premises therein specified—

- (a) to persons who are engaged in the work being carried on by or on behalf of a company referred to in subsection (1) of section forty-four E of this Act; or
- (b) to persons who for the purpose of transacting business are temporarily lodging in the vicinity of the site of the licensed premises.

Restaurant  
licenses.  
S. 44G added  
by No. 60 of  
1959, s. 7.  
Amended by  
No. 73 of  
1960, s. 8; No.  
53 of 1961, s.  
3; No. 113 of  
1965, s. 8.<sup>1</sup>

44G. (1) A restaurant license may be granted in respect of—

- (a) any portion of premises which are the subject of a publican's general license; and
- (b) any restaurant which the Court considers is suitable to be the subject of a restaurant license.

(2) In this section, "restaurant" means premises in which meals are regularly supplied on sale to the public for consumption on the premises.

(3) Nothing in this section shall make lawful anything which apart from this section would be a contravention of any of the provisions of this Act or where the restaurant license is granted in respect of portion of premises which are the subject of a publican's general license, make anything unlawful the doing of which is authorised by the publican's general license.

<sup>1</sup> Decimal Currency Act, 1965.

(4) A restaurant license may be granted by the Court on the application of a person who—

- (a) is the holder of the publican's general license in respect of the premises to which the application relates; or
- (b) has the immediate supervision of the conduct of the business of the restaurant in respect of which the application is made.

(5) On the hearing of an application for a restaurant license the Court shall have regard to the suitability of the premises for the purpose of conducting a restaurant license thereon, the facilities for serving meals therein and whether the reasonable requirements of the neighbourhood justify the granting of the license.

(6) (a) A restaurant license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of, on any day except Anzac Day (the twenty-fifth day of April), Good Friday, Christmas Day or any Sunday, any liquor in any quantity on the licensed premises therein specified, for *bona fide* consumption by persons partaking of a meal on the premises and not otherwise, if the liquor—

- (i) is drunk or consumed with the meal in the period during which the liquor is authorised under this paragraph to be served or within thirty minutes immediately following that period; and
- (ii) is served—

- (I) where the premises are the subject of a publican's general license, between the hour of ten o'clock in the evening and the hour of half past twelve o'clock in the morning of the next day, notwithstanding that that next day is Anzac Day, Good Friday, Christmas Day or a Sunday;
- (II) where the premises are other than premises the subject of a publican's general license, between the hour of

noon and the hour of two o'clock in the afternoon of the same day, and also between the hour of six o'clock in the evening of that day and the hour of half past twelve o'clock in the morning of the next day, notwithstanding that that next day is Anzac Day, Good Friday, Christmas Day or a Sunday,

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

(b) For the purposes of this section, "meal" means a meal of at least two courses at which the persons partaking of the meal are seated at a table and one course of the meal consists of fish or meats other than in sandwich form.

(c) Notwithstanding any of the provisions of this Act but subject to compliance with the provisions of this section, it shall not be unlawful for the licensee of premises the subject of a restaurant license to have or keep his licensed premises open for the sale of liquor, or to sell any liquor or permit or suffer any liquor to be drunk or consumed in or upon his licensed premises, or for a person partaking of a meal on those licensed premises to drink or consume liquor with the meal, on Anzac Day (the twenty-fifth day of April), Good Friday, Christmas Day or a Sunday during the hours permitted for those purposes on those days under this subsection.

(7) (a) The Court may on granting or renewing a restaurant license impose such conditions as to the manner in which and under which the licensee shall supply or cause to be supplied liquor that is required for consumption with a meal, as the Court thinks fit.

(b) The Court may from time to time alter any conditions so imposed.

(c) Conditions so imposed including alterations if any made under this subsection, shall until revoked by the Court be complied with by the licensee and for the purposes of this Act shall be deemed to be incorporated in, and to form part of, his license.

(8) No person shall drink or consume any liquor on premises that are the subject of a restaurant license except liquor that has been sold and disposed of under the authority of that license or the publican's general license, if any, which is granted in respect of the premises.

Penalty: One hundred dollars.

44H. (1) Subject to the provisions of subsection (2) of this section, a person is disqualified from holding a restaurant license in respect of premises that are not also the subject of a publican's general license if—

Disqualification from holding restaurant license.  
S. 44H added by No. 80 of 1959, s. 7.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

- (a) he is interested beneficially in any premises licensed or proposed to be licensed under this Act other than premises that are the subject of a restaurant license and not also the subject of a publican's general license;  
or
- (b) he is the holder of a publican's general license.

(2) No person is disqualified under the provisions of this section by reason of being a shareholder or member of any incorporated company consisting of more than twenty persons that is interested beneficially in any such premises.

(3) The holder of a restaurant license shall not operate or hold out the premises that are the subject of the license, as a club or as being a club.

(4) A person who—

- (a) when so disqualified continues to exercise his license; or

<sup>1</sup> Decimal Currency Act, 1965.

(b) contravenes subsection (3) of this section, commits an offence against this Act.

Penalty: Two hundred dollars.

Charges to be exhibited at each table. S. 44I added by No. 60 of 1959, s. 7. Amended by No. 85 of 1963, s. 20; No. 113 of 1965, s. 8<sup>1</sup>.

44I. (1) The holder of a restaurant license shall cause to be exhibited at each table provided for the use of customers in the licensed premises to which the license relates, a printed list showing the charges made for meals and the various types of liquor supplied therein.

(2) A holder of a restaurant license who fails to comply with any of the provisions of this section is guilty of an offence.

Penalty: Forty dollars.

Duration of license. S. 43 of No. 32 of 1911, renumbered s. 43 in 1923 reprint. Amended by No. 39 of 1922, s. 10; No. 60 of 1959, s. 8; No. 53 of 1961, s. 4; No. 110 of 1965, s. 9.

45. (1) Every license (except a temporary or occasional license) shall, subject to the provisions of this Act, remain in force—

- (a) where the premises the subject of the license are situated north of the twenty-sixth parallel of south latitude, until the thirtieth day of June; and
- (b) where the premises the subject of the license are not so situated, until the thirty-first day of December,

next following the date on which it is granted but, any license other than a temporary or occasional 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 and shall, subject to the provisions of this Act, remain in force until the day so specified.

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

<sup>1</sup> Decimal Currency Act, 1965.



(3) All licenses renewed at the quarterly sitting of the Licensing Court held in May or any adjournment thereof shall, unless otherwise specified, take effect as from and inclusive of the first day of July next following.

*Division 2.—Exemptions.*

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

- (a) sells on the premises of such person wine in quantities not less than two gallons at any one time, the produce of fruit of his own growing within the State; or
- (b) being the occupier of a vineyard of not less than five acres of vines in full bearing, sells on such vineyard, in quantities of not less than one reputed quart bottle at any one time, wine manufactured by such person or sells spirit in bond to another occupier of a vineyard; or
- (c) being the occupier of an orchard of not less than five acres, sells on such orchard, in quantities of not less than one reputed quart bottle at any one time, cider or perry manufactured by such person:

*Exemptions.*  
S. 44 of No. 32 of 1911, re-numbered s. 46 in 1923 reprint.  
*Amended by*  
No. 46 of 1911, s. 3; No. 39 of 1922, s. 19; No. 23 of 1929, s. 3;  
No. 43 of 1946, s. 2;  
No. 46 of 1958, s. 6; No. 53 of 1961, s. 5; No. 85 of 1963, s. 21.

Provided that such wine—

- (i) is not consumed or intended to be consumed on the premises where the same is sold; and
- (ii) is neither sold nor delivered to any person to whom it is by this Act made unlawful to sell or supply liquor; and
- (iii) is not sold or delivered during any day or time during which the sale of liquor is prohibited.

(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 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
- (c) sells or supplies liquor in any military canteen established under the regulations of His Majesty's service; or
- (ca) sells or supplies liquor in a Police Force Canteen established in the City of Perth and conducted in accordance with regulations made under section nine of the Police Act, 1892, for the use of Members of the Police Force of Western Australia, accredited members or officials of other Police Forces, and such visitors as may be approved by the Commissioner of Police from time to time; 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; or
- (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 provision of the Auctioneers Amendment Act, 1881.<sup>1</sup>

(3) The exercise by the Commissioner of Railways of the powers conferred by section sixty-four of the Government Railways Act, 1904, shall in any case where the licensee is not an officer employed by the Commissioner, be subject to the sanction of the Licensing Court, and to such conditions as the Court may think fit to impose, and the Court may withdraw its sanction on proof to its satisfaction that the conditions have not been observed or performed.

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<sup>1</sup> See now Auctioneers Act, 1921.

Notwithstanding anything in this Act contained, the Commissioner of Railways may, from time to time, grant to an officer employed by him a license for the sale of liquor in any railway refreshment room for the period of one year from the date of the license, upon such terms and conditions, and subject to such restrictions, as shall be prescribed in by-laws to be made under and in accordance with the Government Railways Act, 1904, and may at any time cancel any license issued under this subsection. The person so licensed may, during the currency of the license, sell liquor in such railway refreshment room, and shall for that purpose have and be entitled to the same rights and privileges and be subjected to the obligations and conditions which the Licensing Act imposes on the holder of a railway refreshment room license:

Power to Commissioner of Railways to grant licenses in certain circumstances.

Provided always—

- (a) such liquor shall be sold only within the period commencing one hour before the arrival and terminating one hour after the departure of any passenger train or railway omnibus at or from such station between the hours of ten in the morning and ten at night in any part of the State except the Goldfields district, and between the hours of nine in the morning and eleven at night in the Goldfields district; and
- (b) during any time when other licensed premises are required under this Act to be closed, liquor shall only be sold or supplied to passengers who have travelled or about to travel on the railway or in the railway omnibus a distance of not less than twenty miles to or from the station at which the railway refreshment room is situated; and
- (c) notwithstanding the provisions of paragraphs (a) and (b) of this proviso, such liquor shall not be sold or supplied on Good Friday, or before the hour of one o'clock in the afternoon on Anzac Day (the twenty-fifth day of April).

(4) In this section, the terms "Goldfields district" and "railway omnibus" have the same respective meanings as those terms have in section thirty-six of this Act.

*Division 3.—New Licenses.*

New licenses.  
S. 45 of No.  
32 of 1911.

Repealed and  
re-enacted  
by No. 39 of  
of 1922, s. 20.

Amended by  
No. 49 of  
1951, s. 5; No.  
55 of 1955, s.  
4; No. 7 of  
1956, s. 4; No.  
60 of 1959, s.  
9; No. 85 of  
1963, s. 22.

47. (1) Every application for a license for premises not licensed at the commencement of this Act shall be granted or refused in the absolute discretion of the Court.

(2) Subject to subsection (4) of this section, the Court may grant a new license within any district if the Court is satisfied that—

- (a) the population in the area referred to in subsection (3) of this section is in the opinion of the Court sufficient to warrant the granting of the license and likely to be permanent;
- (b) there are insufficient licensed premises within that area to meet public requirements, or there are no licensed premises within that area; and
- (c) at least one month prior to the hearing of the application for the license, a copy of the application has been published in the *Gazette* and in a newspaper circulating in the district.

(3) The area defined in an application for a license under subsection (2) of this section—

- (a) shall be the area comprised within a circle having a radius of 40 chains from the site of the proposed licensed premises, if the new license is required for premises within the metropolitan licensing district; or
- (b) shall be subject to the approval of the Court, if the new license is required for premises not situated within the metropolitan licensing district.

(4) Before an application for a license under subsection (2) of this section may be granted, the Court shall fix, and the applicant for the license shall pay to the Consolidated Revenue Fund, a premium for the license or for the provisional certificate in respect of the premises the subject of the application.

(4a) Notwithstanding the provisions of this section, the Court may grant, without requiring payment of a premium for the license—

- (a) a brewer's license or a spirit merchant's license to the holder of a two-gallon license in lieu of such license;
- (b) a railway refreshment room license in lieu of a license under section sixty-four of the Government Railways Act, 1904;
- (c) a billiard table license, if the premises for which that license is granted are not licensed for the sale of liquor, a packet license, a temporary license, or an eating-house, boarding-house or lodging-house license, or a canteen license.

(5) [*Repealed by No. 49 of 1951, s. 5.*]

(6) [*Repealed by No. 49 of 1951, s. 5.*]

(7) If a new license is considered necessary in any district where a delicensed house exists, the Court may, without calling for tenders, fix a premium to be paid by the owner of such premises for the granting of such license; and the licensing magistrates may fix a premium for the conversion of a limited hotel or a wayside-house license into a publican's general license.

(8) The provisions of subsection (2) of this section shall not apply to an application for an airport license or to an application for a canteen or restaurant license.

Power of  
Court to  
issue new  
license.  
S. 47A added  
by No. 60 of  
1959, s. 10.

47A. (1) Notwithstanding the provisions of section forty-seven of this Act, where the Court is of opinion that there are insufficient premises the subject of a publican's general license within any particular area to meet public requirements, the Court may, subject to the provisions of this section, issue a provisional certificate for a new publican's general license.

(2) (a) Before issuing the certificate the Court shall hear and consider evidence as to—

- (i) whether additional hotel accommodation and requirements are necessary to be provided in the particular area;
- (ii) whether the accommodation and requirements could be provided at existing premises the subject of publican's general licenses;
- (iii) whether the owners or licensees of the existing premises the subject of publican's general licenses shall first be required to provide such additional accommodation and services having regard to the previous conduct and management of those licensed premises; and
- (iv) any objections made in accordance with the regulations.

(b) Objections may be made to the granting of the provisional certificate in accordance with the regulations.

(3) (a) Where the Court authorises the issue of a provisional certificate under the provisions of this section, the certificate shall be offered for sale by public tender.

(b) Before calling for public tenders the Court shall determine the accommodation and requirements or the additional accommodation and requirements which it deems necessary at the locality in which it proposes to issue a new license.

(c) The Court shall prepare particulars of the accommodation and requirements or the additional accommodation and requirements upon which the tenders shall be determined.

(d) The tenderer shall tender in terms of the Court's particulars and submit a plan showing the proposed building or alterations to a building already erected, with a full description of the accommodation, services and other features proposed, together with an estimate of the cost involved.

(e) The tender shall state the names of all persons directly or indirectly interested in the tender for the provisional certificate or in the subsequent license for which the certificate is issued.

(f) When the tender is accepted and the price specified in the tender paid, the tenderer shall be entitled to the provisional certificate.

(g) Upon the completion of the buildings or alterations, as the case may be, in accordance with the plan as submitted and approved by the Court and on proof of the performance of such conditions, if any, as are imposed by the certificate, the tenderer or his nominee shall subject to the provisions of this Act be entitled to the license for which the provisional certificate was granted.

(4) In the exercise of its powers under this section, the Court is subject to such regulations as the Governor may deem necessary or expedient to make under section two hundred and forty-nine of this Act for and with respect to provisional certificates and licenses to be issued under this section.

*Division 4.—Applications.*

48. (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

Mode of  
applying for  
licenses.  
S. 46 of No. 32  
of 1811, re-  
numbered s.  
48 in 1923  
reprint.  
Amended by  
No. 85 of  
1963, s. 23;  
No. 110 of  
1965, s. 10.

3rd Schedule.

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, and in addition, if the premises sought to be licensed are situated outside the metropolitan licensing district, a copy of such notice to the clerk of the Licensing Court at Perth.

(2) Where the application for the license is in respect of premises concerning which a provisional certificate has been granted, the applicant shall also publish a copy of the notice in a newspaper circulating in the district wherein the premises are situated, at least seven days before he applies for the license.

(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.



- (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.

49. (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.

S. 48 of No. 32 of 1911, re-numbered s. 49 in 1923 re-print.

Amended by No. 39 of 1922, s. 22; No. 60 of 1959, s. 11; No. 85 of 1963, s. 24.

(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.

(3) Every applicant for a license or the transfer of a license shall with his application deliver to the clerk of the Licensing Court testimonials, and the Court may call and receive evidence as to the character and suitability for the particular premises of the applicant as a licensee or the proposed transferee, as the case may be, and it shall be the duty of an inspector of licensed premises to make a searching investigation as to such applicant's or proposed transferee's character and suitability, and as to the genuineness and value of such testimonials, and to report in writing thereon to the Court, and the Court in dealing with every such application shall take into consideration such testimonials and report and evidence. The written report abovementioned shall be open to inspection by the applicant not less than forty-eight hours prior to the hearing of the application.

(3a) Without prejudice to the operation of section fifty-seven of this Act, where the application relates to a publican's general license or wayside-house license, or for the transfer of such a license, or to a limited hotel license, before the application

is granted the applicant shall satisfy the Court that he has such knowledge of the provisions of this Act as in the opinion of the Court will make him a suitable licensee for the premises in respect of which the license or transfer of license is sought.

(4) (a) The Court may in its absolute discretion refuse an application for a transfer of a license.

(b) Where an application is refused, the Chairman shall pronounce the decision in open court but the Court is not required to state the reasons for the decision.

Certain  
licensed  
houses to  
possess ac-  
commodation  
for travellers  
and guests.  
S. 49 of No. 32  
of 1911, re-  
numbered s.  
50 in 1923  
reprint.  
Amended by  
No. 39 of  
1922, s. 23;  
No. 60 of  
1959, s. 12;  
No. 85 of  
1963, s. 25.

50. (1) Every house for which—

(a) a publican's general license;

(b) a limited hotel license;

(c) a wayside-house license; or

(d) an Australian wine, beer and spirits 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 such number of garages and parking space to accommodate motor vehicles as the Court deems expedient in the circumstances, and with such further accommodation as the Licensing Court deems expedient in any other respect.

Provided however that in any case where after the granting or renewal of the license and before it becomes due for renewal circumstances occur that in the opinion of the Licensing Court are likely to continue to such an extent as to require the prompt provision on the licensed premises of further accommodation, the Court may by notice in writing to the licensee require him to show cause to the

Court, at a time and place appointed by the Chairman and specified in the notice, why he should not provide such further accommodation; and upon the licensee failing to show such cause the Court may, if it is satisfied that the provision of further accommodation is required, order the licensee to provide such further accommodation as it may determine to be necessary within a time to be fixed by the order.

(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.

(2a) On and after the coming into operation of the Licensing Act Amendment Act, 1959, in respect of every house for which a publican's general license is granted or renewed, the Court may

notwithstanding the provisions of subsection (1) of this section, having regard to the relevant conditions and circumstances of the district and the public convenience of the locality where the premises are situated,

grant or renew a license as the case may be,

notwithstanding that the premises in respect of which the license or renewal is sought does not comply with the provisions of the subsection,

if in the opinion of the Court the accommodation then provided by the premises or which will be provided when any conditions as to further accommodation inserted by the Court under the provisions of subsection (2) of this section are complied with, is in the circumstances adequate.

(2b) For the purposes of this section and section fifty-one of this Act, "further accommodation" includes the provision of sitting rooms, bed rooms, suitable furniture, furnishings, fly-proof screens for doors and windows, and facilities for the consumption of liquor at tables or lounges, gardens, under awnings or in the open air, the provision of a bottle department, the provision and installation of suitable refrigeration and glass washers, the provision of bath facilities whether attached to bed rooms or not,

the erection of garages for the accommodation of motor vehicles, the installation of a hot and cold water storage system and bedside lights, the provision of additional closets, privies and other sanitary necessities and the provision, repair or restoration of fences or verandahs.

(3) If any such licensed house is not provided with, or 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.

Accommodation required for licensed premises.

S. 49A added by No. 39 of 1922, s. 23, re-numbered s. 51 in 1923 reprint.

Amended by No. 60 of 1959, s. 13; No. 85 of 1963, s. 26.

51. (1) No new publican's general license or limited hotel license shall be granted for any premises within the City of Perth or City of Fremantle—

- (a) unless such house contains not less than twelve bedrooms and two sitting-rooms, besides the rooms occupied by the family and servants of the applicant, together with a suitable complement of bedding and furniture; nor
- (b) unless every room so required for public accommodation is so constructed as freely to admit light and air, and contains at least one thousand two hundred cubic feet, except in the case of a bedroom intended for the accommodation of one person only, which shall contain at least eight hundred and fifty cubic feet; nor
- (c) unless such house is substantially constructed of durable materials and the rooms are furnished and divided by partitions of stone, brick, or plaster, or, in the case of rooms other than bedrooms, wholly or partly of glass, wood, or other material of which the Licensing Court approves; nor
- (d) unless such house is provided with at least one bath and one closet for every ten lodgers the house can accommodate, placed

in suitable places for males and females separately, and also urinal conveniences on the premises for the use of the public frequenting the house; nor

- (e) unless such house provides hot and cold running water in every bedroom.

(2) No new publican's general license or limited hotel license shall be granted for any premises elsewhere than in the City of Perth or City of Fremantle—

- (a) unless such house contains not less than six bedrooms and two sitting-rooms besides the rooms occupied by the family and servants of the applicant, together with a suitable complement of bedding and furniture; nor
- (b) unless such house is provided with sufficient bath, closet, and urinal accommodation; nor
- (c) unless hot and cold running water is supplied in bathrooms and, where the Court deems it practicable, in bedrooms.

(3) [*Repealed by No. 60 of 1959, s. 13.*]

(3a) On and after the coming into operation of the Licensing Act Amendment Act, 1959, notwithstanding the provisions of subsections (1) and (2) of this section, a new publican's general license may be granted for any premises within or without the City of Perth or City of Fremantle, whether or not the premises provide the accommodation required by those provisions, where the Court,

having regard to the relevant conditions and circumstances of the district and the public convenience of the locality where the premises in respect of which the license is sought are situated,

is of opinion that the accommodation provided or proposed to be provided in or by the premises is in the circumstances adequate.

(4) 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; and may require—

- (a) the licensed premises to be fitted with an approved system of sewerage treatment;
- (b) all places used for the storage, preparation, serving, and consumption of food to be fitted with flyproof screens; and
- (c) each bedroom to be supplied and fitted with a Yale lock, or a lock of a similar type.

(5) If any such licensed house is not provided with or shall cease to be provided with the accommodation required by or under 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.

Renovations and additions to premises subject of publican's general license.  
S. 51A added by No. 60 of 1959, s. 14.  
Amended by No. 85 of 1963, s. 27; No. 110 of 1965, s. 11; No. 113 of 1965, s. 8<sup>1</sup>.

51A. (1) (a) Upon proof that public convenience requires additional accommodation in, or the renovation, structural alteration or rebuilding of the whole or any part of, the premises in respect of which a publican's general license, a limited hotel license, or a wayside-house license is held, the Licensing Court may order the owner of the premises to carry out, within a reasonable time to be set out in the order, the work specified therein.

(b) Not less than thirty day's notice of intention to make application for an order under this subsection shall be given to the owner and to the occupier of the premises, and to the Clerk of the Licensing Court for the district wherein the premises are situated.

(c) The notice shall set out reasonable particulars of the work which it is proposed to ask the Court to order to be done.

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<sup>1</sup> Decimal Currency Act, 1965.

(2) Where an order has been made under subsection (1) of this section—

- (a) if an owner has carried out the work and he is not the occupier of the premises, the occupier shall, during the remainder of his tenancy, pay to the owner, by way of increase in the rent, an amount at the rate of eight per centum per annum on the total amount expended by the owner in carrying out the work;
- (b) if the work is not completed by the owner within the time specified in the order, the Court may if it thinks fit, upon application made by the owner for the purpose, extend the period.

(3) If the owner fails to carry out the work within the time allowed by the Court, the occupier may at any time thereafter make application to the Court for an authority to carry out the work, and the provisions of subsection (6) of this section apply accordingly.

(4) Upon proof to the satisfaction of the Court that—

- (a) an owner has failed to comply with an order within the time allowed by the Court, and that no authority has been granted to the occupier under the provisions of subsection (3) of this section to carry out the work; or
- (b) an occupier has failed to carry out the work within the period specified in such an authority;

the Court may suspend the license for such period as it thinks fit or may cancel the license or in addition to or substitution for such suspension or cancellation may impose on the owner or occupier, as the case may be, a daily penalty not exceeding twenty dollars for every day during which the order or authority has not been complied with.

(5) (a) Where the Court so suspends a license or imposes a fine, it may further extend the time specified in an order made under subsection (1) of this

section within which the work specified therein is to be carried out and thereupon the owner shall carry out the work within the extended time.

(b) Upon proof to the satisfaction of the Court that the owner has failed to carry out the work within the extended time, the Court may further suspend the license for such period as it thinks fit, or may cancel the license, or in addition to or substitution for the suspension or cancellation may impose on the owner a daily penalty not exceeding forty dollars for every day during which the work has not been carried out.

(c) The Court may on application being made by the owner or occupier or inspector of licensed premises, subject to such conditions as it considers fit, at any time and from time to time revoke or vary any order made under subsection (1) of this section.

(6) (a) Where the occupier of the premises is not the owner thereof, and is not under covenant or agreement with the owner or his lessor, where his lessor is not the owner, to do any work which the Court may order under this section, the owner shall, except as provided in this subsection, pay to the occupier any money expended by him pursuant to subsection (3) of this section in carrying out the work, and in default the occupier is, in addition to any other remedy available to him, entitled to retain possession of the premises at the same rental he was paying at the time the expenditure was incurred until the rental accruing is sufficient to repay him the money so expended and to retain the rent.

(b) The authority of this Act is an answer to any action by the owner or lessor, as the case may be, for the recovery of the rent so retained.

(c) The occupier shall pay to the owner or to his lessor, as the case may be, during the remainder of his tenancy by way of increase in the rent an amount at the rate of six per centum per annum on the total amount so expended by the occupier, and



the lessor shall in like manner pay an equivalent amount to his lessor and so on until the lessor to whom the rent is payable is not himself a lessee of another person.

(d) Where the occupier is not the immediate lessee from the owner, the lessor of the occupier is entitled to recover from his lessor in any court of competent jurisdiction, or to deduct from any rental payable by him to his lessor any sum deducted from rental payable to him by the occupier or paid to the occupier or recovered from him by the occupier in respect of money so expended, and the last-mentioned lessor may in like manner deduct from any rent payable by him or may so recover a sum equal to the amount so deducted, paid or recovered, and so on until the lessor to whom the rent is payable is not himself a lessee of another person.

(e) In the absence of any covenant or agreement to the contrary, the provisions of this subsection do not apply where the lease of the premises given by the owner is for a period exceeding ten years.

(7) Where an order is made under subsection (1) of this section, the owner of the premises to which the order relates may authorise his architect and contractor, together with such of their employees as may be necessary, to enter upon the licensed premises for purposes of or connected with the carrying out of the order, and the architect, contractor and employees may enter accordingly and do and perform all such acts, matters and things as may be necessary or convenient for the purpose.

(8) (a) Where notice of intention to make application under paragraph (b) of subsection (1) of this section is given by a person other than an inspector of licensed premises, the notice shall be accompanied by a statement by the person giving the notice verified by statutory declaration setting out the names of all persons directly or indirectly interested in the application.

(b) Where a body corporate is so interested and the body corporate is a proprietary company, the statement shall set out the names of the directors and principal shareholders thereof.

(9) (a) The amount of any fine imposed by the Court under this section may be recovered in any court of competent jurisdiction as a debt due to the Crown by the owner or occupier on whom the fine is imposed.

(b) An application may be made under paragraph (b) of subsection (1) of this section—

- (i) by an inspector of licensed premises; or
- (ii) by any person authorised in writing in that behalf by the Chairman of the Western Australian Tourist Development Authority constituted under the Tourist Act, 1959; or
- (iii) by any resident of the licensing district wherein the premises the subject of the application are situated.

(c) On the hearing of the application the Court may award such costs against any party thereto as the Court thinks fit, which costs may be recovered in any court of competent jurisdiction by the party in whose favour they are awarded as a debt due to him by the party against whom the costs are so awarded.

Power of  
Treasurer to  
guarantee  
cost of adap-  
tations and  
renovations.  
S. 51B added  
by No. 60 of  
1959, s. 14.  
Amended by  
No. 113 of  
1964, s. 8.<sup>1</sup>

**51B.** (1) Where under the provisions of section fifty or fifty-one of this Act the Court inserts conditions as to further accommodation in a certificate issued by it in respect of premises the subject of a publican's general license, or where the Court makes an order under the provisions of section fifty-one A of this Act, if the owner or occupier of the premises satisfies the Court that he is unable to provide or borrow sufficient money to pay for the estimated cost of the work required to be done under the conditions or the order, the Court may give a certificate in writing to that effect to the Treasurer.

<sup>1</sup> Decimal Currency Act, 1965.

(2) On receipt of the certificate, the Treasurer may, and is hereby authorised so to do, render financial assistance to the owner or occupier as the case may be, by guaranteeing under and in accordance with the provisions of the Industry (Advances) Act, 1947, any advance to be made by any person to the owner or occupier for the purpose.

(3) The total amount of the contingent liability of the Treasurer for any advances guaranteed by him under this section shall not at any one time exceed the sum of five hundred thousand dollars.

51C. (1) In this section and in sections fifty-one D and fifty-one E of this Act—

Court may determine standards of service and system of grading hotels.

Added by No. 96 of 1965, s. 2.

“hotel” means licensed premises that are the subject of a publican’s general license, a limited hotel license, or a wayside-house license under this Act;

“Tourist Authority” means the Western Australian Tourist Development Authority constituted under the Tourist Act, 1959.

(2) In addition to all other powers and authorities conferred upon it under this Act, the Licensing Court may, subject to this Act—

- (a) determine a minimum standard of service, in relation to the management, accommodation, structure, equipment, furnishings, cuisine and amenities, to be provided and maintained with respect to hotels for the comfort and convenience of members of the public from time to time accommodated therein; and
- (b) determine a system of grading hotels into different classes according to the standard of service provided and maintained, and the parts of the State in which they are located, and grade hotels into such different classes as in the opinion of the Court are applicable.

(3) Subject to section fifty-one D of this Act the Licensing Court may of its own volition or on the application of the licensee amend any determination or grading under this section or make a fresh determination or grading in lieu thereof.

Court to  
refer system  
of grading  
to Tourist  
Authority.  
Added by No.  
96 of 1965,  
s. 3.

**51D.** (1) Whenever the Licensing Court proposes to determine a system of grading, or to amend any system of grading, under section fifty-one C of this Act, the Court shall refer the proposal to the Tourist Authority, and that Authority shall consider the proposal and make and submit to the Court its recommendations in relation thereto.

(2) Upon receipt of the recommendations of the Tourist Authority the Licensing Court may determine a system of grading of hotels in accordance with the provisions of section fifty-one C of this Act, or as the case may be, amend the system of such grading, and in making its determination or amendment shall have regard to the recommendations submitted by the Tourist Authority.

(3) Where the Licensing Court proposes to grade any hotel in pursuance of the system of grading determined under this section, the Court shall give notice in writing of the proposal to the owner and the licensee of that hotel and specify in that notice a time, being not less than fourteen days, within which the owner or the licensee may submit in writing to the Court any representations or objections that the owner or the licensee considers relevant in relation to the proposed grading of that hotel.

(4) Upon the expiration of the time specified in the notice referred to in subsection (3) of this section, the Licensing Court shall consider all relevant representations and objections (if any) submitted by the owner or the licensee and may thereupon grade the hotel in accordance with the

system of grading as the Court may determine to be appropriate with respect to that hotel, and the decision of the Court shall be final and conclusive.

(5) The Licensing Court shall send notice in writing of its decision to the owner and the licensee of the hotel in respect of which a determination is made under subsection (4) of this section, and shall cause to be published in the *Government Gazette* from time to time a list of the hotels graded pursuant to this section and the respective classes in which they are so graded.

51E. (1) Where the owner or licensee of an hotel desires or is ordered by the Licensing Court to effect improvements (including furniture, furnishings and equipment) in the accommodation provided and maintained in respect of that hotel, and is unable to provide or borrow sufficient money to pay for the estimated cost of those improvements, he may apply to the Licensing Court for a certificate under this section.

Certificate  
for financial  
assistance  
for improve-  
ments.  
Added by No.  
96 of 1965,  
s. 4.

(2) On receiving an application under this section the Licensing Court if satisfied that—

- (a) the improvements desired or required to be effected are those necessary to provide and maintain the standard of service applicable in respect of the class in which the hotel is graded under section fifty-one D of this Act, or any higher class, or if the hotel is not so graded, to provide and maintain a standard of service that will qualify that hotel to be so graded; and
- (b) the applicant is unable to provide or borrow sufficient money to pay for the estimated cost of those improvements desired or required to be done,

may give a certificate in writing to that effect to the Tourist Authority for the purpose of enabling financial assistance to be rendered under the Tourist Act, 1959.

Temporary  
licenses.  
S. 50 of No.  
32 of 1911,  
renumbered  
s. 52 in 1923  
reprint.  
Amended by  
No. 39 of  
1922, s. 24;  
No. 85 of  
1963, s. 28;  
No. 110 of  
1965, s. 12.

52. (1) Temporary and occasional licenses may be granted at any time by the chairman or any member of the Licensing Court, or by the clerk of the Court if the application is not opposed, of the district wherein the license is to be exercised, and subject to such conditions as may be deemed fit.

(2) Subject to subsection (3) of this section, every applicant for a temporary or occasional license shall give notice in writing to the officer in charge of the police station nearest to the place where the license is to be exercised of his intention to apply for such license—

- (a) at least seven days before so applying if the application is for a temporary license under subsection (3) or subsection (4) of section forty-three of this Act; and
- (b) at least forty-eight hours before so applying if the application is for an occasional license or for a temporary license other than one referred to in paragraph (a) of this subsection.

(3) Except where the application is made in respect of an agricultural show, race-meeting, trotting-meeting, or function to be held and conducted by or under the auspices of the Naval, Military or Air Forces of the Commonwealth, every applicant who on or after the first day of February, one thousand nine hundred and sixty-six applies for a temporary license under subsection (1) or subsection (3) of section forty-three of this Act, in addition to complying with the requirements of subsection (2) of this section, shall at least seven days before the hearing of the application—

- (a) publish in a newspaper circulating in the district where the license is to be exercised notice in writing of his intention to apply for the license; and
- (b) cause a copy of that notice to be affixed to the notice board of a Court House or police station or the outer door of the police station situated nearest to the place where the license is to be exercised.

(4) A notice referred to in subsection (3) of this section shall specify therein particulars of the date, time and place of the hearing of the application, and shall contain a statement that objections to the granting of the temporary license may be made by any resident of the district in which the license is to be exercised, or any police officer stationed in that district, or any inspector of licensed premises.

53. [*Repealed by No. 110 of 1965, s. 13.*]

*Division 5.—Renewal of Licenses.*

54. (1) Except as hereinafter provided, 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:

Renewal of existing licenses.  
S. 52 of No. 32 of 1911, re-numbered s. 54 in 1923 reprint.  
Amended by No. 46 of 1911, s. 4; No. 58 of 1955, s. 3; No. 60 of 1959, s. 15.

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 be in the absolute discretion of the Court.

Renewal of new licenses.

(2) Notwithstanding anything in this Act contained to the contrary, if on an application for the renewal of a wayside-house license the Court is of opinion that for any reason the Court thinks fit, such renewal should be refused, the Court may, without requiring the applicant to make any further or other application, grant to the applicant a

certificate for a publican's general license for the same house in lieu of a certificate for the renewal of the wayside-house license, and a publican's general license may be granted to the applicant accordingly and the Court may allow, and from time to time extend, such period as they think fit, for the provision of accommodation necessary in respect of the publican's general license.

(3) Notwithstanding anything contained in this Act, where under subsection (2) of this section prior to the amendment of that subsection by the Licensing Act Amendment Act (No. 4), 1955, a certificate for a publican's general license has been granted in lieu of a certificate for the renewal of a wayside-house license for a house, the Court, having regard to the relevant conditions and circumstances of the district, may when considering the renewal of the license for the house on application being made at the hearing by the holder of the license grant to the applicant a certificate of renewal for the house as a wayside-house license in lieu of the publican's general license.

No compensation on non-renewal of license.  
S. 53 of No. 32 of 1911, re-numbered s. 55 in 1923 reprint.

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

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

Transfer of licenses.  
S. 54 of No. 32 of 1911, re-numbered s. 56 in 1923 reprint.  
Amended by No. 60 of 1959, s. 16; No. 96 of 1965, s. 5.  
5th and 6th Schedules.

56. (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 subject to the provisions of subsection (3a) of section forty-nine of this Act 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.

(4) Where the application made under subsection (1) of this section is to transfer a license in respect of a hotel within the meaning of section fifty-one C of this Act that has been graded pursuant to section fifty-one D of this Act, the Licensing Court may in its discretion refuse to grant the transfer unless it is satisfied that the proposed transferee possesses suitable qualifications and sufficient experience to render him capable of satisfactorily conducting and managing a hotel graded in the same class as that in respect of which the transfer of the license is sought.

57. (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;

“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.

Interpretation.

S. 55 of No. 32 of 1911, re-numbered s. 57 in 1923 reprint.

Amended by No. 39 of 1922, s. 25; No. 85 of 1963, s. 29.

Transmission  
of licenses.

(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, 1903-1920,<sup>1</sup> 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 and 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.

Right of  
entry by  
successor.

(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.

<sup>1</sup> Repealed by Mental Health Act, 1962.

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

- (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;
- (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 on entry on the premises being lawfully made by the owner thereof, 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, voidance 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: Continuation 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.

Entry by  
mortgagee.

(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, limited hotel, or Australian wine, beer and spirits 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, or in default of entry by a successor within the time therein limited.

Lessor may  
determine  
lease and  
enter.

(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, limited hotel, or Australian wine, beer and spirits license, to a licensee or intended licensee thereof, that, on the happening of any event mentioned in subsection four, or in default of entry by a successor within the time therein limited, the lessor may terminate the lease and thereupon re-enter and take possession of the premises.

Entry by  
owner under  
power.

(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.

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 or 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.

(10) (a) A successor, owner, or agent shall, after entry, be the licensee, but must within twenty-eight days after entry obtain from the chairman or two members of the Court a confirmation in the form in the Seventh Schedule.

Confirma-  
tion.  
7th 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.

(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.

Extension of  
term of  
license.

**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.

**Approval by court of successor or owner or his agent.**

(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.

**In certain cases license of female to vest in husband on her marriage.**  
S. 56 of No. 32 of 1911, renumbered s. 58 in 1923 reprint.  
**Amended by**  
No. 49 of 1951, s. 6;  
No. 60 of 1959, s. 17; No. 110 of 1965, s. 14.

58. (1) In case of the marriage of any woman being the holder of a publican's general license or of a wayside-house license, a limited hotel license, 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:

Provided that at any sitting of the Licensing Court occurring not less than fourteen days nor more than two months 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) Subject to the provisions of subsection (3a) of section forty-nine of this Act, 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.*

59. (1) Subject to the provisions of subsection (8) of this section, a licensee who desires to remove his license from his licensed premises to any other premises shall give and publish notice in the form in the Eighth Schedule to this Act of his intended application in the same manner as notice is required to be given and published of an application for a license, except where such other premises have not been erected, in which case paragraph (a) of subsection (1) of section forty-eight of this Act shall not apply.

Removal of  
licenses.  
S. 57 of No. 32  
of 1911, re-  
numbered s.  
59 in 1923  
reprint.  
Amended by  
No. 46 of  
1911, s. 5; No.  
39 of 1922, s.  
26; No. 7 of  
1956, s. 5; No.  
42 of 1956,  
s. 5; No. 85 of  
1963, s. 30;  
No. 110 of  
1965, s. 15.  
8th Schedule.

(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.

(5) The Licensing Court may require a premium (to be fixed by the Court) to be paid by the licensee as a condition to the granting of an application for the removal of a license.

(6) 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

9th Schedule.

premises specified in such indorsement, but as to the original premises the said license shall be deemed to be cancelled.

(7) An order of removal of a license from licensed premises to other premises proposed to be erected, or in course of erection, or intended to be added to or altered to make such premises suitable to be licensed under this Act, may be made by the Licensing Court, in its discretion, on such conditions as to the Court may seem fit:

Provided that no such order of removal shall take effect until the Court certifies in writing that such conditions have been performed to its satisfaction.

(8) (a) A canteen license may, subject to notice being given as required by paragraph (b) of this subsection, be removed from a licensing district mentioned in or declared under subsection (1) of section forty-four D of this Act to another such district, or from one part of such a district to another part of the district.

Provided that the premises to which it is sought to remove the license are not situate within twenty miles of premises the subject of a publican's general license or a wayside-house license.

(b) At least three days' notice in the form in the Eighth Schedule shall be given by the licensee to the Court.

Temporary removal in cases of destruction of premises by fire, etc.

S. 58 of No. 32 of 1911, re-numbered s. 60 in 1923 re-print.

Amended by No. 39 of 1922, s. 27; No. 85 of 1963, s. 31.

60. (1) 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 suspend the license of such licensee for such period as it considers necessary, or 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 such period as in the opinion of the Court is necessary for the repairing or rebuilding of the premises.

(2) A sitting of the Licensing Court may be held to deal with applications under this section at such time as the chairman may appoint.

*Division 8.—Provisional Certificates.*

61. (1) Subject to the provisions of section forty-seven of this Act, a person desirous of obtaining a publican's general license, a limited hotel license, a wayside-house license or an Australian wine license for premises previously unlicensed, which premises—

- (a) require alterations or additions thereto; or
- (b) are not erected or completed,

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

(2) (a) The applicant shall, thirty days at least before making the application, deliver in duplicate to the clerk of the Licensing Court, properly drawn plans of the alterations or additions proposed to be effected or of the buildings proposed to be erected on the premises.

(b) The plans deposited under this subsection shall show exactly—

- (i) the site of the premises;
- (ii) the boundaries thereof;
- (iii) the precise locality, number, size and dimensions of all rooms;
- (iv) all other information including specifications necessary to assist the Licensing Court to form a correct estimate of the nature and style of the premises.

Provisional certificates.  
S. 59 of No. 32 of 1911, re-numbered s. 61 in 1923 re-print.  
Repealed and re-enacted by No. 60 of 1959, s. 18.  
Amended by No. 85 of 1963, s. 32; No. 110 of 1965, s. 16.

(c) On so depositing the plans, the applicant shall pay to the clerk the prescribed fee.

10th  
Schedule.

(3) Notice of the application shall be in the form in the 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 an application for a new license, 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 in a conspicuous part of the frontage of the land upon which it is intended to erect the premises.

(4) At the hearing of the application the Licensing Court, after hearing any objections to the application may decide whether a license will be granted for the premises when erected or completed, or, as the case may be, when the alterations or additions are effected thereto, in accordance with the deposited plans to the satisfaction of and within a reasonable time to be then fixed by the Court, and if so, it may grant a provisional certificate subject to any conditions it considers necessary to impose to ensure that the premises will in its opinion be suitable to be licensed, or it may refuse the application.

(5) If any application is refused on the ground—

- (a) that the plans so deposited do not meet with the approval of the Court; or
- (b) that the premises proposed to be altered or added to or proposed to be erected are not, or would not, in its opinion, be suitable to the locality or be suitable to be the subject of the license applied for,

the Court shall upon the request of the applicant or his counsel or agent state in which particular—

- (i) the plans do not meet with its approval; or
- (ii) the buildings or proposed buildings are unsuitable.

(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 Her Majesty, her heirs and successors, in a sum to be fixed by the Court, conditioned to be void in case the premises are duly completed to the satisfaction of the Court within the time specified, or within such extended time as the Court may allow and is hereby authorised to allow where in its opinion circumstances so warrant; otherwise to be in full force and virtue.

(7) (a) The Court may grant a provisional certificate for any period not exceeding twelve months and a certificate shall be in the form of the Eleventh Schedule, the necessary modifications being made.

11th  
Schedule.

(b) The period of duration of a provisional certificate may be extended by the Court for such period or periods not exceeding six months at any one time as the Court may allow upon such terms as the Court may deem fit, and the Court may hear and determine an application by the applicant to amend the plan previously approved by the Court in respect of the premises or to approve an alternative site within the immediate vicinity of the site previously approved on the granting of the certificate.

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

62. (1) On the application of the holder of a provisional certificate, or any other fit and proper person, at any 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.  
S. 60 of No. 32 of 1911, re-numbered s. 62 in 1923 reprint.  
Amended by No. 49 of 1931, s. 2; No. 85 of 1963, s. 33; No. 110 of 1965, s. 17.

(2) The application shall be made in the same manner as provided in the case of applications for licenses under section forty-eight of this Act, and the like procedure shall be observed.

(2a) A sitting of the Licensing Court may be held at such time as the Chairman may appoint to hear applications made under this section.

(3) [*Repealed by No. 85 of 1963, s. 33.*]

### *Division 9.—Objections.*

Objections  
to licenses.  
S. 61 of No. 32  
of 1911, re-  
numbered s.  
63 in 1923 re-  
print.  
Amended by  
No. 85 of  
1963, s. 34.

63. (1) Objections to the granting of any license, or to the renewal, transfer, or removal of any license, or the granting of any provisional certificate, may be made to the Licensing Court, either personally or by his solicitor or agent—

- (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 within which the premises to which the application relates are situated;
- (f) by any person authorised in writing by the Chairman of the Western Australian Tourist Development Authority constituted under the Tourist Act, 1959.

(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 of premises for or with reference to which the particular application is made.

64. (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

Member of a  
Licensing  
Court may  
object.  
S. 62 of No.  
32 of 1911, re-  
numbered s.  
64 in 1923 re-  
print.

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.

(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.

Costs.  
S. 63 of No.  
32 of 1911,  
renumbered  
s. 65 in 1923  
reprint.

65. (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.

(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.*

Disqualifica-  
tions.  
S. 64 of No.  
32 of 1911,  
renumbered  
s. 66 in 1923  
reprint.

66. 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.

67. Subject to the provisions of section fifty-seven, no publican's general license, limited hotel license or wayside-house license shall be granted or transferred to a female, unless she is over thirty years of age and unmarried or 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.  
S. 65 of No. 32 of 1911, re-numbered s. 67 in 1923 reprint.  
Amended by No. 46 of 1911, s. 6; No. 39 of 1922, s. 29; No. 110 of 1965, s. 18.

Provided that nothing in this section shall prevent the Licensing Court from granting or transferring a license to a married woman living apart from her husband by reason of his being an invalid suffering from an illness or disease which precludes him from living on the licensed premises.

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

68. (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—

Certificates.  
S. 66 of No. 32 of 1911, re-numbered s. 68 in 1923 reprint.

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

12th Schedule.

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

13th 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.

69. (1) Except as hereinafter provided, every certificate shall be void, unless the fee payable on the issue of the license is paid to the receiver of revenue before the commencement of the period for which the license is granted or renewed.

Certificate to be void for non-payment of license fee.  
S. 67 of No. 32 of 1911, re-numbered s. 68 in 1923 reprint.

(2) Provided that if, after the granting of such certificate, the fee payable on the issue of the license is not duly paid, it shall be lawful for the owner of

Amended by No. 39 of 1922, s. 30; No. 60 of 1959, s. 19; No. 85 of 1963, s. 35.

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, subject to the provisions of subsection (3a) of section forty-nine of this Act, 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.  
S. 68 of No. 32  
of 1911, re-  
numbered s.  
70 in 1923  
reprint.

70. 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.  
S. 69 of No.  
32 of 1911,  
renumbered  
s. 71 in 1923  
reprint.  
Amended by  
No. 113 of  
1965, s. 81.

14th  
Schedule.

71. (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 the fee of two dollars, 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.

(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.*

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

(2) Subject as hereinafter provided, the fees payable in respect of licenses authorising the sale of liquor shall be assessed at a percentage of the amount paid or payable for all liquor purchased for the licensed premises, or paid or payable by the licensee for liquor sold or supplied as hereinafter prescribed.

Provided that a minimum annual fee shall be payable on the issue of a publican's general license as follows:—

- (a) For any house or premises situated within the municipal district of a municipality that under the Local Governing Act is a city or a town—
  - (i) if the annual value of the house or premises does not exceed one thousand dollars, One hundred dollars;
  - (ii) if the annual value of the house or premises exceeds one thousand dollars, One hundred and fifty dollars;
  - (iii) if the annual value of the house or premises exceeds two thousand dollars, Two hundred dollars;
- (b) for any house or premises not situated within a municipal district referred to in paragraph (a) of this proviso—
  - (i) if the annual value of the house or premises does not exceed four hundred dollars, Eighty dollars;
  - (ii) if the annual value of the house or premises exceeds four hundred dollars, One hundred dollars:

Fees for licenses.

S. 70 substituted by No. 39 of 1922, s. 32, renumbered s. 72 in 1923 reprint.

Amended by No. 8 of 1925, s. 2; No. 55 of 1955, s. 5; No. 7 of 1956, s. 6; No. 60 of 1959, s. 20; No. 20 of 1963, s. 2; No. 85 of 1963, s. 36; No. 60 of 1964, s. 3; No. 113 of 1965, s. 8<sup>1</sup>.

<sup>1</sup> Decimal Currency Act, 1965.

Provided also that a minimum annual fee shall be payable on the issue of other licenses, as follows:—

For a limited hotel license—Fifty dollars.

For a wayside-house license—Thirty dollars.

For an Australian wine, beer and spirits license—Twenty dollars.

For an Australian wine license or an Australian wine bottle license—Ten dollars.

For a packet license—Twenty dollars.

For a spirit merchant's license—Sixty dollars if the premises are within fifteen miles of the General Post Office, Perth, or forty dollars if elsewhere.

For a brewer's license—Sixty dollars if the premises are within fifteen miles of the General Post Office, Perth, or forty dollars if elsewhere.

For a gallon license—Thirty dollars.

For a canteen license—Thirty dollars.

For a restaurant license—Fifty dollars.

Provided also that the minimum annual fee for a railway refreshment-room license or for an airport license shall not be less than Ten dollars and not more than Sixty dollars, and shall be fixed by the Treasurer.

(3) If the term of any license mentioned in this section shall commence on or after the first day of April, three-fourths of the fee for an annual license shall be payable as the minimum fee to be paid on the issue thereof; 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.

(4) If a license is granted or renewed to have effect only during a specified portion of the year, such part only of the minimum fee payable for such license on the issue thereof and of the assessed annual fee payable in respect thereof shall be payable as is proportionate to the period for which the license is to have effect.

(5) The fee payable on the issue of a temporary license shall be two dollars for each day for which the license is granted.

(6) When any license authorising the sale of liquor is suspended, surrendered or forfeited, the Treasurer may refund to the licensee such part of the annual fee paid by him as is proportionate to the period for which that license was suspended or by reason of its surrender or forfeiture ceased to be in force.

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

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

(b) if his licensed premises are situated elsewhere than in paragraph (a) of this subsection referred to, on or before the thirty-first day of July, one thousand nine hundred and sixty-three, as regards the period of six months ending the thirtieth day of June, one thousand nine hundred and sixty-three, and thereafter on or before the thirty-first day of July in every year, as regards the period of twelve months ending the thirtieth day of June next preceding that day,

Assessment of fees on returns of liquor purchased. Substituted as s. 71 by No. 39 of 1922, s. 33, renumbered s. 73 in 1923 reprint.

Amended by No. 8 of 1925, s. 2; No. 27 of 1928, s. 2; No. 24 of 1956, s. 2. No. 59 of 1962, s. 2; No. 20 of 1963, s. 3; No. 85 of 1963, s. 37; No. 60 of 1964, s. 4; No. 110 of 1965, s. 19; No 113 of 1965, s. 81.

furnish to the Receiver of Revenue a return in writing signed by him, or by a person authorised by him in that behalf, setting forth—

- (i) the quantities of the various kinds of liquor purchased (excluding liquor purchased but still in bond) for the licensed premises during that period; and
- (ii) the gross amount paid or payable (including all duties but not any costs of carriage within the State to the licensed premises) for liquor wherever purchased for the licensed premises during that period; and
- (iii) the names and addresses of the persons who sold or supplied the various kinds of liquor purchased during that period.<sup>1</sup>

(1a) Every licensee to whom subsection (1) of this section applies shall, notwithstanding the provisions of subsection (14) of this section, pay to the Receiver of Revenue as an annual fee for a license—

- (a) for the year commencing on the first day of January, one thousand nine hundred and sixty-three, a sum calculated on the gross amount paid or payable for the liquors purchased for the licensed premises during the period of twelve months ending the thirty-first day of December, one thousand nine hundred and sixty-two; and
- (b) for any other year, whenever commencing, a sum calculated on the gross amount paid or payable for the liquors purchased for the licensed premises during the period of twelve months immediately preceding the date of commencement of that year,

equal to five and one-half per centum of that gross amount, and shall pay that sum in two moieties the first being payable on the furnishing of the return

<sup>1</sup> This subsection was enacted by section 3 of the Licensing Act Amendment Act, 1963 (No. 20 of 1963) which provided that such subsection operate and have effect and be deemed to have operated and to have had effect from and including the day of commencement of the Licensing Act Amendment Act, 1962 (assented to 30th November, 1962).

pursuant to subsection (1) of this section and the other within a period of six months thereafter, less in the case of each moiety, one-half of the minimum annual fee paid on the issue of the license.<sup>1</sup>

(1b) Notwithstanding the provisions of subsection (1a) of this section, a licensee to whom subsection (1) of this section applies, if his licensed premises are situated elsewhere than south of the twenty-sixth parallel of south latitude, shall pay to the Receiver of Revenue as the license fee for the year that commenced on the first day of July, one thousand nine hundred and sixty-two—

- (a) in respect of the first half of that year, a sum assessed in accordance with the provisions of subsection (1) of this section as those provisions existed immediately prior to the commencement of the Licensing Act Amendment Act, 1962, on the amount paid or payable for the liquors purchased for the licensed premises during the period of six months ended the thirtieth day of June, one thousand nine hundred and sixty-two; and
- (b) in respect of the second half of that year, a sum assessed in accordance with the provisions of subsection (1a), as enacted by the Licensing Act Amendment Act, 1963, of this section, on the gross amount paid or payable for the liquors purchased for the licensed premises during the period of six months ending the thirty-first day of December, one thousand nine hundred and sixty-two,

less in each case one-half of the minimum annual fee paid on the issue of the license.<sup>1</sup>

(2) Every licensee being the holder of a spirit merchant's license shall, on or before the thirty-first day of January, one thousand nine hundred and

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<sup>1</sup> See footnote to page 78.

sixty-three, as regards the period of six months ending the thirty-first day of December, one thousand nine hundred and sixty-two, and thereafter on or before the thirty-first day of January in every year, as regards the period of twelve months ending the next preceding thirty-first day of December, furnish to the Receiver of Revenue a return in writing signed by him, or by a person authorised by him in that behalf, setting forth the quantities of the various kinds of liquor sold or supplied by the licensee to persons other than persons licensed to sell liquor or to registered clubs or State hotels during that period, and such licensee shall, notwithstanding the provisions of subsection (14) of this section, pay to the Receiver of Revenue as an annual fee for a license—

- (a) for the year commencing on the first day of January, one thousand nine hundred and sixty-three, a sum calculated on the gross amount received by the licensee for the liquors sold or supplied (including all duties thereon) wherever purchased, during the period of twelve months ending the thirty-first day of December, one thousand nine hundred and sixty-two; and
- (b) for every subsequent year a sum (in addition to the minimum fee paid on the issue of the license) calculated on the gross amount received by the licensee for the liquors sold or supplied (including all duties thereon) wherever purchased, during the period of twelve months immediately preceding the commencement of that year,

equal to five and one-half per centum of that gross amount, and shall pay that sum in two moieties, the first being payable on the furnishing of the return pursuant to this subsection and the other within a period of six months thereafter, less in respect to the year referred to in paragraph (a) of this subsection, the minimum annual fee paid on the issue of the license.<sup>1</sup>

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<sup>1</sup> See footnote to page 78.

(3) Every licensee being the holder of a brewer's license shall, on or before the thirty-first day of January, one thousand nine hundred and sixty-three, as regards the period of six months ending the thirty-first day of December, one thousand nine hundred and sixty-two, and thereafter on or before the thirty-first day of January in every year, as regards the period of twelve months ending the next preceding thirty-first day of December, furnish to the Receiver of Revenue a return in writing signed by him, or by a person authorised by him in that behalf, setting forth the quantity of beer sold or supplied by the licensee to persons other than persons licensed to sell liquor or to registered clubs or State hotels during that period, and such licensee shall, notwithstanding the provisions of subsection (14) of this section, pay to the Receiver of Revenue as an annual fee for a license—

- (a) for the year commencing on the first day of January, one thousand nine hundred and sixty-three, a sum calculated on the gross amount paid or payable to the licensee for the beer sold or supplied (including all duties thereon) during the period of twelve months ending the thirty-first day of December, one thousand nine hundred and sixty-two; and
- (b) for every subsequent year a sum (in addition to the minimum fee paid on the issue of the license), calculated on the gross amount paid or payable to the licensee for the beer sold or supplied (including all duties thereon) during the period of twelve months immediately preceding the commencement of that year,

equal to five and one-half per centum of that gross amount, and shall pay that sum in two moieties, the first being payable on the furnishing of the return pursuant to this subsection and the other within a period of six months thereafter, less in respect to the

year referred to in paragraph (a) of this subsection, the minimum annual fee paid on the issue of the license.<sup>1</sup>

(3a) In order to remove any doubts that but for the provisions of this subsection might arise, it is hereby expressly enacted that all license fees demanded or collected pursuant to this section after the commencement of the Licensing Act Amendment Act, 1962 and prior to the commencement of the Licensing Act Amendment Act, 1963, shall be deemed to have been lawfully assessed and lawfully demanded or collected.

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

(5) If any licensee fails or neglects to furnish and deliver any return under this section, the Receiver of Revenue may, on such data as he thinks fit assess the amount which would have been payable by the licensee by or on whose behalf the return should

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<sup>1</sup> See footnote to page 78.



have been delivered, and the amount so assessed shall on demand be paid by such licensee to the Treasurer, and in addition such licensee shall be liable to a penalty of not more than one hundred dollars.

(6) If any false statement is made in any return under this section the Receiver of Revenue shall, on such data as he thinks fit, assess the amount which should have been paid by the licensee by or on whose behalf the return was made, and the amount so assessed less the amount (if any) previously paid by such licensee shall on demand be paid by such licensee to the Treasurer, and in addition the licensee by or on whose behalf the return is signed shall be liable to a penalty of not exceeding two hundred dollars.

(6a) Where the amount of any license fee or of any part of a license fee payable under this section is not paid by the licensee within the time in which that amount is required to be paid under this Act, or within such extended time as the Receiver of Revenue may in writing allow and is hereby authorised to allow in any case where in his opinion circumstances so warrant, that amount shall not be received unless the licensee in addition to that amount also pays to the Receiver of Revenue a further sum by way of fine of ten per centum on that amount, and if that amount together with such further sum is not paid within a period of thirty days after the last day for payment of that amount referred to in this subsection, the license shall upon the expiration of that period become void and be of no further effect.

(6b) If any amount to which subsection (6a) of this section applies is not paid within the time or, as the case may be, extended time referred to in that subsection, it shall be lawful for the owner of the licensed premises, within seven days after the last day on which the amount was payable or such extended time as the Court may determine and is hereby authorised to determine, to pay that amount to the Receiver of Revenue, and thereupon the Court

shall cancel the license and in lieu thereof shall, subject to the provisions of subsection (3a) of section forty-nine of this Act, issue a new license for the unexpired period of the cancelled license 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.

(7) The Treasurer may, by order in writing, require any brewer, spirit merchant, or other person carrying on business in Western Australia, to state, in such form as may be prescribed, the quantity and kind of all liquor sold to any licensed person or to any registered club named in such order during the period mentioned in such order, and the prices paid or payable for such liquor.

Every such brewer, spirit merchant, or other person who within thirty days after service upon him of such order does not furnish such statement shall be liable to a penalty not exceeding two hundred dollars.

(8) For the purposes of this section, any transferor of a license shall, on being required by the transferee by notice in writing so to do furnish the transferee with a statement in writing signed by the transferor setting forth with respect to the whole or any portion of the said period of twelve months during which the transferor was the licensee of the premises the particulars required by this section.

Penalty: One hundred dollars.

(9) The fee and any further sum (if any) due under subsection (6a) of this section, payable by a licensee under this section shall be a debt due to His Majesty, and may be sued for and recovered, and the obligation to make the returns as aforesaid may be enforced in any court of competent jurisdiction, by the Treasurer suing in his official name.

(10) The powers conferred by the Land and Income Tax Assessment Act, 1907,<sup>1</sup> on the Commissioner of Taxation, or any officer acting with his authority, relating to the production and inspection of books and documents, and enabling the Commissioner of Taxation to require information or evidence, shall for the purposes of this section apply and may be enforced; and it shall be lawful for the Commissioner of Taxation, and he is hereby authorised, to communicate to the Treasurer for the purpose of this Act any matter which may come to his knowledge in the performance of his official duties, and any such information may be used as evidence in any legal proceedings under this Act.

(11) No license shall be transferred or renewed unless the fees and other sums (if any) due under this section at the date of the hearing of the application for such transfer or renewal are paid.

(12) In this section the term "licensee" includes any person who, during any portion of the period within which a return is required to be furnished under this section, was the licensee of the premises, and any transferee of the license, and the successor of the licensee within the meaning of the term in section fifty-seven, and an owner entering under that section.

(13) [*Repealed by No. 85 of 1963, s. 37.*]

(14) Notwithstanding anything in this section contained, but subject to the provisions of subsection (6), no liquor upon which the percentage fee has already been assessed or paid shall be liable to a second or subsequent assessment or payment under this section.

73A. (1) Where under the provisions of this Act the fees payable in respect of licenses authorising the sale of liquor are required to be assessed at a percentage of the amount paid or payable for liquor

Licensing  
Court to fix  
percentage  
fees.  
Added by No.  
20 of 1963,  
s. 4.

<sup>1</sup> Now the Land Tax Assessment Act, 1907.

purchased for the licensed premises, or paid or payable by the licensee for liquor sold or supplied, the Licensing Court shall fix the amount of any such fee as it thinks reasonable where—

- (a) no information is produced to the Licensing Court, or the information produced is insufficient to enable it to determine the gross amount paid or payable for liquor purchased or sold or disposed of, as the case may be; or
- (b) there is no previous period of twelve months, or information in respect of a period of twelve months cannot be produced,

and the amount so fixed shall be final and conclusive, but the provisions of this subsection are subject to those of subsections (5) and (6) of section seventy-three of this Act.

(2) Every applicant for the grant of a new license shall at the time of the application furnish to the Licensing Court all particulars available to enable it to estimate the probable extent of the annual purchases of liquor for sale or disposal under that license.

(3) This section shall operate and take effect and shall be deemed to have operated and to have had effect from and including the day of the commencement of the Licensing Act Amendment Act, 1962.

Certain  
license fees  
payable by  
instalments.  
Added by  
No. 60 of  
1964, s. 5.

**73B.** (1) Notwithstanding the provisions of subsection (1a) of section seventy-three of this Act requiring payment of the annual fee for a license in two moieties, on and after the commencement of the Licensing Act Amendment Act, 1964, payment of that annual fee, less the minimum annual fee paid on the issue of the license, may if the licensee so elects be paid to the Receiver of Revenue in four amounts as nearly equal as practicable.

(2) Where under subsection (1) of this section a licensee elects to pay the annual fee in four amounts, the first of those amounts shall be paid on the furnishing of the return pursuant to subsection (1) of section seventy-three of this Act and the other three of those amounts shall be paid—

- (a) if the licensed premises are situated south of the twenty-sixth parallel of south latitude, on or before the last day of each of the months of April, July and September respectively; and
- (b) if the licensed premises are not so situated, on or before the last day of each of the months of October, January and April respectively,

next following the date when that return is required to be furnished in each year.

(3) The provisions of this section shall apply also to any licenses referred to in subsection (1a) of section seventy-three of this Act, so far as concerns payment of the second moiety of the annual license fee payable in respect of the year that commenced on the first day of July, one thousand nine hundred and sixty-four.

74. (1) The annual fee to be paid for an eating-house, boarding-house, or lodging-house license shall be two dollars.

Fee for eating-house license.  
S. 72 substituted by No. 39 of 1922, s. 34, renumbered s. 74 in 1923 reprint.  
Amended by No. 110 of 1965, s. 20; No. 113 of 1965, s. 8<sup>1</sup>.

(2) [*Repealed by No. 110 of 1965, s. 20.*]

(3) Section seventy-three of this Act shall not apply to any such license.

75. The fee for an occasional license shall be—

- (a) two dollars, if that license is granted under subsection (1) of section forty-four of this Act;

Fee for occasional license.  
S. 73 substituted by No. 39 of 1922, s. 35, renumbered s. 75 in 1923 reprint.  
Amended by No. 73 of 1960, s. 8; No. 113 of 1965, s. 8<sup>1</sup>.

<sup>1</sup> Decimal Currency Act, 1965.

- (b) four dollars, if that license is granted under subsection (2) of that section and the grantee is the holder of a license other than a publican's general license;
- (c) ten dollars, if that license is granted under subsection (2) of that section and the grantee is the holder of a publican's general license; and
- (d) four dollars, if that license is granted under section two hundred and five of this Act.

Fee for  
billiard-table  
license.

S. 74 sub-  
stituted by  
No. 39 of  
1922, s. 36, re-  
numbered s.  
76 in 1923  
reprint.

Amended by  
No. 113 of  
1965, s. 8<sup>1</sup>.

76. The fee for a billiard-table license shall be twenty dollars.

Fee for  
transfer or  
removal.

S. 74a added  
by No. 39 of  
1922, s. 37,  
renumbered  
s. 77 in 1923  
reprint.

Amended by  
No. 113 of  
1965, s. 8<sup>1</sup>.

77. 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 ten dollars;
- (b) for an eating, lodging, or boarding-house license, one dollar;
- (c) for any other license, four dollars.

Fee for  
provisional  
certificate.

S. 74b added  
by No. 39 of  
1922, s. 38,  
renumbered  
s. 78 in 1923  
reprint.

Amended by  
No. 113 of  
1965, s. 8<sup>1</sup>.

78. The fee on an application for a provisional certificate shall be ten dollars.

Annual value  
to be  
assessed.

S. 74c added  
by No. 39 of  
1922, s. 39,  
renumbered  
s. 79 in 1923  
reprint.

Amended by  
No. 85 of  
1963, s. 38;  
No. 113 of  
1965, s. 8<sup>1</sup>.

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

- (a) for any house or premises situated within the municipal district of a municipality that under the Local Governing Act is a city or a town, the Licensing Court shall

<sup>1</sup> Decimal Currency Act, 1965.

assess the annual value of the licensed house or premises as not exceeding one thousand dollars, or as exceeding one thousand dollars but not exceeding two thousand dollars, or as exceeding two thousand dollars; and

- (b) for any house or premises not situated within a municipal district referred to in paragraph (a) of this subsection, the Licensing Court shall assess the annual value of the licensed house or premises as not exceeding four hundred dollars or as exceeding four hundred dollars,

and such value shall be stated in the certificate.

(2) 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.

(3) License fees payable under this Act shall not be deemed of the nature of rent, or be regarded as a factor in fixing the annual value of licensed premises.

80. (1) If, under the proviso to subsection two of section seventy-two of this Act, any tenant of premises for which a publican's general license is held is required to pay on the issue of the license a larger minimum annual license fee than the annual license fee payable 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 the minimum annual license fee

Increased  
license fee  
may be  
deducted  
from rent.  
S. 74d  
added by  
No. 39 of  
1922, s. 40,  
renumbered  
s. 80 in 1923  
reprint.

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

Conditions  
as to set-off  
from rent.

(2) Where, under the provisions of this 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:—

(a) If the immediate landlord of such tenant—

- (i) 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
- (ii) 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.

(b) If the immediate landlord of such tenant—

- (i) 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
- (ii) 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 shall be payable by such immediate landlord.

(3) This section shall not apply to license fees assessed under section seventy-three so far as such fees exceed the minimum annual fees prescribed by section seventy-two.

PART V.—(Sections 81 to 97) [*Repealed by No. 60 of 1959, s. 21.*]

PART VI.—(Sections 98 to 110) [*Repealed by No. 49 of 1951, s. 8.*]

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

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

Absence of licensee on naval or military or air force service.

No. 1 of 1917, s. 9. Added as s. 111 in 1923 reprint.

Amended by No. 49 of 1951, s. 9.

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

(3) If any licensee, on naval or military or Air Force service, is a married man, and his wife resides on the licensed premises, the Licensing Court, or the chairman thereof, may grant a permit to the wife of the licensee to manage, superintend, or conduct the sale of liquor on the licensed premises during the

licensee's absence, and while such permit shall continue, the wife of the licensee shall, in respect of such management, superintendence and conduct, be deemed the licensee of the premises.

Certain licensees to have their names affixed on premises. S. 88 of No. 32 of 1911, renumbered s. 112 in 1923 reprint.

Amended by No. 85 of 1963, s. 39; No. 110 of 1965, s. 21; No. 113 of 1965, s. 8<sup>1</sup>.

112. Every holder of a publican's general license, a limited hotel 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, beer and spirits license shall have his name painted or affixed as aforesaid, with the words "licensed to retail Australian wine, beer and spirits" constantly and permanently remaining and plainly to be seen and read on a conspicuous part of the outside of his licensed premises.

Penalty: Ten dollars.

Change of name of premises. S. 89 of No. 32 of 1911, renumbered s. 113 in 1923 reprint.

Amended by No. 110 of 1965, s. 22; No. 113 of 1965 s. 8<sup>1</sup>.

113. The Licensing Court may, on an application by the holder of a publican's general license, a limited hotel license, a wayside-house license, an Australian wine, beer and spirits license, an Australian wine license, a gallon license, or a restaurant 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: Ten dollars.

When lamp to be lit.

S. 90 of No. 32 of 1911, renumbered s. 114 in 1923 reprint.

Amended by No. 85 of 1963, s. 40; No. 110 of 1965, s. 23; No. 113 of 1965, s. 8<sup>1</sup>.

114. Every holder of a publican's general license, limited hotel license, or wayside-house license or an Australian wine, beer and spirits license shall keep a lamp, with a sufficient light, affixed outside and over the door of his licensed premises, lighted and

<sup>1</sup> Decimal Currency Act, 1965.

kept burning during the whole of each and every night from sunset to sunrise, during the time of his holding such license.

Penalty: Ten dollars.

115. 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.

Duties of licensees as to sanitary matters.  
S. 91 of No. 32 of 1911, renumbered s. 115 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

Penalty: Forty dollars.

116. (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.

Sanitary precautions.  
S. 92 of No. 32 of 1911, renumbered s. 116 in 1923 reprint.

(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.

Alteration or enlargement of licensed premises.

S. 93 of No. 32 of 1911, renumbered s. 117 in 1923 reprint.

Amended by No. 39 of 1922, s. 73; No. 85 of 1963, s. 41; No. 113 of 1965, s. 8<sup>1</sup>

117. (1) 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.

Penalty: One hundred dollars.

(2) Notwithstanding anything contained in any other Act, a complaint for an offence against the provisions of this section may be commenced at any time within twelve months after the commission of the offence.

Penalty for refusing entertainment.

S. 94 of No. 32 of 1911, renumbered s. 118 in 1923 reprint.

Amended by No. 39 of 1922, s. 74; No. 60 of 1959, s. 22; No. 85 of 1963, s. 42; No. 60 of 1964, s. 6; No. 113 of 1965, s. 8<sup>1</sup>.

118. (1) Any holder of a publican's general license, a limited hotel license, or a wayside-house license, or an Australian wine, beer and spirits license, who, without reasonable cause, refuses to receive any person as a guest in his house, or to supply any person with food, liquor, refreshment or lodging, commits an offence against this Act.

Penalty: One hundred dollars.

Provided that the burden of proof that there was reasonable cause for not complying with this section shall lie upon the licensee.

(2) The Licensing Court may prescribe the hours during which meals shall be obtainable and the hours may be prescribed to be of general application or to apply in particular cases, circumstances or localities and where the Court so prescribes the licensee shall provide meals during the prescribed hours.

(3) Where the Licensing Court is satisfied that any such licensee is not genuinely catering for the requirements of the public, the Court may prescribe tariffs for meals to be supplied to customers by the

<sup>1</sup> Decimal Currency Act, 1965.

licensee, and it shall be the duty of the licensee to provide meals as prescribed, if so required by a customer, and not exceeding the tariff so fixed.

Penalty: Forty dollars.

119. (1) Every house for which a publican's general license, a limited hotel license, or a wayside-house license, or an Australian wine, beer and spirits 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.

Immunity from distress of property of guests.  
S. 95 of No. 32 of 1911, renumbered s. 119 in 1923 reprint.  
Amended by No. 85 of 1963, s. 43.

(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.

120. 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.

License to be kept by licensee.  
S. 96 of No. 32 of 1911, renumbered s. 120 in 1923 reprint.

121. (1) No licensee shall in any part of the State except the Goldfields district—

Licensed premises not to be open before or after certain hours.  
S. 97 of No. 32 of 1911, renumbered s. 121 in 1923 reprint.  
Amended by No. 39 of 1922, s. 75; No. 55 of 1955, s. 6; No. 60 of 1959, s. 23; No. 53 of 1961, s. 6; No. 113 of 1965, s. 8<sup>1</sup>.

- (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 ten o'clock in the morning or after ten o'clock in the evening upon any day in the

<sup>1</sup> Decimal Currency Act, 1965.

week, except under the authority of an occasional license or of an airport license or of a restaurant license.

Penalty: For a first offence, one hundred dollars; for any subsequent offence, two hundred dollars.

(2) No licensee shall in the Goldfields district—

- (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 nine o'clock in the morning or after eleven o'clock at night upon any day in the week, except under the authority of an occasional license or of an airport license or of a restaurant license.

Penalty: For a first offence, one hundred dollars; for any subsequent offence, two hundred dollars.

Provided that the Governor may, on the recommendation of the Licensing Court, by proclamation from time to time extend, reduce or vary the hours in any licensing district or part of a licensing district within the Goldfields district, and this subsection shall in that licensing district or part of a district thereupon have effect as so modified.

(3) This section shall not prohibit the sale of liquor to any *bona fide* traveller or lodger, or the consumption of liquor by the licensee or any member of his family, or any servant of the licensee living on the premises if the liquor is not drunk at the public bar of the licensed premises.

(4) Any servant or agent of a licensee who sells or supplies liquor contrary to this section shall be guilty of an offence.

Penalty: Four dollars.

(5) In this section "Goldfields district" means the area comprised within the Boulder, Brown Hill, Ivanhoe, Coolgardie, Cue, Gascoyne, Hannans, Kalgoorlie, Kanowna, Kimberley, Mount Leonora, Menzies, Mount Magnet, Mount Margaret, Murchison, Pilbara, Roebourne, and Yilgarn electoral districts as constituted at the commencement of this Act, and the town of Westonia, in the Avon electoral district.

122. (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, except under the authority of an airport license, or upon any Anzac Day (the 25th day of April), except under the authority of an occasional license granted pursuant to subsection (2) of section forty-four of this Act, Good Friday, or Christmas Day.

Penalty: For a first offence, two hundred dollars; for any subsequent offence, four hundred dollars.

(2) But this section shall not prohibit the sale of liquor to, or the consumption of liquor by —

- (a) the licensee, a member of his family, an employee of the licensee living on the premises, or a lodger, provided no such liquor is taken away from the premises; or
- (b) any person being served with a meal on the premises (not being a restaurant under section forty-four G of this Act) in a room set aside for the purpose between the hours of one p.m. and two p.m. and the hours of six p.m. and seven-thirty p.m., or, where the premises are the subject of an airport

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

S. 98 of No. 32 of 1911, re-numbered s. 122 in 1923 reprint.

Amended by No. 39 of 1922, s. 76; No. 35 of 1923, s. 2; No. 49 of 1951, s. 10; No. 76 of 1953, s. 2; No. 55 of 1955, s. 7; No. 73 of 1960, s. 8; No. 53 of 1961, s. 7; No. 64 of 1962, s. 2; No. 66 of 1962, s. 2; No. 85 of 1963, s. 44; No. 113 of 1965, s. 8<sup>1</sup>.

<sup>1</sup> Decimal Currency Act, 1965.

license, during the hours prescribed by the Licensing Court, if the liquor is drunk with the meal; or

- (ba) any person on Anzac Day, Good Friday, Christmas Day or a Sunday, on premises the subject of a restaurant license, if the person is partaking of a meal on those premises and the liquor is served and consumed during the hours permitted for those purposes on those days under section forty-four G of this Act and in accordance with the provisions of that section; or
- (c) any person on a Sunday, not being Anzac Day or Christmas Day, if—
  - (i) the premises are the subject of a publican's general license, a limited hotel license, a canteen license, or a wayside-house license, and are at least twenty miles distant from the Town Hall in Perth, when measured by the shortest road route or are situate on Rottnest Island;
  - (ii) the liquor is sold and consumed between the hours of twelve noon and one p.m. or the hours of five p.m. and six p.m., and
  - (iii) the liquor is not sold by the bottle or in a bottle, or in a can, or in any container of any kind having a capacity exceeding one reputed quart (other than a jug when the liquor contained therein is to be consumed on the premises), except where the premises are situate in the Goldfields District, in which case the liquor may be sold by the bottle or in a bottle or in a can, the capacity of which bottle or can does not exceed one reputed quart, in quantities of not more than two reputed quarts to each purchaser during the hours



before one p.m. when liquor may be sold on those premises pursuant to the provisions of this paragraph.

Provided that the Governor may, on the recommendation of the Licensing Court, by proclamation from time to time extend, reduce or vary the hours referred to in subparagraph (ii) of this paragraph in any licensing district or part of a district within the Goldfields District, and that subparagraph shall in that licensing district or part of a district thereupon have effect as so modified.

(3) Any servant or agent of a licensee who sells or supplies liquor contrary to this section shall be guilty of an offence.

Penalty: Forty dollars.

(3a) In this section the expression, "Goldfields District" has the same meaning as that expression has in section one hundred and twenty-one of this Act.

(4) [*Repealed by No. 49 of 1951, s. 10.*]

123. (1) The holder of every publican's general license, limited hotel license, wayside-house license, and Australian wine, beer and spirits license shall keep a book in the form prescribed to be called "the register of lodgers."

Register of lodgers.  
Added as s. 98a by No. 39 of 1922, s. 77, renumbered s. 123 in 1923 reprint.  
Amended by No. 85 of 1963, s. 45; No. 113 of 1965, s. 81.

(2) In the said book the licensee shall enter, or cause to be entered the name and address of every *bona fide* lodger for the time being in such premises, showing opposite the name of each lodger the distinguishing number or description of the room occupied by him or other accommodation provided for him, and the book shall be signed by the lodger.

(3) This section shall apply in respect of regular as well as casual lodgers.

(3a) Where in any licensed premises referred to in this section the number of bedrooms available for occupation by lodgers is at any time insufficient to provide accommodation required and further accommodation for lodgers is provided elsewhere than in bedrooms on the licensed premises, the licensee shall enter in the register of lodgers particulars of the nature and location in the premises of that further accommodation, and all such entries shall be made in accordance with the provisions of this Act.

(4) The register of lodgers shall be kept on the licensed premises, and shall be open to inspection at any time on demand by any member of the police force or inspector, and no page shall be removed or withdrawn from the register.

(5) The fact that any person is found on licensed premises to which this section applies at any time during which the sale of liquor is prohibited by law shall, unless his name appears in the register of lodgers kept on such premises, together with the distinguishing number or description of the room occupied by him or other accommodation provided for him, be conclusive evidence as against the licensee, and *prima facie* evidence as against such person, in any proceedings under this Act, that such person was not a *bona fide* lodger in such premises where he was found.

(6) Any holder of a license to which this section applies who—

- (a) neglects or fails to keep a register of lodgers, as provided by this section; or
- (b) neglects or fails to enter or cause to be entered in such register the particulars required by this section to be entered therein; or
- (c) makes or causes to be made in such register or retains in such register any false or misleading entry in respect of any of the particulars required to be entered therein; or

- (ca) removes or withdraws any page from a register of lodgers; or
- (d) refuses or neglects to produce such register for inspection when required so to do under subsection (4),

shall be liable to a penalty for a first offence of not more than ten dollars, and for every subsequent offence of not less than ten dollars or more than one hundred dollars.

(7) For the purposes of this section lodger includes boarder.

124. Every holder of a publican's general, limited hotel, wayside-house, airport, canteen, restaurant, or Australian wine, beer and spirits 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 during the hours when the licensed premises may not be lawfully open for the sale of liquor, and during the whole of every Christmas Day, and Good Friday and, subject to the provisions of subsection (1) and subsection (2) of section one hundred and twenty-two of this Act, during the whole of every Sunday and, subject to the provisions of subsection (2) of section forty-four of this Act, during the whole of every Anzac Day (the 25th day of April); 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.  
S. 99 of No. 32 of 1911, renumbered s. 124 in 1923 reprint.  
Amended by No. 39 of 1923, s. 78; No. 35 of 1923, s. 2; No. 49 of 1951, s. 11; No. 55 of 1955, s. 8; No. 7 of 1956 s. 7; No. 60 of 1959, s. 24; No. 73 of 1960, s. 8; No. 85 of 1963, s. 46 No. 113 of 1965, s. 81.

Penalty: Twenty dollars.

*Bona fide*  
travellers.  
S. 100 of No.  
32 of 1911.  
Repealed and  
re-enacted  
by No. 39 of  
1922, s. 79,  
renumbered  
s. 125 in 1923  
reprint.  
Amended by  
No. 49 of  
1951, s. 12;  
No. 85 of  
1963, s. 47.

125. No person shall be deemed to be a *bona fide* traveller within the meaning of this Act—

- (a) if the place where he demands to be or is supplied with liquor is within an area bounded by a circle having a radius of twenty miles from the Town Hall in Perth; or
- (b) if the place where he demands to be or is supplied with liquor is elsewhere than within an area bounded by a circle having a radius of twenty miles from the Town Hall in Perth, unless such place is more than fifty miles from the place where he lodged during the preceding night; 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 supply:

Provided that notwithstanding this section, the sale or supply of liquor by the holder of a railway refreshment room license to travellers on a railway, or in a railway omnibus as defined in section thirty-six of this Act, shall be lawful during the hours when licensed premises may be lawfully open to the public for the sale of liquor in the district in which the railway refreshment room is situated.

Penalty for  
obtaining  
liquor by  
false repre-  
sentation.  
No. 33 of  
1911, s. 101,  
renumbered  
s. 126 in 1923  
reprint.  
Amended by  
No. 35 of  
1923, s. 2;  
No. 85 of  
1963, s. 48;  
No. 113 of  
1965, s. 8<sup>1</sup>.

126. 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 before the hour of one o'clock in the afternoon on Anzac Day (the 25th day of April), or during the prohibited hours on other days, commits an offence against this Act.

Penalty: Ten dollars.

<sup>1</sup> Decimal Currency Act, 1965.

127. If in course of any proceedings under section one hundred and twenty-one or one hundred and twenty-two 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.  
No. 32 of  
1911, s. 102,  
renumbered  
s. 127 in 1923  
reprint.

128. Any person other than a *bona fide* lodger who carries away liquor in any vessel from any licensed premises on any day or any time during which the sale of liquor is prohibited by law, commits an offence against this Act.

Penalty for  
carrying  
liquor during  
prohibited  
hours.

Added as s.  
102a by No.  
39 of 1922, s.  
80, renum-  
bered s. 128  
in 1923 re-  
print.

Amended by  
No. 113 of  
1965, s. 8.<sup>1</sup>

Penalty: Four dollars.

129. (1) Any person found drinking liquor, or ascertained to have been drinking liquor, on any licensed premises, or found in the act of leaving any licensed premises with liquor in his possession, at any time when such premises should not have been open for the sale of liquor commits an offence against this Act.

Persons  
found drink-  
ing on or  
leaving  
licensed pre-  
mises during  
prohibited  
hours.

S. 103 of No.  
32 of 1911,  
repealed and  
substituted  
by No. 39 of  
1922, s. 81,  
renumbered  
s. 129 in 1923  
reprint.

Amended by  
No. 113 of  
1965, s. 8.<sup>1</sup>

Penalty: For a first offence, twenty dollars; for any subsequent offence, sixty dollars.

(2) Any person found on licensed premises at any time when such premises should not be open for the sale of liquor shall, unless he satisfies the Court 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: Four dollars.

(3) Provided that this section shall not relate to a *bona fide* traveller, lodger, or a weekly or other boarder within the meaning of section one hundred and twenty-five or one hundred and twenty-two, or to the licensee or any member of his family, or any servant of the licensee living on the premises.

Licensees not to be compelled to supply liquor during prohibited hours.

S. 104 of No. 32 of 1911, renumbered s. 130 in 1923 reprint.

Amended by No. 85 of 1963, s. 49.

130. 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, but this section does not apply to the holder of an airport or restaurant license so far as he is authorised by the conditions of the license to supply liquor during any period between those hours.

Employment of Asiatics.

S. 130A added by No. 38 of 1922 s. 2.

Amended by No. 14 of 1948, s. 3; No. 113 of 1965, s. 8<sup>1</sup>.

130A. Every licensee by whom any person of Asiatic race was employed in or about his licensed premises on the 15th day of August, 1922, shall cause the name of such person to be registered in a register to be kept at the Licensing Court for the district in which the licensed premises are situated; and no licensee shall, elsewhere than in the North Province of the State, employ any person of Asiatic race in or about his licensed premises whose name is not so registered: Provided that this section shall not apply to persons of the Jewish race, and that this section shall not apply to—

- (1) any person of the Asiatic race who is a natural born British subject and whose domicile is in the State on the day of the commencement of the Licensing Act Amendment Act, 1948, nor
- (2) to any descendant of any person referred to in the next preceding paragraph if the domicile of the descendant is in the State.

Penalty: Fifty dollars.

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<sup>1</sup> Decimal Currency Act, 1965.

131. No licensee shall supply to any person by the glass liquor to be consumed with water or aerated water on the premises of the licensee after the 1st day of July, 1923, unless such liquor is supplied in a glass capable of holding at least one and a quarter gills.

Sale of liquor by the glass.  
Added as s. 104a by No. 39 of 1922, s. 82, re-numbered s. 131 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

Penalty: Ten dollars.

132. (1) Subject to the provisions of section forty-six 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 sale of liquor by unlicensed persons.  
S. 105 of No. 32 of 1911, renumbered s. 132 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

Penalty: For a first offence, one hundred dollars; for any subsequent offence, two hundred dollars, or imprisonment for six months, or both.

(2) Upon any conviction under this Act 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.

133. 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 for selling contrary to license.  
S. 106 of No. 32 of 1911, renumbered s. 133 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

Penalty: One hundred dollars.

134. (1) If any purchaser of any liquor from a person who is only licensed to sell the same not to be drunk on the premises drinks such liquor on the premises where the same is sold, or in any street, road, or place adjoining or near such premises, the

Penalty if liquor is drunk on premises contrary to license.  
Added as s. 106a by No. 39 of 1922, s. 83, re-numbered s. 134 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

<sup>1</sup> Decimal Currency Act, 1965.

seller of such liquor shall, if it appears that such drinking was with his privity or consent, be liable for a first offence to a penalty of not less than four nor more than ten dollars, and for a second and every subsequent offence to a penalty of not less than four nor more than twenty dollars.

(2) For the purposes of this section, the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission.

(3) In any proceeding under this section, it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to or were hired, used, or occupied by the seller if proof is given to the satisfaction of the Court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the condition of the license.

Drinking in  
public places  
prohibited.

Added by No.  
49 of 1951, s.  
13.

Amended by  
No. 113 of  
1965, s. 8<sup>1</sup>.

**134A.** (1) No person shall, whether or not in or on a vehicle—

(a) drink liquor

- (i) within a townsite on or in any road, street, footpath or lane, or
- (ii) outside school premises, a town hall or agricultural hall, or on any road, street, footpath or lane, within twenty chains of any such school premises or hall while a dance or other entertainment is being held in such school premises or hall; or
- (iii) except with the consent of the persons or authority in control, within any park or reserve;

<sup>1</sup> Decimal Currency Act, 1965.



- (b) drink liquor or have liquor in his possession within any sports ground (including any building or erection thereon, but excluding licensed premises) during, or within one hour before or thirty minutes after, the holding there of any exhibition, performance, lecture, amusement, game or sport for admission to which payment is made by any person;
- (c) drink liquor on any premises within twenty chains of any hall while a dance or other entertainment is being held in such hall, except with the consent of the occupier or person in control of the premises;
- (d) abandon or leave any bottle containing or which has contained liquor, or any part of any such bottle, on or in any road, street, footpath, lane, park or reserve, or in any place to which the public has access, except in a receptacle provided or a place set aside for that purpose.

Penalty: Forty dollars.

(2) An averment in a complaint under this section that any place referred to in the complaint is within a townsite mentioned in the complaint shall be deemed to be *prima facie* proof that the place is within the townsite.

**134B.** (1) In this section "unlicensed premises" means any premises where meals or refreshments are ordinarily sold, disposed of or served to the public for consumption on the premises, including, without affecting the generality of that interpretation, any cafe, restaurant or other eating-house whatever, which premises are not licensed premises under this Act, and any premises that the occupier of such unlicensed premises is permitted to use or uses for or in connection with his business.

Permit may be granted for unlicensed premises. Added by No. 110 of 1965, s. 24. Amended by No. 113 of 1965, s. 8.<sup>1</sup>

<sup>1</sup> Decimal Currency Act, 1965.

(2) Objections to the bringing of liquor onto any unlicensed premises and the consumption of liquor on such premises may at any time be made to the Licensing Court by—

- (a) any inspector of licensed premises;
- (b) any police officer stationed in the licensing district wherein the unlicensed premises are situated;
- (c) any person authorised in that behalf by the council of the municipal district wherein the unlicensed premises are situated,

and every such objection shall be in writing signed by the objector and shall set forth the grounds of the objection.

(3) Any objection under this section may be made on any one or more of the following grounds—

- (a) that the occupier of the unlicensed premises is of drunken or dissolute habits, or otherwise of bad repute;
- (b) that the occupier of the unlicensed premises has within twelve months immediately preceding the lodging of the objection been convicted of selling liquor without a license or of selling adulterated liquor;
- (c) that the unlicensed premises in question are out of repair or are not suitable for use as unlicensed premises;
- (d) that the unlicensed premises are conducted in a disorderly or unseemly manner, or in a manner that disturbs the quiet of the locality or the comfort of the residents thereof;
- (e) that the unlicensed premises are frequented by persons under the age of twenty-one years for the purpose of obtaining liquor or of consuming liquor on those premises;

(f) that the occupier of the unlicensed premises has within six months immediately preceding the lodging of the objection been convicted of an offence against section one hundred and thirty-four D of this Act;

(g) any other ground that appears to the Licensing Court to be sufficient.

(4) Upon any objection being lodged pursuant to this section the Licensing Court shall appoint a time and place for the hearing thereof and of such time and place give notice in writing to the objector and to the occupier of the unlicensed premises specified in the objection, not less than seven days before the time so appointed.

(5) After hearing the objection and, if he attends, the occupier of the unlicensed premises and his witnesses (if any), the Licensing Court may make an order prohibiting the bringing of liquor onto the unlicensed premises the subject of the objection and the consumption of liquor thereon, either absolutely or except in accordance with the conditions of a permit granted by the Court under this section, or the Court may refuse to make an order.

(6) A permit which the Licensing Court is authorised to grant under subsection (5) of this section shall be in or to the effect of the form thereof in the Second Schedule to this Act and shall authorise the occupier of the unlicensed premises to permit liquor to be brought onto those premises and consumed thereon during such hours and subject to such conditions and restrictions as the Court may impose and specify in that permit, but every such permit shall in addition to those conditions and restrictions be subject to the conditions—

(a) that no person shall consume, or permit to be consumed, any liquor on the unlicensed premises after the hour of three o'clock in the morning and before noon on the same day;

- (b) that no person shall consume, or permit to be consumed, any liquor on the unlicensed premises (except the occupier and members of his family residing on those premises, or any *bona fide* guest of any of them) after the hour of three o'clock in the morning on any Sunday or Good Friday, or between the hour of three o'clock in the morning and the hour of one o'clock in the afternoon on Anzac Day when not falling on a Sunday;
- (c) that where the permit is granted in respect of a room or rooms in any premises, all doors (including the outer door of the premises) by which access is had to that room or rooms are kept unlocked.

(7) The Licensing Court upon the application of any inspector of licensed premises, or of its own motion, may vary, suspend for such period as it thinks fit, or cancel any permit granted under this section, subject to the holder being given not less than seven days' notice in writing of the application or motion and the date appointed for the hearing thereof, but subject thereto the application or motion may be heard by the Court at such time as the Chairman appoints.

(8) A person who—

- (a) brings or causes or permits to be brought any liquor onto, or consumes or permits to be consumed any liquor on, any unlicensed premises in respect of which the Licensing Court has under this section made an order prohibiting the bringing of liquor onto those unlicensed premises and the consumption of liquor thereon; or
- (b) consumes or permits to be consumed any liquor on any unlicensed premises that are the subject of a permit granted by the Licensing Court under this section except in such room or rooms in those premises as are specified in that permit and in

compliance with the conditions and restrictions imposed by that Court and the provisions of this section,

commits an offence.

Penalty: A fine of not less than two hundred dollars and not more than four hundred dollars, and in the case of an offence referred to in paragraph (b) of this subsection, the court imposing the penalty may in addition thereto suspend for such period as it thinks fit, or cancel, the permit.

(9) The provisions of sections fifty-six and fifty-seven of this Act, so far as those sections can be made applicable, apply *mutatis mutandis* to and in respect of the holder of a permit under this section, as those sections apply to and in respect of a person who is the holder of a license under this Act.

(10) Nothing in this section shall make lawful anything which but for this section would be a contravention of any of the provisions of this Act.

(11) The fee payable for a permit under this section is two dollars.

134C. (1) Any inspector of licensed premises may at all times enter any premises that are unlicensed premises within the meaning of section one hundred and thirty-four B of this Act for the purpose of inspecting the state of repair and the suitability of those premises and the manner in which the same are being conducted, and where the premises are the subject of a permit under section one hundred and thirty-four B of this Act, for the purpose of detecting or preventing the breach of any of the conditions or restrictions to which the permit is subject.

Inspector may enter unlicensed premises. Added by No 110 of 1965, s. 25. Amended by No. 113 of 1965, s 8<sup>1</sup>.

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<sup>1</sup> Decimal Currency Act, 1965.

(2) Any holder of a permit under section one hundred and thirty-four B of this Act, or other person in charge of unlicensed 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: One hundred dollars.

Penalty for supplying liquor to persons under 21 years of age in unlicensed premises.

Added by No. 110 of 1965, s. 26.

Amended by No. 113 of 1965, s. 8<sup>1</sup>.

**134D.** (1) A person shall not in any premises that are unlicensed premises within the meaning of section one hundred and thirty-four B of this Act supply or give, or cause or permit or suffer to be supplied or given, any liquor in any quantity whatsoever, either alone or mixed with any liquor, to any person under the age of twenty-one years for himself or for any other person.

Penalty: For the first offence a fine not exceeding one hundred dollars and for any subsequent offence a fine not exceeding two hundred dollars.

(2) A person under the age of twenty-one years shall not consume any liquor in any such unlicensed premises.

Penalty: For the first offence a fine not exceeding one hundred dollars and for any subsequent offence a fine not exceeding two hundred dollars.

(3) It shall be a defence in any proceedings for an offence under subsection (1) of this section to prove that the person charged had reasonable cause to believe that the person to whom the liquor was supplied or given was of or above the age of twenty-one years.

Supplying liquor under a false description.

Added as s. 106b by No. 39 of 1922, s. 84, renumbered s. 135 in 1923 reprint.

Amended by No. 113 of 1965, s. 8<sup>1</sup>.

**135.** Any licensee who supplies or causes to be supplied any liquor and charges for it under a fictitious heading or description, or who has upon the licensed premises any liquor under a fictitious heading, trade name, brand, or description, commits an offence.

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<sup>1</sup> Decimal Currency Act, 1965.

Penalty: For a first offence, forty dollars; for any subsequent offence, one hundred dollars and not less than forty dollars.

136. 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, ten dollars; for any subsequent offence, forty dollars.

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

S. 107 of No. 32 of 1911, renumbered s. 136 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

137. Any person 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 for keeping billiard or bagatelle table without license.

S. 108 of No. 32 of 1911, renumbered s. 137 in 1923 reprint.  
Amended by No. 39 of 1922, s. 85; No. 113 of 1965, s. 8<sup>1</sup>.

Penalty: Forty dollars.

Provided that this section shall not apply to the holder of a publican's general license if the billiard table or bagatelle table is kept on the licensed premises.

138. 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.

S. 109 of No. 32 of 1911, renumbered s. 138 in 1923 reprint.

139. (1) 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.

S. 110 of No. 32 of 1911, renumbered s. 139 in 1923 reprint.

Amended by No. 39 of 1922, s. 86; No. 85 of 1963, s. 50; No. 113 of 1965 s. 8<sup>1</sup>.

<sup>1</sup> Decimal Currency Act, 1965.

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

(2) Any person who at the time of being supplied with liquor or if supplied with meals or accommodation at licensed premises, on demand of payment by such licensee or by his servant or agent, refuses to pay a reasonable sum therefor commits an offence.

Penalty: Twenty dollars.

Licensees drunk on premises liable to penalty.  
S. 111 of No. 32 of 1911, renumbered s. 140 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

140. 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.

Penalty: Forty dollars.

Penalty for supplying liquor to intoxicated persons.  
S. 112 of No. 32 of 1911, renumbered s. 141 in 1923 reprint.  
Amended by No. 39 of 1922, s. 87; No. 60 of 1959, s. 25; No. 113 of 1965, s. 8<sup>1</sup>.

141. (1) (a) Any licensee or other person who supplies any intoxicating liquor to any person who is at the time in a state of intoxication, or visibly affected by liquor, or who aids or abets any person in a state of intoxication, or visibly affected by liquor in obtaining or consuming any liquor, commits an offence against this Act.

Penalty: One hundred dollars.

(b) Notwithstanding the provisions of section six of this Act or the provisions of any other Act, the minimum penalty that may be imposed for a breach of this section is forty dollars.

(2) If an offence against this section is committed by a servant or agent of a licensee, on or in the vicinity of the licensed premises, the licensee and also such servant or agent shall be liable to the penalty for such offence.

<sup>1</sup> Decimal Currency Act, 1965.



142. (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, and also such servant or agent, commits an offence against this Act.

Penalty: Forty dollars.

Penalty for allowing intoxicated persons to remain on premises.  
S. 113 of No. 32 of 1911, renumbered s. 142 in 1923 reprint.  
Amended by No. 39 of 1922, s. 88; No. 113 of 1965, s. 8<sup>1</sup>.

(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.

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

Licensed persons to receive payment in money only.  
S. 114 of No. 32 of 1911, renumbered s. 143 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

Penalty: For a first offence, one hundred dollars; for any subsequent offence, two hundred dollars.

144. No licensee shall let or sublet any bar, dining-room, or the right to sell liquor on his licensed premises.

Penalty: Forty dollars.

Bars not to be sublet.  
S. 115 of No. 32 of 1911, renumbered s. 144 in 1923 reprint.  
Amended by No. 39 of 1922, s. 89; No. 113 of 1965, s. 8<sup>1</sup>.

145. (1) No licensee shall sell or supply liquor in more than one bar-room in or upon his licensed premises, or shall have more than one bar-room in or upon such premises, unless he has obtained the permission of the Court so to do.

Only one bar-room except by permission of court.  
Added as s. 115a by No. 39 of 1922, s. 90, renumbered s. 145 in 1923 reprint.  
Amended by No. 85 of 1963, s. 51; No. 113 of 1965, s. 8<sup>1</sup>.

For the purposes of this section, a room divided into compartments by partitions, if approved by the Court, shall be one room if there are doors in the partition giving at all times direct access from one such compartment to the other.

(2) Every applicant for such permission shall, with the notice of his application, deposit with the clerk a plan showing the position of each proposed additional bar-room for which he has not at the time such permission.

(3) No such additional bar-room shall be deemed to form any part of the accommodation required by this Act to be provided in any licensed premises.

(4) (a) Any licensee on whose licensed premises any liquor is sold or supplied in more than one bar-room, or on whose licensed premises there is more than one bar-room, except as permitted under the provisions of this Act, shall be liable to a penalty for a first offence of not less than ten nor more than forty dollars, and for every subsequent offence of not less than forty dollars.

(b) A separate offence shall be deemed to be committed upon every day upon which, contrary to this section, liquor is sold or supplied, or a bar-room exists.

(c) A separate offence shall be deemed to be committed in respect of every bar-room in which liquor is sold, or which exists contrary to the provisions of this section.

(5) Whenever a license is transferred the transfer shall be deemed also to apply to any permission under this section, for the time being in force, to use an additional bar-room on the licensed premises.

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

Penalty: Twenty dollars.

(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: Twenty dollars.

(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 eighteen 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 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 term "bar" does not include any dining-room on licensed premises during hours when meals are served therein.

147. (1) No licensee, or servant or agent of a licensee, shall knowingly 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 person under the age of twenty-one years for himself or for any other person.

Penalty: Forty dollars.

Exclusion of children from bars of licensed premises.

S. 116 of No. 32 of 1911, renumbered s. 146 in 1923 reprint.

Amended by No. 39 of 1922, s. 91; No. 85 of 1963, s. 52; No. 110 of 1965, s. 27; No. 113 of 1965, s. 8<sup>1</sup>.

Penalty for selling liquor to persons under 21 years of age.

S. 117 of No. 32 of 1911, renumbered s. 147 in 1923 reprint.

Amended by No. 1 of 1917, s. 4; No. 39 of 1922, s. 92; No. 30 of 1949, s. 3; No. 49 of 1951, s. 14; No. 113 of 1965, s. 8<sup>1</sup>.

(2) Any person who on licensed premises or on any premises, vineyard, or orchard referred to in subsection (1) of section forty-six of this Act or on a highway or place adjacent to licensed premises or to premises, vineyard or orchard aforesaid knowingly supplies or causes or permits to be supplied any liquor to any person under the age of twenty-one years, commits an offence.

**Penalty: Forty dollars.**

Persons under 21 not to be employed in bars.

Added as s. 117a by No. 39 of 1922, s. 93, renumbered s. 148 in 1923 reprint.

Amended by No. 85 of 1963, s. 53; No. 113 of 1965, s. 8.<sup>1</sup>

**148.** No licensee shall employ any person under the age of twenty-one years as a barman or barmaid, or suffer or permit any person under that age to be so employed.

**Penalty: Forty dollars.**

But it shall not be unlawful for a licensed person to employ a member of his family, or his servant, whose age exceeds sixteen years, as a messenger to deliver intoxicating liquor.

Penalty for obtaining liquor by false statement as to age.

Added as s. 117b by No. 39 of 1922, s. 94, renumbered s. 149 in 1923 reprint.

Amended by No. 30 of 1949, s. 4; No. 49 of 1951, s. 15; No. 110 of 1965, s. 28; No. 113 of 1965, s. 8.<sup>1</sup>

**149.** Any person under the age of twenty-one years, who obtains or attempts to obtain liquor at any licensed premises or on any premises, vineyard or orchard referred to in subsection (1) of section forty-six of this Act, or on a highway or place adjacent to any such licensed premises, premises, vineyard or orchard, or at any other premises where liquor is for the time being stored commits an offence.

**Penalty: Forty dollars.**

Penalty for supplying liquor to persons under 21 years of age.

Added by No. 53 of 1961, s. 8.

Amended by No. 110 of 1965, s. 29; No. 113 of 1965, s. 8.<sup>1</sup>

**149A.** (1) A person shall not in any public premises supply or give, or cause or permit or suffer to be supplied or given, any liquor in any quantity whatsoever, either alone or mixed with any liquid, to any person under the age of twenty-one years for himself or for any other person.

<sup>1</sup> Decimal Currency Act, 1965.

Penalty: For the first offence a fine not exceeding one hundred dollars and for any subsequent offence a fine not exceeding two hundred dollars.

(2) A person under the age of twenty-one years shall not consume any liquor in any public premises.

Penalty: For the first offence a fine not exceeding one hundred dollars and for any subsequent offence a fine not exceeding two hundred dollars.

(3) In this section "public premises" includes any premises in or on which a dance or other entertainment is being held and to which the public ordinarily or from time to time has access, whether by payment of a fee or not; but does not include licensed premises or premises that are unlicensed premises within the meaning of section one hundred and thirty-four B of this Act.

(4) It shall be a defence in any proceedings for an offence under subsection (1) of this section to prove that the person charged had reasonable cause to believe that the person to whom the liquor was supplied or given was of or above the age of twenty-one years.

150. (1) Any person who, whether licensed or unlicensed, sells, supplies or gives any liquor in any quantity whatsoever, either alone or mixed with water or any other liquid, to any native for himself or for any other person, or solicits or receives from any native an order for the supply or delivery of liquor, commits an offence.

Penalty for supplying liquor to natives in proclaimed areas.  
S. 118 of No. 32 of 1911, renumbered s. 150 in 1923 reprint.  
Amended by No. 39 of 1922, s. 95.  
Repealed and re-enacted by No. 87 of 1963, s. 3.  
Amended by No. 113 of 1965, s. 8.<sup>1</sup>

Penalty: Two hundred dollars, or imprisonment for six months, or both.

(2) Any native who knowingly receives or is in possession of any liquor commits an offence.

Penalty: Ten dollars, or imprisonment for one month.

<sup>1</sup> Decimal Currency Act, 1965.

(3) This section applies only to such portion or portions of the State as the Governor may by proclamation declare to be an area or areas to which the provisions of this section shall apply.<sup>1</sup>

(4) The Governor may from time to time, and at any time, by proclamation declare any portion or portions of the State to be an area or areas for the purposes of this section and thereupon the provisions of this section shall apply to each area so proclaimed.

(5) A proclamation made under this section may be cancelled or from time to time varied, or an error in a proclamation may be rectified, by a subsequent proclamation.

(6) In this section and in section one hundred and fifty-one of this Act, the term, "native" has the same meaning as that term has in and for the purposes of the Native Welfare Act, 1963.

Aborigines  
not to loiter  
about public  
houses.

S. 119 of No.  
32 of 1911,  
renumbered  
s. 151 in 1923  
reprint.

Amended by  
No. 35 of  
1963, s. 54;  
No. 87 of  
1963, s. 4; No.  
113 of 1963,  
s. 82.

151. (1) No person being the holder of a publican's general license or a wayside-house license shall permit any native to remain on his licensed premises (unless he is employed on those premises) other than for the purpose of board and lodging.

Penalty: Twenty dollars.

(2) This section applies only to such portion or portions of the State as the Governor has, pursuant to section one hundred and fifty of this Act, declared to be an area or areas to which the provisions of that section apply.

152. [*Repealed by 87 of 1963, s. 5.*]

Penalty for  
employing  
unlicensed  
persons to  
sell liquor.

S. 121 of No.  
32 of 1911,  
renumbered  
s. 153 in 1923  
reprint.

Amended by  
No. 113 of  
1965, s. 8.<sup>2</sup>

153. 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,

<sup>1</sup> See *Government Gazette* 26/6/64, p. 2526.

<sup>2</sup> Decimal Currency Act, 1965.

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: One hundred dollars.

154. 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.  
S. 122 of No. 32 of 1911, renumbered s. 154 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8.<sup>1</sup>

Penalty: Forty dollars.

155. (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,

Liquors in any unlicensed house suspected to be for sale may be seized and forfeited.  
S. 123 of No. 32 of 1911, renumbered s. 155 in 1923 reprint.  
Amended by No. 8 of 1925, s. 2.

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

<sup>1</sup> Decimal Currency Act, 1965.

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 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.  
S. 124 of No.  
32 of 1911,  
renumbered  
s. 158 in 1923  
reprint.  
Amended by  
No. 8 of 1925,  
s. 2; No. 113  
of 1965, s. 8.<sup>1</sup>

156. (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.

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<sup>1</sup> Decimal Currency Act, 1965.



Penalty: For a first offence, one hundred dollars; for any subsequent offence, two hundred dollars, 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 Treasurer and be appropriated in like manner as penalties under this Act are directed to be appropriated.

157. (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.  
s. 125 of No. 32 of 1911, renumbered s. 157 in 1923 reprint.  
Amended by No. 39 of 1922, s. 96; No. 113 of 1965, s. 8<sup>1</sup>.

(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: Four dollars.

(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 purpose not made unlawful by this

<sup>1</sup> Decimal Currency Act, 1965.

Act, or any other Act relating to the sale of liquor, shall be deemed to have committed an offence against this Act.

Penalty: Twenty dollars.

(5) If it is proved that the licensee, took all reasonable care to prevent such person coming or remaining on the licensed premises for an unlawful purpose, or took all reasonable care to ascertain and actually believed that the purpose for which such person had come or remained on the licensed premises was a lawful purpose, the Court shall dismiss the case against the licensee.

License to be produced on demand.

S. 126 of No. 32 of 1911, renumbered s. 158 in 1923 reprint.

Amended by No. 113 of 1965, s. 8<sup>1</sup>.

158. 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.

Penalty: Ten dollars.

Payment of wages where liquor sold.

S. 127 of No. 32 of 1911, renumbered s. 159 in 1923 reprint.

Amended by No. 113 of 1965, s. 8<sup>1</sup>.

159. 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:

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

Penalty: Ten dollars.

Justices may prohibit supply of liquor to inebriates.

S. 128 of No. 32 of 1911, renumbered s. 160 in 1923 reprint.

Amended by No. 39 of 1922, s. 97; No. 113 of 1965, s. 8<sup>1</sup>.

160. (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

<sup>1</sup> Decimal Currency Act, 1965.

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: Fifty dollars.

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

Penalty: Ten dollars, or imprisonment for seven days.

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

(6) All proceedings under subsection (1) of this section shall be heard in camera.

161. 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: Ten dollars.

Penalty for procuring liquor for prohibited persons. S. 129 of No. 32 of 1911, renumbered s. 161 in 1923 reprint. Amended by No. 113 of 1965, s. 8<sup>1</sup>.

162. (1) No licensee, or person managing or conducting licensed premises, shall employ any female or suffer any female, other than his wife or daughter over the age of twenty-one years to assist or serve

Penalty for employing females beyond certain hours. S. 130 of No. 32 of 1911, renumbered s. 162 in 1923 reprint. Amended by No. 39 of 1922, s. 98; No. 53 of 1961, s. 9; No. 113 of 1965, s. 8<sup>1</sup>.

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 Christmas Day, or Good Friday; or
- (c) after the closing hour on any night.

Penalty: One hundred dollars.

(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: Twenty dollars.

Penalty for permitting disorderly conduct.  
S. 131 of No. 32 of 1911, renumbered s. 163 in 1923 reprint.

Amended by No. 39 of 1922, s. 99; No. 113 of 1965, s. 8<sup>1</sup>.

163. 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: For a first offence, one hundred dollars; for any subsequent offence after a previous conviction, two hundred dollars.

Posting of betting placards.  
Added as s. 131a by No. 39 of 1922, s. 100, renumbered s. 164 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

164. No licensed person shall placard, post up, or exhibit or permit or suffer to be placarded, posted up, or exhibited in or on or about his licensed premises any information or notices relating to betting or the results of horse racing.

Penalty: Forty dollars and not less than ten dollars.

<sup>1</sup> Decimal Currency Act, 1965.

165. Any licensed person who either himself or by means of any agent, clerk, or servant bets on horse racing in his licensed premises with any other person or permits or is privy to or connives at betting on horse-racing on his licensed premises and any other person who on licensed premises bets on horse-racing shall be guilty of an offence, and shall be liable to a penalty of not less than forty dollars nor more than two hundred dollars, and for a second or subsequent offence to a penalty of not less than two hundred dollars nor more than four hundred dollars.

Betting in licensed premises unlawful.  
Added as s. 131b by No. 39 of 1922, s. 101, renumbered s. 165 in 1923 reprint.  
Amended by No. 49 of 1951, s. 16; No. 113 of 1965, s. 8<sup>1</sup>.

166. (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 and the persons employed by him took all reasonable steps to prevent drunkenness on the premises.

Evidence of permission of disorderly conduct.  
S. 132 of No. 32 of 1911, renumbered s. 166 in 1923 reprint.  
Amended by No. 39 of 1922, s. 102.

(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.

167. (1) No licensee of premises licensed for the sale of liquor situated within a radius of twelve miles of the General Post Office in Perth shall permit any billiards, bagatelle, or other games to be played on his licensed premises by any person other than *bona fide* lodgers during the hours when liquor may not be lawfully sold or disposed of to the public on the licensed premises.

Restriction as to the playing of billiards and other games.  
S. 133 of No. 32 of 1911, repealed and re-enacted by No. 39 of 1922, s. 103, renumbered s. 167 in 1923 reprint.  
Amended by No. 35 of 1923, s. 2; No. 73 of 1960, s. 8; No. 113 of 1965, s. 8<sup>1</sup>.

Penalty: Forty dollars.

(2) No licensee of premises licensed for the sale of liquor situated outside a radius of twelve miles of the General Post Office in Perth shall permit any billiards, bagatelle, or other games to be played on

his licensed premises after eleven o'clock at night by any person other than *bona fide* lodgers except under the authority of an occasional license, or at any time on Sunday, Christmas Day, or Good Friday, or at any time on Anzac Day (the 25th day of April) other than during the hours when, under the authority of an occasional license granted under subsection (2) of section forty-four of this Act, those premises are permitted to remain open.

Penalty: Forty dollars.

(3) No licensee under a billiard table license for premises not licensed for the sale of liquor shall permit any billiards, bagatelle, or other games to be played on his licensed premises after eleven o'clock at night except under the authority of an occasional license, or at any time on Sunday, Christmas Day, or Good Friday, or at any time before the hour of one o'clock in the afternoon on any Anzac Day (the 25th day of April) which is not a Sunday.

Penalty: Forty dollars.

Prohibition of unlawful games.

Added as s. 133a by No. 39 of 1922, s. 104, renumbered s. 168 in 1923 reprint.

Amended by No. 113 of 1965, s. 8.<sup>1</sup>

168. (1) No licensee shall suffer any person to play any unlawful games or engage in any unlawful sport, or suffer any gaming on his licensed premises or the appurtenances thereto.

Penalty: One hundred dollars.

(2) Any person who plays at any unlawful game or engages in any unlawful sport on licensed premises shall be guilty of an offence.

Penalty: Twenty dollars.

Playgrounds on or adjoining licensed premises prohibited.

Added by No. 60 of 1959, s. 26. Amended by No. 110 of 1965, s. 30; No. 113 of 1965, s. 8.<sup>1</sup>

168A. The holder of a publican's general license, limited hotel license or wayside-house license shall not have, maintain or keep, or have under his control, any area of land within, near or adjoining his licensed premises which is used as a playground for children, but this section does not apply to any

<sup>1</sup> Decimal Currency Act, 1965.

area of land which is used exclusively by children who are resident guests or children of the licensee or his employees, as a playground.

Penalty: Forty dollars.

169. Any police or resident or stipendiary magistrate may, if any riot or tumult happens or is expected to take place, order or direct the licensee of any licensed premises situated at or near to the place where such riot or tumult happens or is expected to take place, to close his licensed premises for such time as the magistrate thinks fit, and any person who does not obey such order or direction shall be liable to a penalty of not exceeding forty dollars.

Closing of licensed premises in case of riot. Added as s. 133b by No. 39 of 1922, s. 105, renumbered s. 169 in 1923 reprint. Amended by No. 85 of 1963, s. 55; No. 113 of 1965, s. 8<sup>1</sup>.

170. (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 persons from licensed premises. S. 134 of No. 32 of 1911, renumbered s. 170 in 1923 reprint. Amended by No. 113 of 1965, s. 8<sup>1</sup>.

(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: Ten dollars.

(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.

171. [*Repealed by No. 85 of 1963, s. 56.*]

Power to enter licensed premises.

S. 136 of No. 32 of 1911, renumbered s. 172 in 1923 reprint.

Amended by No. 113 of 1965, s. 8<sup>1</sup>.

172. (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.

(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: Forty dollars.

Penalty for tearing down and defacing notices.

S. 137 of No. 32 of 1911, renumbered s. 173 in 1923 reprint.

Amended by No. 113 of 1965, s. 8<sup>1</sup>.

173. (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: Twenty dollars.

(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.

S. 138 of No. 32 of 1911, renumbered s. 174 in 1923 reprint.

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

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

Forfeiture of license after repeated convictions.

S. 139 of No. 32 of 1911, renumbered s. 175 in 1923 reprint.

Amended by No. 39 of 1922, s. 106; No. 110 of 1965, s. 31.

175. (1) If any licensee is, within a period of twelve months, convicted two several times of offences under any of the provisions of sections one hundred and eighteen, one hundred and twenty-one, one hundred and twenty-two, one hundred and

<sup>1</sup> Decimal Currency Act, 1965.



thirty-three, one hundred and forty, one hundred and forty-one, one hundred and forty-two, one hundred and forty-four (relating to the subletting of bars), one hundred and forty-seven, one hundred and fifty, one hundred and sixty-three, one hundred and seventy-two, and two hundred and twenty-three (in respect of adulteration of liquor with deleterious substances), 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 or the Licensing Court 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.

18th  
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.

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

Forfeiture  
to be re-  
ported to  
Licensing  
Court.  
S. 140 of No.  
32 of 1911,  
renumbered  
s. 176 in 1923  
reprint.

177. (1) If any person, being the holder of a publican's general license, a limited hotel license, or a way-side house license—

Forfeiture  
of license in  
certain cases.  
S. 141 of No.  
32 of 1911,  
renumbered  
s. 177 in 1923  
reprint.

- (a) without the permission in writing of a member of the Licensing Court or of a stipendiary magistrate, is absent from the licensed premises for longer than a continuous period of twenty-one days in any one year, or without such permission permits any person to manage, superintend

Amended by  
No. 39 of  
1922, s. 107;  
No. 49 of  
1951, s. 17;  
No. 55 of  
1955, s. 9;  
No. 7 of 1956,  
s. 8; No. 60  
of 1959, s. 27;  
No. 85 of  
1963, s. 57;  
No. 110 of  
1965, s. 32;  
No. 113 of  
1965, s. 81.

or conduct the sale and disposal of liquor on the licensed premises during any such longer period; 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; or
- (e) is of drunken or dissolute habits and unfit to hold a license; or
- (f) knowingly suffers his licensed premises to be used for immoral purposes; or
- (g) fails to keep a well appointed eating-house with requisite appliances in operation for the daily preparing and serving of meals to guests on his licensed premises,

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.

19th  
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.

Or at the discretion of the Court such licensed person shall forfeit and pay for such offence a penalty of not more than two hundred dollars.

A sitting of the Licensing Court may be held to deal with offences under this section at such times as the chairman may appoint.

(1a) Where permission in writing has been granted pursuant to paragraph (a) of subsection (1) of this section, the person who manages, superintends or conducts the sale and disposal of liquor

on the licensed premises under the authority of that permission is, during the period of absence of the licensee, deemed to be the licensee and is subject to the same duties, liabilities, obligations, disqualifications and penalties as if he were the licensee.

(2) The provisions of this section shall, so far as the same can be made applicable, apply to a person being the holder of an airport license, a canteen license, a restaurant license, an Australian wine, beer and spirits license, an Australian wine license, an Australian wine bottle license, a packet license, a gallon license or a billiard-table license, as they apply to a person being the holder of a publican's general license.

178. All liquor sold under the authority of this Act, in a quantity not less than half a pint shall, if required by the purchaser, be measured and delivered according to imperial standard measures, and shall, upon demand, by the person receiving the same, be remeasured for his satisfaction in the same premises and in the same measures, or any other standard measures he procures, but not if the liquors have been taken to any other room of or away from the licensed premises, or have been partly consumed before a remeasurement is demanded. On failure to measure or remeasure as aforesaid the licensed person shall, for every offence, be liable to a penalty of not more than ten dollars.

Standard measure.  
Added as s. 141a by No. 39 of 1922.  
s. 108, re-numbered s. 178 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8.<sup>1</sup>

179. The manager of a State hotel shall be deemed a licensee, and the State hotel shall be deemed licensed premises, as regards the hours of trading and conditions imposed by this Act on licensees, and for the purposes of the following sections of this Act, namely, sections one hundred and fifteen, one hundred and sixteen, one hundred and forty-one, one hundred and forty-two, one hundred and forty-six, and one hundred and forty-seven, and Part X of this Act; and such manager

State hotels.  
Added as s. 141b by No. 39 of 1922, s. 109, renumbered s. 179 in 1923 reprint.

<sup>1</sup> Decimal Currency Act, 1965.

shall for a breach of the provisions of this Act be personally liable for the penalties thereby imposed on a licensee.

## PART VIII.—CLUBS.<sup>1</sup>

### *Preliminary.*

Interpreta-  
tion.

S. 142 of No.  
32 of 1911,  
renumbered  
s. 180 in 1923  
reprint.

### 180. In this Part of this Act—

“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.

S. 143 of No.  
32 of 1911,  
renumbered  
s. 181 in 1923  
reprint.

181. 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.

### 182. [*Repealed by No. 85 of 1963, s. 58.*]

<sup>1</sup> See the Returned Sailors and Soldiers' Imperial League of Australia, W.A. Branch, Incorporated (Anzac Club Control) Act, 1938 (Act No. 14 of 1938).

Conditions of Registration.

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

Conditions as to clubs.  
S. 145 of No. 32 of 1911, renumbered s.183 in 1923 reprint.

Amended by No. 39 of 1922, s. 110; No. 49 of 1951, s. 18; No. 60 of 1959, s. 28; No. 85 of 1963, s. 59.

- (a) the club must be a *bona fide* association, company, or body of not less than thirty persons; and in the case of a club registered for the first time after the commencement of the Licensing Act Amendment Act, 1922, but before the commencement of the Licensing Act Amendment Act (No. 2), 1963, the minimum number of members shall be one hundred if the club premises are situated in the metropolitan district, and fifty if the club premises are situated elsewhere; and in the case of a club that is registered for the first time after the commencement of the Licensing Act Amendment Act (No. 2), 1963, the minimum number of members shall be one hundred ordinary members if the club premises are situated in the metropolitan licensing district as defined in section five of this Act, and fifty ordinary members if the club premises are situated elsewhere;
- (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 purposes which in the opinion of the licensing Court is suitable to be registered as a club;
- (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, but nothing in this paragraph

is to be construed so as to prohibit a club from making a gift of money to any of the funds, authorities or institutions in the State referred to in paragraph (a) of subsection (1) of section seventy-eight of the Income Tax Assessment Act, 1937<sup>1</sup>;

- (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.

In this section "metropolitan district" comprises Perth, East Perth, North Perth, West Perth, Subiaco, Leederville, Claremont, Fremantle, North-East Fremantle, South Fremantle, Canning, and Guildford electoral districts as existing at the commencement of the Licensing Act Amendment Act, 1922.

<sup>1</sup> See s. 79 of Income Tax Assessment Act, 1937-40 as reprinted in Vol. 2 of the Reprinted Acts.

184. (1) 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;
- (ba) that persons elected as members of the club shall be so elected only as—
  - (i) ordinary members;
  - (ii) life members;
  - (iii) provisional members;
  - (iv) associate members;
  - (v) country members;
  - (vi) honorary or temporary members, or extraordinary honorary members;
  - (vii) junior members, if the club is one primarily devoted to some athletic purpose; or
  - (viii) any other class of member that the club provides for in the rules and of which the Licensing Court approves;
- (bb) the manner in and by which persons shall be elected as members of the club in the respective classes of membership, other than honorary or temporary members or extraordinary honorary members;
- (bc) that all persons who are members of any committee formed to manage the conduct of an athletic purpose to which the club is primarily devoted, or who are members of any sub-committee of the management

Provision to be made in rules of clubs.

S. 146 of No. 32 of 1911, renumbered s. 184 in 1923 reprint.

Amended by No. 39 of 1922, s. 111; No. 49 of 1931, s. 19; No. 60 of 1959, s. 29; No. 85 of 1963, s. 60; No. 80 of 1965, s. 2; No. 113 of 1965, s. 8.<sup>1</sup>

<sup>1</sup> Decimal Currency Act, 1965.

committee of the club, shall be members of the club, and shall be required to report and be responsible to that management committee;

- (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 other than honorary or temporary members shall be elected by the general body of the 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 two dollars 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;
- (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 or on instructions from 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 specified in the rules and to any regulations prescribed; 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, except a club that is primarily devoted to some athletic purpose—
  - (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 twenty-one years of age, and, except in accordance with a permit granted under section one hundred and eighty-seven A of this Act, no member under the age of twenty-one years shall be admitted to any portion of the club premises where liquor is sold or consumed;
- (l) that no person under eighteen years of age shall be employed in the club; but this restriction shall not apply to persons employed in the administrative work of the club:

Provided that no person under the age of twenty-one shall serve in the bar:

Provided also that no person under the age of eighteen shall be employed in or about a bar or in the delivery of liquor on the club premises;

- (m) that no steward, cook, or other employee of a registered club shall be employed for a longer period than persons employed in a public house, hotel, restaurant, or coffee palace may for the time being be lawfully employed.

(2) The provisions of paragraphs (ba), (bb) and (bc) of subsection (1) of this section shall not apply in respect of clubs that were registered before the commencement of the Licensing Act Amendment Act (No. 2), 1963, until after the expiration of two years from the commencement of that Act.

(3) In this section—

“associate member” means a female member who is entitled to exercise all the privileges of the club that under its rules female members may exercise;

“country member” means, in the case of a club having its premises situated within the metropolitan licensing district, a member who ordinarily resides not less than twenty-five miles distant from those premises, and in the case of a club having its premises situated elsewhere, a member who ordinarily resides not less than fifteen miles from those premises;

“ordinary member” means a member (not being an honorary or temporary member) who is entitled to exercise the full privileges of the club;

“provisional member” means a member who is entitled to exercise, subject to such restrictions as the rules of the club provide, the privileges of the club, and is elected as such a member.

185. (1) Subject to the provisions of subsection (1a) of this section, no person shall become an honorary or temporary member of a club unless—

Honorary members.  
S. 147 of No. 32 of 1911, renumbered s. 185 in 1923 reprint.  
Amended by No. 39 of 1922, s. 112; No. 60 of 1959, s. 30; No. 85 of 1963, s. 61; No. 113 of 1965, s. 8<sup>1</sup>.

- (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.

(1a) Where the club is devoted to some athletic purpose, a person who is visiting the club for the purpose of playing at or in a sport conducted by the club, being a sport for the fostering or conducting of which the club was according to its rules constituted, shall be deemed to be an honorary or temporary member of the club for a period of six hours from the time of the posting of the notice referred to in paragraph (b) of this subsection notwithstanding that he does not possess certain qualifications defined by the rules, if —

- (a) he is proposed in writing signed by a member in a form setting out that the person is visiting the club for the purpose of actively engaging in a sport conducted by the club on the day of his visit;
- (b) notice is posted on the club premises by the secretary thereof, the time of the posting being marked therein.

(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: For a first offence, Twenty dollars; for any subsequent offence after a previous conviction, Forty dollars.

(3) Notwithstanding the provisions of this section, any person referred to in this subsection who visits a club at the express invitation of that club shall, while so visiting, be and be deemed to be an honorary member of the club for the purposes of this Act, namely—

- (a) the Governor General of the Commonwealth and members of his staff when accompanying him;
- (b) the Governor and the Lieutenant-Governor of any State of the Commonwealth and members of his staff when accompanying him;
- (c) any Justice of the High Court of Australia;
- (d) any Judge of the Supreme Court of this State;
- (e) the officer commanding the Army, Navy, or Air Force in this State, and members of his staff when accompanying him;
- (f) the Mayor or Lord Mayor of the capital city of any State of the Commonwealth;
- (g) any member of either House of Parliament of the Commonwealth or of the State, and any member of his staff when accompanying him;
- (h) the mayor or president and any member of a local authority in the municipal district of which the premises of the club are situated, and any member of the staff of that local authority when accompanying him;
- (i) the Chairman and any member of the Licensing Court;
- (j) a person who is the deputy of any person referred to in the preceding paragraphs of this subsection;

- (k) a person who at the express invitation of the club accompanies any person referred to in the preceding paragraphs of this subsection;

and, subject to the rules of the club in force at the commencement of this subsection, a person shall not be an honorary or temporary member of a club unless he is elected as such a member or is deemed to be an honorary or temporary member of the club pursuant to and in accordance with the provisions of this section.

186. (1) Subject to the provisions of this section, any member of the Licensing Court, or any resident or stipendiary magistrate, may, on the payment of the prescribed fee and 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, but no club shall be granted a permit under this subsection on more than fifty-five occasions in any one calendar year.

Extra-ordinary honorary members. S. 148 of No. 32 of 1911, renumbered s. 186 in 1923 reprint. Amended by No. 49 of 1951, s. 20; No. 60 of 1959, s. 31; No. 85 of 1963, s. 62.

(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 of the Licensing Court.

(4) The secretary shall—

- (a) lodge the application with the Clerk of the Court in whose district the club is situated at least seven days before the date on which it is intended, if the application is granted, to exercise the privilege;
- (b) serve a true copy of the application on the officer in charge of the police station nearest to the club within the district as soon as practicable after the application has been lodged with the Clerk of the Court;

- (c) pay a prescribed fee on the lodging of the application, in addition to the prescribed fee referred to in subsection (1) of this section.

(5) The officer in charge shall report in writing on the application to the Licensing Court or, if the club premises are not situated within the metropolitan licensing district, to the stipendiary magistrate for the district in which those premises are situated.

(6) The Court or the stipendiary magistrate may grant or refuse the application, and the decision of the Court or the stipendiary magistrate on the application is final.

(7) The Licensing Court may delegate to any stipendiary magistrate in the metropolitan licensing district the power and authority (except this power of delegation) conferred by this section on the Court or any member thereof so far as the same may be exercised in respect of any club having its premises situated within that district, and the power and authority so delegated shall be exercised by a stipendiary magistrate under such delegated authority accordingly.

Strangers  
and visitors.  
S. 149 of No.  
32 of 1911,  
renumbered  
s.187 in 1923  
reprint.

Amended by  
No. 39 of  
1922, s. 113;  
No. 49 of  
1951, s. 21;  
No. 80 of  
1965, s. 3;  
No. 113 of  
1965, s. 8<sup>1</sup>.

187. (1) Subject as hereinafter provided 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, during the hours when liquor may be lawfully sold or disposed of to the public on licensed premises within the

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<sup>1</sup> Decimal Currency Act, 1965.

district, for a stranger to use or be admitted to the use of such part of the club premises as is set apart for visitors.

Penalty: Twenty dollars.

(2) No stranger or visitor shall be admitted to the club premises during the hours when liquor may not be lawfully sold or disposed of to the public on licensed premises within this district:

Provided that a member of a club in which meals are customarily provided may, on giving at least six hours' notice in writing to the secretary, and subject to the approval in writing of the committee, invite not more than three guests whose names shall be stated in the notice to any meal in a room set aside for that purpose on the club premises, and thereupon such guests shall be entitled to use the club premises, or such parts of the club premises as are set apart for the use of guests, during the ordinary meal hours of the club for that meal and, where the meal is dinner, between six p.m. and twelve midnight on the day of the meal.

(3) If any stranger or visitor is admitted or permitted to use the club premises, contrary to this section, the secretary or other person in charge of the registered club commits an offence and shall be liable to a penalty not exceeding forty dollars.

Provided that on the application of the secretary of any club, the chairman or any member of the Licensing Court or the clerk of the Court, when the application is not opposed, 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 the order.

(4) 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, or a person under the age of twenty-one years admitted to the club premises in accordance with a permit granted under section one hundred and eighty-seven A of this Act.

Permit to  
allow persons  
under 21  
years of age  
to be ad-  
mitted to  
club  
premises in  
certain cir-  
cumstances.  
Added by No.  
80 of 1965,  
s. 4.

**187A.** (1) The Licensing Court or a member thereof may from time to time grant to a club a permit in writing, under this section, but no club shall be granted permits under this section in respect of more than twelve days in any one calendar year.

(2) A permit granted under this section—

- (a) authorises a person who is under the age of twenty-one years and is accompanied by and is under the control of a member of the club, to be admitted, on an occasion when meals are served to members and during the time specified in the permit, to the portion of the club premises that is specified in the permit, notwithstanding that on such portion of the premises liquor is sold or supplied to, or is consumed by, persons of full age;
- (b) does not authorise the sale or supply of liquor to persons under the age of twenty-one years, or authorise such persons to be on any part of the club premises where liquor is sold, supplied, or consumed, other than with a meal;
- (c) may be granted in respect of a single day, or in respect of two or more days within a period of three calendar months; and
- (d) shall specify the name of the club, the date, the period (not extending beyond the hour of eight o'clock in the evening on any day), and the portion of the club premises in respect of which the rights conferred by the permit may be exercised.

(3) An application for a permit under this section shall be in writing and shall be signed by the secretary of the club and—

- (a) shall state the name of the club, the date, the period, and the portion of the club premises in respect of which the permit is sought;



- (b) shall state, in respect of each day for which the permit is sought, whether any, and if so, what charge is proposed to be made for meals, and the number of persons who, in the opinion of the secretary, are likely to be served with meals;
- (c) shall be lodged with the Clerk of the Licensing Court at Perth at least twenty-one days before the day in respect of which the permit is sought, or, where the permit is sought in respect of two or more days within a period of three calendar months, at least twenty-one days before the first of those days.

(4) The Licensing Court or a member thereof may grant the application subject to such conditions and restrictions as the Court or a member may impose, or may refuse the application; and the decision of the Court or a member on the application is final.

(5) A record of every permit granted under this section shall be kept by the Clerk of the Licensing Court at Perth.

(6) No fee is payable for a permit granted under this section or on an application for such a permit.

(7) In this section—

“club” means a registered club the primary purpose of which is the conducting of a sport or of two or more sports, and

“member” includes a member of any class of membership mentioned in paragraph (ba) of subsection (1) of section one hundred and eighty-four of this Act, other than a junior member.

Sale of  
liquor.

Added as s.  
149a by No.  
39 of 1922, s.  
114, renum-  
bered s. 188  
in 1923 re-  
print.

Amended by  
No. 49 of  
1951, s. 22;  
No. 113 of  
1965, s. 8<sup>1</sup>.

188. Every registered club shall be closed for the sale of liquor at the hour of eleven o'clock at night, and shall continue so closed until the hour of ten o'clock the following morning, except to *bona fide* lodgers; but no person shall be deemed a *bona fide* lodger in club premises unless such club contains ten bedrooms if in the metropolitan area, and two bedrooms if outside the metropolitan area, together with a suitable complement of bedding and furniture.

Penalty: Two hundred dollars.

Provided that the Licensing Court may grant an occasional license which shall exempt the club from the provisions of this section on any special occasion during certain hours, and on the special occasion to be specified in the license.

#### *Grant and Renewal of Certificates of Registration*

Applications  
for registra-  
tion.  
S. 150 of No.  
32 of 1911,  
renumbered  
s. 189 in 1923  
reprint.

Amended by  
No. 85 of  
1963, s. 63;  
No. 110 of  
1965, s. 33.

189. (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 sitting of the Licensing Court.

(3) Applications for renewals of certificates shall be made at quarterly sittings of the Licensing Court.

(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.

<sup>1</sup> Decimal Currency Act, 1965.

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

Notice of application for registration.  
S. 151 of No. 32 of 1911, renumbered s. 190 in 1923 reprint.  
Amended by No. 60 of 1959, s. 32; No. 85 of 1963, s. 64.  
20th Schedule.

- (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;
- (aa) at the time of the delivery of such notice, furnish a statutory declaration made by him in the form of the Twenty-fifth Schedule setting forth, with regard to the twelve months ended on the first day of the month next preceding such declaration, the gross amount (including all duties thereon but excluding cost of carriage) paid or payable for liquor purchased by or for the club;
- (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 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.

25th Schedule.

(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) [*Repealed by No. 60 of 1959, s. 32.*]

Conditional registration of club may be granted.  
S. 190A added by No. 60 of 1959, s. 33.  
Amended by No. 110 of 1965, s. 34.

**190A.** (1) Without prejudice to the operation of section one hundred and ninety of this Act, the secretary of any club desirous of obtaining the grant of a certificate of registration for club premises proposed to be erected or for club premises partly erected but requiring additions or alterations to make them suitable to be registered under this Part may, before the building of the proposed premises or the making of the additions or alterations is commenced, make a conditional application in accordance with this section to the Licensing Court of the district in which the premises are situated.

(2) (a) At least fourteen days before making the conditional application, the secretary shall deliver to the clerk of that Licensing Court an application in duplicate, signed by the secretary in the form to the same effect as the form in the Tenth Schedule, the necessary modifications being made, together with a properly drawn plan of the proposed premises showing clearly the accommodation which it is proposed to provide therein, together with such further details and particulars of the proposed premises as may be prescribed.

(b) The secretary shall also publish a copy of the notice in accordance with the requirements of paragraph (b) of subsection (1) of section one hundred and ninety of this Act in all respects as if the application were an application under that section.

(c) The provisions of subsection (2) of section one hundred and ninety extend to and in respect of an application under this section.

(3) Subject to the other provisions of this Act in respect of the conditions of registration of clubs, and applications for new certificates of registration and objections thereto, which provisions so far as they are applicable apply in respect of a conditional application, the Court may grant a provisional certificate subject to such conditions as it considers necessary to ensure the fulfilment of the requirements of this Act, or may refuse the application.

(4) The provisional certificate of registration shall be in a form to the same effect as the form in the Eleventh Schedule, the necessary modifications being made, and may be granted for any period not exceeding twelve months.

(5) The period of duration of a provisional certificate may be extended for such period or periods not exceeding six months at any one time, as the Court may from time to time allow upon such terms as the Court may deem fit, and the Court may hear and determine an application by the secretary to amend the plan previously approved by the Court in respect of the premises or to approve an alternative site within the immediate vicinity of the site previously approved on the granting of the provisional certificate.

(6) Upon the completion of the premises and upon written notice being given by the secretary to the Court at any sitting of the Court within the time specified in the provisional certificate or within such extended time as the Court may have granted, and on proof of the performance of such conditions, if any, as are imposed by the certificate and that the premises have been completed substantially in accordance with the plan or amended plan furnished pursuant to this section, the Court shall issue a certificate of registration.

191. (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.

Notice of application for renewal. S. 152 of No. 32 of 1911. renumbered s. 191 in 1923 reprint. Amended by No. 110 of 1965, s. 35. 21st Schedule.

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

- (a) two printed copies of all rules of the club;
- (b) the statutory declaration of the secretary of the club stating the classes of membership and the number of members of each

class, and stating also the number of members (if any) who at the date of the declaration have not paid the current subscription payable in respect of such membership.

(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.

Copy of application to be forwarded to inspector. S. 153 of No. 32 of 1911, renumbered s. 192 in 1923 reprint.

192. (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.

Inspection of club premises.

(2) The inspector shall, on receipt of such 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.

22nd Schedule.

(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.

193. 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;
- (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.

Lists to be published.  
S. 154 of No. 32 of 1911, renumbered s. 193 in 1923 reprint.

194. (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:—

Objections.  
S. 155 of No. 32 of 1911, renumbered s. 194 in 1923 reprint.  
Amended by No. 39 of 1922, s. 115; No. 45 of 1951, s. 23; No. 60 of 1959, s. 34; No. 110 of 1965, s. 36.

- (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 as prescribed by paragraph (a) of section one hundred and eighty-three.
- (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 persons who are not members are habitually admitted to the club premises merely for the purpose of obtaining liquor.
- (g) 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 certificate has been refused.
- (h) That the supply of liquor to the club is not under the control of the members or the committee appointed by the members.
- (ha) That having regard to the existing facilities for social amenities, recreation and refreshments, or for cultural or political activities, and to the objects of the club, the club is not required to meet a genuine and substantial need.
- (hb) That the registration of the club will result in undue competition and economic waste, proof whereof lies upon the objector.
- (i) That any of the rules of the club are habitually broken.
- (j) 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.
- (ja) Any one or more of the objections referred to in paragraphs (d), (f), (g) and (h) of subsection (2) of section sixty-three of this Act.



- (k) 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.*

195. (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 31st day of December then next following, if the premises of the club are situated south of the twenty-sixth parallel of south latitude, or the 30th day of June then next following, if the premises of the club are not so situated, unless the Court, as it is hereby authorised to do, grants the certificate for a term expiring before that date.

Duration of certificates.  
S. 156 of No. 32 of 1911, renumbered s. 195 in 1923 reprint.  
Amended by No. 60 of 1959, s. 35; No. 20 of 1963, s. 5.

(2) A renewal shall be for twelve months from the day when the certificate of the last preceding renewal thereof expires, unless the Court, as it is hereby authorised to do, renews the certificate for a period of less than twelve months.

(3) If a certificate of registration or renewal thereof is granted to have effect only during a specified portion of the year, such part only of the minimum fee payable on the issue thereof for the certificate or renewal, as the case may be, and of the assessed annual fee payable in respect of such certificate or renewal, is payable as is proportionate to the period for which the certificate or renewal is to have effect.

196. (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.  
S. 157 of No. 32 of 1911, renumbered s. 196 in 1923 reprint.  
Amended by No. 85 of 1963, s. 65.

(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.

23rd  
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.

Temporary  
removal  
where  
premises  
destroyed.

(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, or upon application made to and with the consent of that Court, for such longer period as it may allow and renew the certificate on being satisfied that reasonable grounds exist for the delay; but notice of such removal and of the reason therefor shall be forthwith given by the secretary to the clerk of the Licensing Court.

#### *Notice of Objections.*

Notice of  
objections.  
S. 158 of No.  
32 of 1911,  
renumbered  
s. 196 in 1923  
reprint.

197. 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:

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.*

198. (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 applications. S. 159 of No. 32 of 1911, renumbered s. 198 in 1923 reprint.  
Amended by No. 49 of 1951, s. 24.

(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.

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

199. 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.

Registration and issue of certificate. S. 160 of No. 32 of 1911, renumbered s. 199 in 1923 reprint.  
24th Schedule.

Refusal of application.  
S. 161 of No. 32 of 1911, renumbered s. 200 in 1923 reprint.

200. 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.

S. 162 of No. 32 of 1911, renumbered s. 201 in 1923 reprint.  
Amended by No. 39 of 1922, s. 116; No. 24 of 1956, s. 3; No. 60 of 1959, s. 36; No. 59 of 1962, s. 3; No. 20 of 1963, s. 6; No. 113 of 1965, s. 81.

201. (1) Subject to the provisions of subsections (1a) and (1b) of this section, 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 five per centum on the amount paid or payable for all liquor (excluding the duties thereon and the cost of carriage from place to place within the State) 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 where and to the extent that the amount (excluding such duties and cost of carriage) has been paid or is payable for liquor so purchased on or before the thirtieth day of September, one thousand nine hundred and fifty-five, or at a percentage of eight and one-third per centum instead of five per centum on the amount where and to the extent that the amount (excluding such duties and cost of carriage) has been paid or is payable for liquor so purchased after that day; and the provisions of section seventy-three of this Act shall, *mutatis mutandis* apply.

(1a) The fee payable for a certificate of registration of a club for a year and for every renewal thereof shall, notwithstanding the provisions of subsection (14) of section seventy-three of this Act, be assessed and determined by the Licensing Court at a percentage of five and one-half per centum on the gross amount paid or payable for all liquor (including all duties thereon but not any costs of carriage within the State to the premises of the club) purchased by or for the club during the period of twelve months ended the thirtieth day of September, one thousand nine hundred and sixty-two as regards a certificate of registration granted or renewed for the year commencing on the first

day of January, one thousand nine hundred and sixty-three, and during the period of twelve months ending the thirty-first day of August, one thousand nine hundred and sixty-three as regards a certificate granted or renewed for the whole or part of the year commencing on the first day of January, one thousand nine hundred and sixty-four, and as regards any other year whenever commencing the fee payable for a certificate or a renewal thereof shall be so assessed and determined at the percentage and in the manner referred to in this subsection in respect of liquor purchased by or for the club during the period of twelve months ending—

- (a) the thirty-first day of August next preceding the commencement of that year where the premises of the club are situated south of the twenty-sixth parallel of south latitude; and
- (b) the last day of February next preceding the commencement of that year where the premises of the club are situated elsewhere,

and if the certificate is granted or renewed for a period in excess of six months the fee payable under this subsection shall be paid in two moieties, the first being payable before the commencement of the period for which the certificate is granted or renewed and the other within a period of six months thereafter; and except in so far as subsection (14) of section seventy-three of this Act is not applicable to this subsection, the provisions of that section shall *mutatis mutandis* apply.

(1b) When prior to the commencement of the Licensing Act Amendment Act, 1962, a club has paid any fee in respect of the grant or renewal of a certificate of registration for the year commencing on the first day of January, one thousand nine hundred and sixty-three assessed and determined in accordance with the provisions of subsection (1) of this section, that club shall upon the commencement of that Act be liable for and pay the additional amount of the fee payable in respect of that year as assessed and determined pursuant to subsection (1a) of this section.

(1c) The provisions of subsections (1a) and (1b) of this section as those subsections are enacted by the Licensing Act Amendment Act, 1963, shall operate and have effect and shall be deemed to have operated and to have had effect from and including the day of the commencement of the Licensing Act Amendment Act, 1962.

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

(2) Every applicant for the renewal of registration of a club shall at least fourteen days before the hearing of his application by the Licensing Court furnish to the clerk of that Court a return in writing signed by him setting forth, with regard to the twelve months ended on the preceding last day of February or, as the case may require, the thirty-first day of August, the gross amount (including all duties thereon but excluding the cost of carriage) paid or payable for liquor purchased by or for the club; and shall also, if required by the Court to do so, 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 any period for which the Court is required to assess and determine the fee payable under this section, 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 Ten dollars.

(5) The fee for a provisional certificate of registration of a club is Five dollars.

(6) When any certificate of registration of a club under this section is suspended or cancelled, the Treasurer may refund to that club such part of the annual fee paid by it as is proportionate to the period for which the certificate of registration of that club was suspended or was not in force.

*Cancellation of Registration.*

202. (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 a 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 registra-  
tion.  
S. 163 of No.  
32 of 1911,  
renumbered  
s. 202 in 1923  
reprint.  
Amended by  
No. 39 of  
1922, s. 117.

(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) A sitting of the Licensing Court may be held to determine complaints under this section at such time as the chairman may appoint.

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

(6) 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 on un-registered club.

S. 164 of No. 32 of 1911, renumbered s.203 in 1923 reprint.

Amended by No. 113 of 1965, s. 8<sup>1</sup>.

203. (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: Two hundred dollars, 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: Twenty dollars.

Supplying liquor for consumption outside registered club.

S. 165 of No. 32 of 1911, renumbered s.204 in 1923 reprint.

Amended by No. 27 of 1931, s. 2; No. 49 of 1951, s. 25; No. 113 of 1965, s. 8<sup>1</sup>.

204. (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 consumption by him or by his guests, 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: One hundred dollars.

(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.



(3) When a necessary qualification for membership in any club is membership in a particular society, then nothing in this section shall extend to the supply to a member of the club on the club premises of liquor for consumption off the club premises, but in the building which comprises such premises, provided such liquor is consumed only by members of such society at a meeting of members of the society or some lodge or branch thereof lawfully holden in accordance with the rules of the society, lodge, or branch.

In this subsection "society" means any society, order, or other organization, howsoever denominated, not formed for the acquisition of gain, including any branch or lodge comprised therein or affiliated therewith.

205. (1) Subject to the provisions of subsection (2a) of this section, no liquor shall be sold or disposed of in any club on a Sunday, Anzac Day (the 25th day of April), or Good Friday.

Penalty: For a first offence, Two hundred dollars; for any subsequent offence, Four hundred dollars.

(2) But this section shall not prohibit the sale or disposal of liquor—

- (a) to any *bona fide* lodger or employee of the club living on the licensed premises;
- (b) to a person being served with a meal in a room set aside for the purpose between the hours of one-thirty p.m. and two-thirty p.m., or the hours of six-thirty p.m. and seven-thirty p.m., if the liquor is drunk with the meal; or
- (c) on a Sunday, not being Anzac Day, if subject to paragraph (d) of this subsection, the liquor is not sold by the bottle or in a bottle, or in a can, or in any container of any kind having a capacity exceeding one reputed quart (other than a jug when the liquor contained therein is to be consumed on the

Sale of liquor on Sundays, etc.  
Added as s. 165a by No. 39 of 1922, s. 118, renumbered s. 205 in 1923 reprint.  
Amended by No. 35 of 1923, s. 2; No. 49 of 1951, s. 26; No. 17 of 1960, s. 2; No. 73 of 1960, s. 8; No. 85 of 1963, s. 66; No. 113 of 1965, s. 8.<sup>1</sup>

club premises), and if the liquor is sold and consumed between the hours of eleven-thirty a.m. and one-thirty p.m., or the hours of four-thirty p.m. and six-thirty p.m. or, in lieu of the periods between such hours, in relation to any particular club, between such other hours representing two periods each of two hours and separated by at least three hours, as the Court, on the application of the club, may from time to time determine; or

- (d) on a Sunday, not being Anzac Day, if the club is situate in the Goldfields district and the liquor is sold by the bottle or in a bottle, or in a can, the capacity of which bottle or can does not exceed one reputed quart, in quantities of not more than two reputed quarts to each customer and during the earlier of the two periods specified in paragraph (c) of this subsection or determined by the Court in accordance with that paragraph, as the case may be.

(2a) Upon the application of a registered club, and on payment of the fee payable under section seventy-five of this Act, the Licensing Court may grant an occasional license which shall exempt the club from the provisions of subsection (1) of this section between the hours of one o'clock in the afternoon and eleven o'clock in the evening on Anzac Day (the 25th day of April), but no occasional license under this subsection shall be granted in respect of an Anzac Day which is a Sunday.

(3) In this section "Goldfields district" has the same meaning as in subsection (5) of section one hundred and twenty-one of this Act.

206. (1) Club premises shall be open at all times to the inspection of any inspector of licensed premises or inspector of liquor, or a member of the police force authorised in writing by a member of the Licensing Court, who shall respectively have power to enter into and search all such premises.

Premises to be open to inspection.

Added as s. 165b by No. 39 of 1922, s. 119, renumbered a. 206 in 1923 reprint.

Amended by No. 113 of 1965, s. 8.<sup>1</sup>

<sup>1</sup> Decimal Currency Act, 1965.

(2) The secretary or other person in charge of a registered club who refuses to admit an inspector or such authorised member of the police force 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: Forty dollars.

(3) Part X of this Act shall apply to club premises which shall be deemed to be licensed premises for the purposes of Part X.

207. (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.

Search war-  
rant.  
S. 166 of No.  
32 of 1911,  
renumbered  
s. 207 in  
1923 reprint.  
Amended by  
No. 113 of  
1965, s. 8<sup>1</sup>.

(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: Twenty dollars.

### *Register of Members.*

Register of members to be kept.  
S. 167 of No. 32 of 1911, renumbered s. 208 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

208. (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.

(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: One hundred dollars.

### *Miscellaneous.*

Clerk to keep register.  
s. 168 of No. 32 of 1911, renumbered s. 168 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

209. (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:—

- (a) date of certificate, and whether granted for the first time or on renewal;
- (b) name and object of the club;
- (c) situation of the premises of the club;

<sup>1</sup> Decimal Currency Act, 1965.

(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 abovementioned 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 ten cents.

210. 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;

(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.

Change of secretary.  
S. 169 of No. 32 of 1911, renumbered s. 210 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

Alteration of rules.

Penalty: Ten dollars.

211. It shall be the duty of the secretary of every registered club to keep a register of lodgers, and the provisions of this Act relating to the register of lodgers to be kept by licensed persons shall *mutatis mutandis* apply, and such register shall at all times

Register of lodgers.  
Added as s. 169a by No. 39 of 1922, s. 120. Renumbered s. 211 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

be open to inspection by any inspector of licensed premises or police officer acting with the authority in writing of a member of the Licensing Court.

Penalty: Forty dollars.

Application of other provisions of Act, s. 170 of No. 32 of 1911, renumbered s. 212 in 1923 reprint.  
Amended by No. 85 of 1963, s. 67.

212. (1) The following enactments of this Act shall apply to registered clubs, namely—Sections one hundred and seventeen, one hundred and forty-one, one hundred and forty-seven, one hundred and sixty, one hundred and sixty-three, and one hundred and sixty-six.

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

False statement.  
S. 171 of No. 32 of 1911, renumbered s. 213 in 1923 reprint.  
Amended by No. 113 of 1965, s. 81.

213. 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: One hundred dollars.

#### PART IX.—INSPECTION OF LICENSED PREMISES.

Appointment of inspectors.  
S. 172 of No. 32 of 1911, renumbered s. 214 in 1923 reprint.

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

(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.

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

- (a) to ascertain, by personal inspection, the mode in which 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 sittings of the Licensing Court of such district, and to report upon licensed premises situated therein, and such report shall describe the condition of the premises, fittings, and furniture, and the manner in which such premises have been conducted during the preceding twelve months, and generally as to whether the provisions of this Act are duly observed.

Copies of such reports to be forwarded to the Commissioner of Police.

216. (1) Any 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.

(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: One hundred pounds.

217. 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.

*Duties of Inspectors.*  
S. 173 of No. 32 of 1911, renumbered s. 215 in 1923 reprint.  
Amended by No. 39 of 1922, s. 122; No. 110 of 1965, s. 37.

*Inspectors may enter licensed premises.*  
S. 174 of No. 32 of 1911, renumbered s. 216 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

*Penalty on inspectors receiving bribes.*  
S. 175 of No. 32 of 1911, renumbered s. 217 in 1923 reprint.  
Amended by No. 113 of 1965, s. 8<sup>1</sup>.

Penalty: Two hundred dollars, or imprisonment for six months.

Penalty for offering bribes to inspectors. S. 176 of No. 32 of 1911, renumbered s. 218 in 1923 reprint. Amended by No. 113 of 1965, s. 8<sup>1</sup>.

218. 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: Two hundred dollars.

Branch of Police Department to deal with inspection, etc., of licensed premises. Added as s. 176a by No. 39 of 1922, s. 123. Renumbered s. 219 in 1923 reprint.

219. A branch of the Police Department shall be established to deal with the inspection of licensed premises, or any other premises in which intoxicating liquor is for sale.

Such branch shall, subject to the control of the Commissioner of Police, be in charge of an experienced senior officer, whose time shall be devoted exclusively to such duties and the inspection of liquor and reporting upon the management and condition of licensed premises, or any other premises in which intoxicating liquor is for sale, to the Commissioner of Police and the Licensing Courts.

Such officer and any member of the police force attached for the time being to such branch of the department shall, *ex officio*, be an inspector of licensed premises.

Inspectors of liquors appointed under the Health Act shall be officers of the Police Department established under this section.

#### PART X.—ADULTERATION OF LIQUOR.

Denitions of proof and underproof. S. 177 of No. 32 of 1911, renumbered s. 220 in 1923 reprint.

220. 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.

<sup>1</sup> Decimal Currency Act, 1965.



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

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

Specific gravity, how ascertained. S. 178 of No. 32 of 1911, renumbered s. 221 in 1923 reprint.

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

Governor may appoint public analyst. S. 179 of No. 32 of 1911, renumbered s. 222 in 1923 reprint.

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.

223. (1) Any licensed person, or any person authorised by subsection one of section forty-six 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.

Sale or possession of adulterated liquor. S. 180 of No. 32 of 1911, renumbered s. 223 in 1923 reprint. Amended by No. 113 of 1965, s. 8.<sup>1</sup>

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

Whisky to have been kept three years in wood.

Added as s. 180a by No. 39 of 1922, s. 124, renumbered s. 224 in 1923 reprint.

Amended by No. 85 of 1963, s. 68; No. 113 of 1965, s. 8.<sup>1</sup>

224. (1) No person shall sell or supply to any other person, or have on his premises apparently for sale, whisky that has not been kept for at least three years in wood.

Penalty: For a first offence, One hundred dollars; for any subsequent offence, Two hundred dollars.

(2) The provisions of the Health Act, 1911, relating to liquor are incorporated with this Act, and any offences thereunder shall be deemed to be offences under this Act.

Inspector may demand samples for analysis.

S. 181 of No. 32 of 1911, renumbered s. 225 in 1923 reprint.

Amended by No. 39 of 1922, s. 125.

225. Any inspector of liquor or inspector of licensed premises or other person authorised in that behalf by the Minister 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.

Liquor may be purchased for analysis.

S. 182 of No. 32 of 1911, renumbered s. 226 in 1923 reprint.

Amended by No. 39 of 1922, s. 126.

226. (1) Any inspector or other person authorised in that behalf by the Minister 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

<sup>1</sup> Decimal Currency Act, 1965.

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.

(2) The inspector or other person authorised in that behalf by the Minister 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.

(3) If the liquor cannot be conveniently divided into three parts, it shall suffice if it is divided into two parts, one being delivered to the seller and the other retained by the inspector for future comparison or analysis.

No. 39 of  
1922, s. 125.

227. Any licensed person, or the agent or servant of any licensed person, who refuses to sell to an inspector of licensed premises or other person authorised in that behalf by the Minister any sample of liquor duly demanded as aforesaid, or obstructs any inspector or other person authorised in that behalf by the Minister 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.  
S. 183 of No. 32 of 1911, renumbered s. 227 in 1923 reprint.  
Amended by No. 39 of 1922, s. 125; No. 113 of 1965, s. 8<sup>1</sup>.

Penalty: One hundred dollars.

228. Any sample of liquor taken or purchased as aforesaid may be delivered to a public analyst with a suitable identification number, by the inspector.

Delivery and analysis of samples of liquor.  
S. 184 of No. 32 of 1911, renumbered s. 228 in 1923 reprint.  
Amended by No. 39 of 1922, s. 126.

229. 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.  
26th Schedule.  
S. 185 of No. 32 of 1911, renumbered s. 229 in 1923 reprint.

Certificate of analyst to be evidence.

S. 186 of No. 32 of 1911, renumbered s. 230 in 1923 reprint.

230. 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.

Certain averments in complaint to be sufficient.

S. 187 of No. 32 of 1911, renumbered s. 231 in 1923 reprint.

Amended by No. 85 of 1963, s. 69.

231. 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.

Proceedings by indictment and on contracts not to be affected.

S. 188 of No. 32 of 1911, renumbered s. 232 in 1923 reprint.

232. 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 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.

233. (1) If any licensed premises are held under lease, granted prior to the Licensing Act Amendment Act, 1922, the lessee shall be allowed by the lessor a proportionate reduction of the rent of the premises, in the same ratio to the full rent as the reduction in hours bears to the time during which the premises might have been lawfully open for the sale of liquor except for that Act, and a like proportionate return of a part of the premium (if any) paid by the lessee to the lessor:

Apportionment of rent and premium.

Added as s. 188a by No. 39 of 1922, s. 127; renumbered s. 233 in 1923 reprint.

(See No. 63 of 1915, s. 16, and No. 1 of 1917, s. 8.)

Amended by No. 85 of 1963, s. 70.

Provided that if any lessee or lessor considers himself insufficiently recompensed or unduly penalised by this section he may require the question of adjustment of rent or rent and premium to be submitted to arbitration under the provisions of the Arbitration Act, 1895, and by an award to be made thereunder the rent or rent and premium to be payable by the lessee during and in respect of such period shall be at such reduced rate as in the circumstances of the case may be deemed reasonable, and the award shall be binding upon the parties and final.

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

(3) This section—

(a) shall only apply to premises for which a publican's general license, a limited hotel license, a wayside-house license, an Australian wine, beer and spirits license, a railway refreshment-room license is held; and

- (b) shall not apply to premises not licensed at the commencement of the lease, unless the amount of rent or premium (if any) was fixed in view of a prospective license.

(4) In this section—

“lessee” includes the mesne lessee and an assignee of a lease or a sub-lease, and also a mortgagee of a lease or sub-lease;

“lessor” includes a mesne lessor and the person for the time being entitled to the rent of the premises, and also a mortgagee of the lessor or of the land comprised in the lease.

Liquid presumed to be liquor.

Every sale a separate offence.

S. 189 of No. 32 of 1911, renumbered s. 234 in 1923 reprint.

234. 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.

S. 190 of No. 32 of 1911, renumbered s. 235 in 1923 reprint.

235. 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. 191 of No. 32 of 1911, renumbered s. 236 in 1923 reprint.

Amended by No. 113 of 1965, s. 8<sup>1</sup>.

236. (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 charges refuses or neglects to produce his license, commits an offence against this Act.

Penalty: Forty dollars.

237. 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:

As to penalties and their remission.  
S. 192 of No. 32 of 1911, renumbered s. 237 in 1923 reprint.

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

238. 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.  
S. 193 of No. 32 of 1911, renumbered s. 238 in 1923 reprint.

239. (1) Any person alleged in any complaint under this Act to be a licensed person shall, for all purposes connected with and in all proceedings under or upon such complaint, be deemed to be a licensed person, and to be licensed in respect of the premises (if any) in respect of which he is, in such complaint, alleged to be licensed, and the premises so alleged to be licensed shall be deemed to be licensed unless the person charged in the complaint at the hearing of such complaint satisfies the Court to the contrary.

Proof of license.  
S. 194 of No. 32 of 1911, renumbered s. 239 in 1923 reprint.  
Amended by No. 39 of 1922, s. 128; No. 49 of 1951, s. 27.

(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.

240. Notwithstanding any rule of law to the contrary, the evidence of a police officer, or of an inspector of licensed premises in any proceedings 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

Certain persons obtaining liquor not to be regarded as accomplices.  
S. 195 of No. 32 of 1911, renumbered s. 240 in 1923 reprint.

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.

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

S. 196 of No. 32 of 1911, renumbered s. 241 in 1923 reprint.

241. 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.

Costs on forfeiture of license.

S. 197 of No. 32 of 1911, renumbered s. 242 in 1923 reprint.

242. 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.

Notices not invalid for errors not likely to mislead.

S. 198 of No. 32 of 1911, renumbered s. 243 in 1923 reprint.

243. 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 insufficient description or misdescription in respect of any matter or particulars required to be contained in such notice if the 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.

S. 199 of No. 32 of 1911, renumbered s. 244 in 1923 reprint.

244. 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.



245. 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.

Proceedings not to be quashed for want of form.  
S. 200 of No. 32 of 1911, renumbered s. 245 in 1923 reprint.

246. 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.

License may be surrendered.  
S. 201 of No. 32 of 1911, renumbered s. 246 in 1923 reprint.

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.

247. [*Section 247 repealed by No. 73 of 1954, s. 8.*]

247A. (1) The Minister may by agreement with the Minister for Education in the case of Government schools and with the proprietor, head master or principal teacher in the case of other schools, arrange for portion of each school term to be set apart, when children attending the school who are in the stages of post primary education shall receive instructions on the evils of over indulgence in liquor and the effects of alcohol, from a person qualified to give the instruction.

Minister to arrange for tuition in alcohol to be given in schools.  
S. 247A added by No. 60 of 1959, s. 37.

(2) In the case of—

- (a) a Government school, the person shall be nominated by the Minister for Education;
- (b) a school other than a Government school, the person shall be nominated by the proprietor, head master or principal teacher, as the case may be, of the school.

Forms sufficient if substantially correct.

S. 203 of No. 32 of 1911, renumbered s. 248 in 1923 reprint.

248. (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.

(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.

Regulations. S. 204 of No. 32 of 1911, renumbered s. 249 in 1923 reprint.

Amended by No. 113 of 1965, s. 8<sup>1</sup>.

249. 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 forty dollars for the breach of the same.

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By section one hundred and thirty-three of the Licensing Act Amendment Act, 1922, it is provided as follows:—

133. Notwithstanding anything contained in this Act to the contrary, a gallon or two-gallon license, or a spirit merchant's license, under and subject to the principal Act may, on payment of the fee payable under that Act, be granted or issued to any person who, prior to 31st December, 1922, is an applicant or the holder of a certificate for such license, but section thirty-four of this Act [Section 73 of the principal Act as reprinted] shall apply to such license.

Provided that the Receiver of Revenue shall, if required so to do—

- (a) issue to the holder of a certificate for a gallon license or two-gallon license, in lieu of such license, a spirit merchant's license under and subject to this Act, on payment of the prescribed fee;
  - (b) issue to the holder of a certificate for a two-gallon license held by or on behalf of a person carrying on the business of a brewer, in lieu of such license, a brewer's license, and also, if so desired a spirit merchant's license under and subject to this Act, on payment of the prescribed fees;
  - (c) issue to the holder of a certificate for a spirit merchant's license under the principal Act, in lieu of such license, a spirit merchant's license under and subject to this Act, on payment of the prescribed fee.
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## SCHEDULES.

## FIRST SCHEDULE.

Sect. 3.

Date of Act.	Title of Act.	
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 Rooms 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.	
No. 46 of 1911 ....	The Licensing Act Amendment Act, 1911 (Section 2).	No. 39 of 1922, s. 132.
No. 1 of 1917 ....	The Sale of Liquor and Tobacco Act, 1916 (Section 11).	

## SECOND SCHEDULE.

*The Licensing Act, 1911.*

(As amended.)

## PUBLICAN'S GENERAL LICENSE.

Sec. 28.  
Amended by  
No. 39 of  
1922, s. 129;  
No. 55 of  
1955, s. 10;  
No. 7 of  
1956, s. 9;  
No. 42 of  
1956, s. 6; No.  
39 of 1958, s.  
3; No. 60 of  
1959, s. 38;  
No. 85 of 1963;  
s. 71; No. 110  
of 1965, s.  
38; No. 113  
of 1965, s. 8<sup>1</sup>.

Whereas the Licensing Court for the Licensing District of..... at a sitting on the..... day of....., 19....., by its 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.....

<sup>1</sup> Decimal Currency Act, 1965.

*Licensing.*

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, as amended.

The license to commence on the ..... day of ..... 19....., and continue until the ..... day of ..... 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.*

(As amended.)

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**LIMITED 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 a Limited 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 a limited 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, as amended.

The license to commence on the ..... day of ..... 19....., and continue until the ..... day of ..... 19....., if not forfeited in the meantime.

Dated this ..... day of ..... 19.....

Receiver of Revenue.  
(Place of issue).

*The Licensing Act, 1911.*

(As amended.)

WAYSIDE-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 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, as amended.

The license to commence on the ..... day of ....., 19 ....., and continue until the ..... day of ....., 19 ....., if not forfeited in the meantime.

Dated this ..... day of ....., 19 .....

Receiver of Revenue.

(Place of issue).

*The Licensing Act, 1911.*

(As amended.)

AUSTRALIAN WINE, BEER AND SPIRITS LICENSE.

Whereas the Licensing Court for the Licensing District of ..... at a sitting on the ..... day of ....., 19 ....., by its certificate dated the ..... day of ....., 19 ....., authorised the issue to ..... of an Australian Wine, Beer, and Spirits License for wine, beer, and spirits 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, beer, and spirits 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, as amended.

*Licensing.*

The license to commence on the..... day of  
....., 19....., and continue until the  
..... day of....., 19....., if  
not forfeited in the meantime.

Dated this..... day of....., 19.....

Receiver of Revenue.

(Place of issue).

*The Licensing Act, 1911.*

(As amended.)

**AUSTRALIAN WINE 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 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 Common-  
wealth, 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, as amended.

The license to commence on the..... day of  
....., 19....., and continue until the  
..... day of....., 19....., if  
not forfeited in the meantime.

Dated this..... day of....., 19.....

Receiver of Revenue.

*The Licensing Act, 1911.*

(As amended.)

**AUSTRALIAN WINE BOTTLE 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 Australian Wine Bottle 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, as amended.

The license to commence on the..... day of....., 19....., and continue until the..... day of....., 19....., if not forfeited in the meantime.

Dated this..... day of....., 19.....

Receiver of Revenue.

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*The Licensing Act, 1911.*  
(As amended.)

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**PACKET 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 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, for consumption thereof on the vessel only, 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, as amended.

The license to commence on the..... day of....., 19....., and continue until the..... day of....., 19....., if not forfeited in the meantime.

Dated this..... day of....., 19.....

Receiver of Revenue.

(Place of issue.)

*Licensing.**The Licensing Act, 1911.*

(As amended.)

**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 within the period commencing one hour before the arrival and terminating one hour after the departure of a passenger train or a railway omnibus at or from the said station under and subject to the provisions of the Licensing Act, 1911, as amended, applicable to such license.

The license to commence on the..... day of....., 19....., and continue until the..... day of....., 19....., if not forfeited in the meantime.

Dated this..... day of....., 19.....

.....  
Receiver of Revenue.

(Place of issue).

*The Licensing Act, 1911.*

(As amended.)

**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 Merchants' 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 on the said premises any liquor in quantities of not less than two gallons, so that such liquor



shall not be consumed on the premises, and that the minimum quantity shall consist 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, under and subject to the provisions of the Licensing Act, 1911, as amended.

The license to commence on the.....day of....., 19....., and continue until the.....day of....., 19....., if not forfeited in the meantime.

Dated this.....day of....., 19.....

.....  
Receiver of Revenue.

(Place of issue.)

---

*The Licensing Act, 1911.*  
(As amended.)

---

**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, as amended.

The license to commence on the.....day of....., 19....., and continue until the.....day of....., 19....., if not forfeited in the meantime.

Dated this.....day of....., 19.....

.....  
Receiver of Revenue.

(Place of issue.)

*Licensing.**The Licensing Act, 1911.*

(As amended.)

**BREWER'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 Brewer's License for the brewery of..... situated at..... in.....

And whereas the said..... has paid the sum of \$..... as the fee for the said license.

Now it is hereby declared that the said..... being a person or the representative of a person carrying on the trade or business of a brewer, is licensed to sell and dispose of beer, the produce of the brewery, in quantities of not less than two gallons, so that such liquor is sold or disposed of on the premises of the licensee situated at..... and is not consumed on the premises and shall be in quantities of not less than two gallons to be delivered or taken away from the premises at one time and not by instalments, and subject to the provisions of the Licensing Act, 1911, as amended.

This license to commence on the..... day of....., 19..... and continue until the..... day of....., 19....., if not forfeited in the meantime.

Dated this..... day of....., 19.....

Receiver of Revenue.

(Place of issue.)

*The Licensing Act, 1911.*

(As amended.)

**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, as amended.

The license to commence on the..... day of  
....., 19....., and continue until the.....  
day of....., 19....., if not forfeited in the  
meantime.

Dated this..... day of....., 19.....

Receiver of Revenue.  
(Place of issue.)

---

*The Licensing Act, 1911.*

(As amended.)

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**BILLIARD TABLE 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 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 бага-  
telle tables on the said premises under and subject to the  
provisions of the Licensing Act, 1911, as amended.

The license to commence on the..... day of  
....., 19....., and continue until the.....  
day of....., 19....., if not forfeited in the  
meantime.

Dated this..... day of....., 19.....

Receiver of Revenue.  
(Place of issue.)

*Licensing.**The Licensing Act, 1911.*

(As amended.)

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 hours of..... o'clock in the morning and  
 ..... o'clock in the evening.

Provided that [*insert conditions, if any*].

Given under my hand this..... day of  
 ....., 19.....

Chairman [*or Member*] of the Licensing  
 Court for the..... District.

Received the fee of \$.....

.....  
 Clerk of the Licensing Court.

*The Licensing Act, 1911.*

(As amended.)

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 my hand this..... day of  
 ....., 19.....

Chairman [*or Member*] of the Licensing  
 Court for the..... District.

Received fee of \$.....

.....  
 Clerk of the Licensing Court.

*The Licensing Act, 1911.*

(As amended.)

**AIRPORT 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 an Airport License for certain premises..... situated at..... Airport.

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 premises (a) for a period of thirty minutes before the arrival at the airport of any aircraft conveying passengers and for a period not exceeding six hours during the time after its arrival that the aircraft is grounded at the airport and for a period of thirty minutes before the departure from the airport of any aircraft conveying passengers, to any passenger who has alighted from or who intends to board the aircraft, or to any airline official or any officer of the Commonwealth Department of Civil Aviation, or to any person who is in the company of any such passenger, official or officer (such liquor not to be sold by the bottle or in a bottle and to be consumed on the premises); or (b) to any person being served with a meal on the said premises in a room set aside for the purpose (such liquor to be consumed with the meal and the meal served during the prescribed hours); under and subject to the provisions of the Licensing Act, 1911, as amended, applicable to such license.

The license to commence on the..... day of....., 19....., and continue until the..... day of....., 19....., if not forfeited in the meantime.

Dated this..... day of....., 19.....

Receiver of Revenue.

(Place of issue.)

*The Licensing Act, 1911.*

(As amended.)

**CANTEEN LICENSE.**

Whereas the Licensing Court for the Licensing District of..... at a sitting held on the..... day of....., 19....., by its certificate dated

*Licensing.*

the..... day of....., 19.....,  
 authorised the issue of a Canteen License for certain  
 premises being....., situated at.....  
 to....., a nominee of.....,  
 referred to in this license as the company.

And whereas the sum of \$..... has been paid as the  
 fee for the said license.

Now it is hereby declared that the said.....  
 is licensed to keep a canteen and to sell liquor therein by  
 the bottle or glass to persons who are engaged in the work  
 of a company which is exploring, prospecting or mining for  
 petroleum, pursuant to the provisions of the Petroleum Act,  
 1936, or any company which for the purpose of its business  
 is operating in an isolated area, which work is being carried  
 on by or on behalf of the company, or to persons temporarily  
 lodging in the vicinity of the site of the above premises for  
 the purpose of transacting business with the company, under  
 and subject to the provisions of the Licensing Act, 1911, as  
 amended.

The license commences on the..... day of.....  
 ....., 19....., and continues until the  
 ..... day of....., 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.*

(As amended.)

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**RESTAURANT 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 of a Restaurant License for certain  
 premises being..... (premises which are or are  
 not the subject of a Publican's General License\*) situated  
 at..... to.....

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 liquor by the bottle or  
glass in any quantity on the said premises to persons  
taking a meal at the said premises during the meal (such  
liquor to be consumed on the premises), under and subject  
to the provisions of the Licensing Act, 1911, as amended.

The license commences on the.....day of  
....., 19....., and continues until the  
.....day of....., 19....., if not  
forfeited in the meantime.

Dated this.....day of....., 19.....

Receiver of Revenue.

(Place of issue).

\* Strike out whichever is not applicable.

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*The Licensing Act, 1911.*

(As amended.)

**PERMIT FOR UNLICENSED PREMISES.**

A.B., of....., being the occupier of  
premises situated at.....and known as  
.....is hereby authorised (during a period  
expiring) on the.....day of....., 19.....,  
to allow liquor to be brought onto those premises and to be  
consumed in such part of those premises, during such hours,  
and subject to such conditions, as are set out hereunder.

[Add particulars and conditions referred to above.]

Given under my hand this.....day of  
....., 19.....

Chairman (or Member) of the Licensing  
Court for the.....District.

Received the fee of.....

Clerk of the Licensing Court.

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**THIRD SCHEDULE.**

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*The Licensing Act, 1911.*

(As amended.)

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**NOTICE OF APPLICATION FOR A PUBLICAN'S GENERAL  
LICENSE, A LIMITED HOTEL LICENSE, OR A  
WAYSIDE-HOUSE LICENSE.**

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To the Licensing Court for the District of.....  
in Western Australia.

Sec. 48.

Amended by  
No. 55 of  
1955, s. 11;  
No. 7 of  
1956, s. 10;  
No. 60 of  
1959, s. 39;  
No. 65 of  
1963, s. 72;  
No. 110 of  
1965, s. 39.

*Licensing.*

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 Sitting of the Licensing Court for this District, for a Publican's General License [or Limited Hotel License, or Wayside-House License] for the sale of liquor in the house and appurtenances 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....., 19.....

(Signature of Applicant).

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*The Licensing Act, 1911.*

(As amended.)

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**NOTICE OF APPLICATION FOR AN AUSTRALIAN  
WINE, BEER, AND SPIRITS 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 Sitting of the Licensing Court for this District, for an Australian Wine, Beer, and Spirits 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, beer, and spirits made in any State of the Commonwelath of Australia.

Dated the..... day of....., 19.....

(Signature of Applicant.)

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*The Licensing Act, 1911.*

(As amended.)

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**NOTICE OF APPLICATION FOR AN AUSTRALIAN  
WINE LICENSE.**

To the Licensing Court for the District of.....  
in Western Australia.



I, ....., now residing at.....,  
do hereby give notice that it is my intention to apply, at  
the next Sitting of the Licensing Court for this District, for  
..... 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 made  
in any State of the Commonwealth of Australia.

Dated this..... day of....., 19.....

.....  
(Signature of Applicant).

*The Licensing Act, 1911.*

(As amended.)

**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 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....., 19.....

.....  
(Signature of Applicant).

*The Licensing Act, 1911.*

(As amended.)

**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).

*Licensing.**The Licensing Act, 1911.*

(As amended.)

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APPLICATION FOR A SPIRIT MERCHANT'S LICENSE, A GALLON LICENSE, A BREWER'S LICENSE, AN EATING-HOUSE, BOARDING-HOUSE, OR LODGING-HOUSE LICENSE, OR A BILLIARD TABLE LICENSE, OR A CANTEEN LICENSE, OR A RESTAURANT LICENSE.

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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 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....., 19.....

.....  
(Signature of Applicant).

---

*The Licensing Act, 1911.*

(As amended.)

## NOTICE OF APPLICATION FOR AIRPORT LICENSE.

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To the Licensing Court for the..... District  
of..... in Western Australia.

I, A.B., being the person nominated by the Commonwealth Department of Civil Aviation, do hereby give notice that it is my intention to apply at the next Sitting of the Licensing Court for the said District for an Airport License for the sale of liquor in and on premises..... situated at..... Airport.

Dated this..... day of....., 19.....

.....  
(Signature of Applicant).

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## FOURTH SCHEDULE.

[Section 47 to which this Schedule related was repealed by the Act No. 39 of 1922.]

FIFTH SCHEDULE.

Sec. 56.

*The Licensing Act, 1911.*

(As amended.)

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. 56.

*The Licensing Act, 1911.*

(As amended.)

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. 57 (10).

*The Licensing Act, 1911.*

(As amended.)

CONFIRMATION ON ENTRY BY SUCCESSOR OR OWNER.

Whereas A.B. has, pursuant to Section 57 of the Licens-  
ing Act, 1911, as amended, 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 N.M.*] Chairman

*Licensing.*

[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. 59.

*The Licensing Act, 1911.*

(As amended.)

**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 [describe the premises to which it is proposed to remove the license].

Dated the.....day of....., 19.....

.....  
(Signature of Applicant).

**NINTH SCHEDULE.**

Sec. 59.  
Amended by  
No. 110 of  
1965, s. 40.

*The Licensing Act, 1911.*

(As amended.)

**INDORSEMENT ON REMOVAL OF LICENSE.**

The Licensing Court for the.....District, at the 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 hereafter apply to the house and premises known as the....., situate at.....

Signed on behalf of the Licensing Court this.....day of....., 19.....

.....  
Chairman.

## TENTH SCHEDULE.

*The Licensing Act, 1911.*  
(As amended.)

Sec. 61.  
Amended by  
No. 110 of  
1965, s. 40.

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 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, as amended.

Dated this..... day of....., 19.....

.....  
Signature of Applicant.

## ELEVENTH SCHEDULE.

*The Licensing Act, 1911.*  
(As amended.)

Sec. 61.  
Amended by  
No. 110 of  
1965, s. 40.

## PROVISIONAL CERTIFICATE.

The Licensing Court of the..... District, at the 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.

*Licensing.*

Sec. 68.  
Amended by  
No. 85 of  
1963, s. 73.

## TWELFTH SCHEDULE.

*The Licensing Act, 1911.*  
(As amended.)

## 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 case of a packet license, the vessel*] for the year ending the ..... day of ....., 19.....

Dated the ..... day of ....., 19.....

[Seal.]

[*Signature of Chairman or two members of the Court.*]

Sec. 68.

## THIRTEENTH SCHEDULE.

*The Licensing Act, 1911.*  
(As amended.)

## 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.

Sec. 71.

## FOURTEENTH SCHEDULE.

*The Licensing Act, 1911.*  
(As amended.)

## 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.

FIFTEENTH SCHEDULE.

Sec. 87.  
No. 39 of  
1922, s. 131.

[Fifteenth Schedule deleted by No. 53 of 1961, s. 10.]

SIXTEENTH SCHEDULE.

Sec. 98.  
No. 39 of  
1922, s. 131.

[Section 98 to which this Schedule related was repealed  
by the Act No. 49 of 1951, s. 8.]

SEVENTEENTH SCHEDULE.

Sec. 98.  
No. 39 of  
1922, s. 131.

[Section 98 to which this Schedule related was repealed  
by the Act No. 49 of 1951, s. 8.]

EIGHTEENTH SCHEDULE.

Sec. 175.

*The Licensing Act, 1911.*

(As amended.)

Western Australia, to wit.

Be it remembered that on the.....day of  
....., 19....., at....., in the  
said State, ....., of ....., in  
the said State....., complaint was made before  
the undersigned, ....., of His Majesty's  
Justices of the Peace for the said State [or for the Magis-  
terial District of ....., that  
being the holder of a .....license, did [*here set  
out offence*]. And the said....., having been  
convicted of the said offence, and having within a period  
of twelve months been convicted two several times of  
offences referred to in Section 175 of the Licensing Act,  
1911, as amended, namely [*set out particulars of convic-  
tions*]. Now, therefore, we do hereby declare that the said  
license of the said.....is forfeited.

Given under our hands this.....day of  
....., 19.....

*Licensing.*

Sec. 177.

## NINETEENTH SCHEDULE.

*The Licensing Act, 1911.*

(As amended.)

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.....

[Seal.]

(Signature of Chairman or two members of the Court.)

Sec. 190.  
Amended by  
No. 110 of  
1965, s. 41.

## TWENTIETH SCHEDULE.

*The Licensing Act, 1911.*

(As amended.)

## 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 Sitting of the Licensing Court for a certificate of the registration of the said Club.

Dated this.....day of....., 19.....

Sec. 191.

## TWENTY-FIRST SCHEDULE.

*The Licensing Act, 1911.*

(As amended.)

## 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. 192.

*The Licensing Act, 1911.*

(As amended.)

## 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 of registration for which [*or a renewal of a certificate of registration for which or of removal to which*] under the Licensing Act, 1911, as amended, 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. 196.  
Amended by  
No. 110 of  
1965, s. 41.

*The Licensing Act, 1911.*

(As amended.)

## 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 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.....

Sec. 199.  
Amended by  
No. 85 of  
1963, s. 74;  
No. 110 of  
1965, s. 41.

## TWENTY-FOURTH SCHEDULE.

*The Licensing Act, 1911.*

(As amended.)

### CERTIFICATE OF REGISTRATION OF CLUB.

Whereas the Licensing Court of the District of....., at the Sitting held on the..... day of....., authorised the issue to the..... Club, under the Licensing Act, 1911, as amended, 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..... day of....., 19....., unless cancelled or suspended in the meantime.

Given under my hand at....., this..... day of....., 19.....

Sec. 201.  
Amended by  
No. 85 of  
1963, s. 75.

## TWENTY-FIFTH SCHEDULE.

*The Licensing Act, 1911.*

(As amended.)

### DECLARATION AS TO LIQUOR PURCHASED.

I,....., of....., being the applicant for 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..... day of....., 19....., was....., and the net amount paid or payable for liquor purchased for the said club during the said period, including all duties thereon but excluding the cost of carriage from place to place within the State 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.

[Note.—See Regulation in Gazette for 16th March, 1923.]

TWENTY-SIXTH SCHEDULE.

Sec. 229.

*The Licensing Act, 1911.*

(As amended.)

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.