

LIQUOR.

No. 84 of 1981.

AN ACT to amend the Liquor Act 1970-1979.

[Assented to 23 November 1981.]

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the *Liquor Amendment Act 1981*.

Short title
and citation.

(2) In this Act the Liquor Act 1970-1979 is referred to as the principal Act.

Reprinted as
approved 3
October 1979;
amended by
Act No. 119
of 1979.

(3) The principal Act as amended by this Act may be cited as the Liquor Act 1970-1981.

Commence-
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are respectively fixed by proclamation.

Repeal of
section 3.

3. Section 3 of the principal Act is repealed.

Section 6
amended.

4. Section 6 of the principal Act is amended, in paragraph (h) of subsection (1)—

(a) by deleting “millimetres” and substituting the following—

“ millilitres ” ; and

(b) in subparagraph (iii), by adding after “Anzac Day” the following—

“ or outside the hours of ten o'clock in the morning and six o'clock in the evening on a Sunday, other than Christmas Day or Anzac Day ” .

Section 7
amended.

5. Section 7 of the principal Act is amended in subsection (1)—

(a) in the definition of “bar”—

(i) in paragraph (a), by deleting “from” and substituting the following—

“ in ” ; and

(ii) in paragraph (b), by inserting after “designate” the following—

“ under section 73B ” ;

(b) in the definition of “licensed premises” in paragraph (b), by inserting at the end of that paragraph the following—

“ but in relation to a club licence does not include a part of the club premises which is for the time being excluded from the licensed premises of the club by an order under section 35A; ” ;

(c) by deleting the definition of “meal” and substituting the following—

“ “meal” means such substantial food as may be prescribed by the regulations; ” ; and

(d) in the definition of “provisional certificate” by deleting “will” and substituting the following—

“ may ” .

6. Section 11 of the principal Act is amended— Section 11 amended.

(a) in subsection (1) (a) (iii), by inserting after “renewal” the following—

“ , suspension ” ; and

(b) by repealing subsection (1a).

7. Section 12 of the principal Act is amended, in subsection (4), by deleting “twenty” and substituting the following— Section 12 amended.

“ fifty ” .

8. Section 18 of the principal Act is amended, in subsection (1), by deleting “, 1904” and substituting the following— Section 18 amended.

“ 1978 ” .

9. Section 19 of the principal Act is amended by repealing subsection (1) and substituting the following subsections— Section 19 amended.

“ (1) There may be appointed under the Public Service Act 1978, for the purposes of this Act—

(a) a senior supervisor of licensed premises and such other supervisors of licensed premises as may be necessary; and

(b) such inspectors of licensed premises as may be necessary.

(1a) The principal clerk shall furnish to a person appointed under paragraph (b) of subsection (1) of this section a certificate stating that he is an inspector of licensed premises. ” .

Section 20A
inserted.

10. After section 20 of the principal Act, the following section is inserted—

Powers of
inspectors.

“ 20A. (1) An inspector appointed under paragraph (b) of subsection (1) of section 19 may, at all reasonable times and on production of the certificate furnished to him under subsection (1a) of that section, enter any licensed premises and—

(a) take an account of all stocks of liquor therein; and

(b) examine all registers, books, records and documents therein and take extracts from, and make copies of, the same.

(2) A licensee or person in charge of licensed premises shall not refuse or fail to admit any such inspector who requires entry to those premises under this section, or obstruct or delay any such inspector, or cause or permit him to be obstructed or delayed, in the exercise of his powers under this section.

Penalty: Five hundred dollars. ” .

Section 23
amended.

11. Section 23 of the principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (m) by deleting “and”;

(ii) in paragraph (n) by deleting the full stop and substituting a semi-colon; and

(iii) by inserting after paragraph (n) the following paragraphs—

“ (o) a ballroom licence; and

(p) a reception lodge licence. ” ; and

(b) by repealing subsection (4).

12. Section 24 of the principal Act is amended— Section 24 amended.

(a) in subsection (1), by deleting paragraph (c) and substituting the following—

“ (c) if the licensee has elected under subsection (5) of this section to do so—

(i) between the hours of eleven in the morning and one in the afternoon and between half-past four and half-past six in the afternoon on a Sunday; or

(ii) between such other hours, on a Sunday, as the Court may authorise, under subsection (2) of this section; ” ;

(b) in subsection (2)—

(i) by deleting paragraph (a); and

(ii) in paragraph (b) by deleting “, for consumption on the premises, only”;

(c) by repealing subsection (6);

(d) in subsection (8), by deleting “artists” and substituting the following—

“ the proposed number of artists ” ;
and

(e) in subsection (10)—

(i) by deleting “forty-eight hours before the time at” and substituting the following—

“ five days, or such lesser period as the Court may in special circumstances allow, before the day on ” ;

and

(ii) by deleting “may” in the second place where it appears and substituting the following—

“ shall ” .

Section 25
amended.

13. Section 25 of the principal Act is amended—

(a) in subsection (1), by deleting “may” and substituting the following—

“ shall ” ; and

(b) by inserting, after subsection (4), the following subsections—

“ (5) Before a caterer’s permit is issued to a licensee he shall nominate, and may from time to time nominate as provided by the rules, a person to be in attendance at the premises for which the caterer’s permit is in operation while the rights arising from the holding of the permit are being exercised.

(6) It is a condition of every caterer’s permit that—

(a) the licensee to whom it is issued shall not enter into, or continue, any arrangement whereby the benefit arising from the holding of the permit accrues to any other person; and

- (b) the person nominated under subsection (5) shall attend at the premises referred to in that subsection at the times mentioned therein. ” .

14. Section 26 of the principal Act is amended, Section 26 amended. in subsection (1) (b), by deleting the following—

“ section,
for consumption on the premises, only; ”

and substituting the following—

“ section; ” .

15. Section 27 of the principal Act is amended Section 27 amended. in subsection (1) by deleting paragraph (b) and substituting the following—

“ (b) between the hours of—

- (i) noon and three in the afternoon on any day, other than Good Friday, and half-past five in the afternoon on a weekday and half-past twelve in the morning on the following day, notwithstanding that the following day is a Sunday, Christmas Day, Good Friday or Anzac Day;
- (ii) half-past five in the afternoon and ten in the evening, on a Sunday or Christmas Day,

in the following parts of the licensed premises—

- (iii) a dining room or a reception area with or ancillary to a meal supplied and taken in good faith in the dining room; or
- (iv) for consumption on the premises only, in a bar set aside for the public and approved by the Court, on application made by the licensee, for use as such; and ” .

Section 29
amended.

16. Section 29 of the principal Act is amended, in subsection (1) (b), by deleting the following—

“ section,

for consumption on the premises, only; ”

and substituting the following—

“ section; ” .

Section 30
amended.

17. Section 30 of the principal Act is amended in subsection (1) by deleting “nine” and substituting the following—

“ eight ” .

Section 31
amended.

18. Section 31 of the principal Act is amended in subsection (1) by deleting “on a week day”.

Section 35
amended.

19. Section 35 of the principal Act is amended—

(a) in subsection (1)—

(i) by repealing paragraph (b) and substituting the following—

“ (b) to a member of the club and to his guests, not exceeding three in number, in his company for consumption on the premises—

(i) during ordinary trading hours;

(ii) between the hours of ten and twelve in the evening on a weekday, other than Saturday, and on Christmas Day where it does not fall on a Sunday; and

(iii) between the hours of ten in the evening on a Saturday and one in the morning on a

Sunday, notwithstanding that it is Christmas Day or Anzac Day; ” ;

- (ii) in paragraph (d) by deleting “subsections (1a) and (1b)” and substituting the following—

“ subsection (1a) ” ;

- (iii) by inserting after paragraph (d) the following paragraph—

“ (da) during the hours mentioned in paragraph (d) of this subsection or authorised pursuant to subsection (1a) of this section, to a member of the club, in sealed containers, for consumption off the premises; ” ;

- (iv) in paragraph (e) by inserting after “meal”, where it first appears, the following—

“ supplied and taken in good faith ” ; and

- (v) in paragraph (e) by deleting “, if the meal is supplied and taken in good faith, in a room regularly used as a dining room on the premises”;

- (b) in subsection (1a) by deleting “that relates to premises situated within an area prescribed for the purposes of paragraph (a) of that subsection”;

- (c) by repealing subsection (1b);

- (d) in subsection (2b) (b), by inserting after “hotel” the following—

“ or tavern ” ; and

- (e) in subsection (3), by deleting “Except in the case of a club that has as its object, or one of its principal objects, the conduct of competitive, outdoor sport” and substituting the following—

“ Without limiting the operation of subsection (4a) of section 69, ” .

Section 35A
inserted.

20. After section 35 of the principal Act, the following section is inserted—

Temporary
de-licensing
of part of
club
premises.

“ 35A. (1) The Court may, on the application of the holder of a club licence made not later than seven days, or such lesser period as the Court may in special circumstances allow, before the day, or the first day, on which the order is to take effect and on payment of the prescribed fee, by order exclude from the licensed premises of that club—

- (a) any specified part of the club premises;
- (b) during a specified period or specified periods in each week, month, or year or during a specified period or specified periods on a particular day or days.

(2) The Court shall not make an order under subsection (1) of this section unless it is satisfied that the part of the licensed premises to be excluded is intended to be used during the period of exclusion only for the purpose of any function, class or activity to be attended by juveniles who have a connection or association with the club.

(3) Subject to subsection (5) of this section, the Court may, on the application of the licensee or of its own motion, vary or revoke an order under subsection (1) of this section.

(4) Subject to subsection (5) of this section, the Court may, in relation to an order under subsection (1) of this section, exercise the power of suspension in subsection (1) of section 83A and the power in subsection (3) of that section as if an order under subsection (1) of this section were a permit of a continuing nature.

(5) The Court may vary, suspend or revoke an order under subsection (1) of this section (otherwise than on application by the licensee) only after it has given the licensee an opportunity of being heard.

21. Section 36 of the principal Act is amended— Section 36
amended.

(a) by repealing subsection (1) and substituting the following subsection—

“ (1) A store licence authorises the licensee to sell and supply liquor, on the licensed premises, in sealed containers, for consumption off the premises only—

(a) between the hours of half-past eight in the morning and half-past eight in the evening on a weekday ; and

(b) between half-past eight and nine in the evening on any day on which, under subsection (1) of section 85 of the Factories and Shops Act 1963, a shop to which that section applies may be kept open until nine in the evening. ” ; and

(b) in subsection (2), by deleting “, other than Anzac Day,”.

Section 36A
amended.

22. Section 36A of the principal Act is amended by repealing subsection (3) and substituting the following—

“ (3) A vigneron’s licence authorises the licensee on and from the premises named in the licence—

(a) to sell and supply in sealed containers wine manufactured by him, in quantities of not less than 740 millilitres, for consumption on or off the premises; and

(b) to supply wine manufactured by him to a prospective customer as a sample without charge, for consumption on the premises,

between the following hours—

(c) on a weekday between the hours of half-past eight in the morning and ten in the evening or between such other hours as are specified in or endorsed on the licence; and

(d) such hours on a Sunday as the Court may authorise under subsection (4) of this section.

(4) The Court may, on the application of the holder of a vigneron’s licence, if it is satisfied that—

(a) a demand exists for the sale and supply of wine to persons visiting vignerons’ premises as tourists and sightseers on Sundays; and

(b) that the premises are suitable for the purpose of catering to that demand,

authorise the holder of the licence to sell and supply wine as provided in paragraphs (a) and (b) of subsection (3) of this section on a Sunday during a specified period, no part of which is outside the hours mentioned in paragraph (c) of that subsection. ” .

23. After section 38 of the principal Act, the following sections are inserted—

Sections 38A
and 38B
inserted.

“ 38A. (1) A ballroom licence authorises the licensee to sell and supply liquor on the licensed premises, for consumption on the premises, with or ancillary to a ball or dance being conducted on the premises, between the hours of—

Ballroom
licence.

- (a) eight in the evening on a weekday, and two in the morning of the following day, notwithstanding that the following day is a Sunday, Christmas Day, Good Friday or Anzac Day; and
- (b) eight in the evening and midnight on a Sunday.

(2) It is a condition of every ballroom licence that the licensee shall—

- (a) make light refreshments, of a kind approved by the Court, continuously available for purchase and consumption on the premises; and
- (b) cause dance music to be provided by a band or orchestra present and performing in person,

between the hours during which he sells and supplies liquor under the authority of subsection (1) of this section.

38B. (1) A reception lodge licence authorises the licensee to sell and supply liquor on the licensed premises, for consumption on the premises, with or ancillary to the provision by the licensee of substantial food to persons having a common interest of a social, political, literary, sporting or like nature, between the hours of—

Reception
lodge
licence.

- (a) ten in the morning on a weekday and half-past twelve in the morning of the following day, notwithstanding

that the following day is a Sunday, Christmas Day, Good Friday or Anzac Day;

- (b) noon and eight in the evening on a Sunday, or such hours on a Sunday as the Court may authorise under subsection (3) of this section; and
- (c) if the licensee obtains an occasional permit by virtue of subsection (2) of this section, during the hours, on the day, to the persons and in the part of the premises specified in the permit.

(2) Subsection (10) of section 24 and section 25 apply, with such adaptations as may be necessary, to the holder of a reception lodge licence, but it is a condition of an occasional permit or a caterer's permit issued to such holder that he will only sell and supply liquor pursuant to the permit in conjunction with substantial food. " .

(3) The Court may, having regard to the requirements of the type of functions for which the licensed premises are used, from time to time, on the application of the holder of a reception lodge licence, authorise him to sell and supply liquor for consumption on the premises between such hours, other than those mentioned in subsection (1) (b) of this section, but not in the aggregate exceeding a total of eight hours, on a Sunday as the Court may specify; and an authority so conferred shall remain in force until the Court otherwise orders.

Section 42
amended.

24. Section 42 of the principal Act is amended—

- (a) in subsection (1), by deleting paragraph (c) and substituting the following—

“ (c) has been, or in a case where the applicant is formed by the amalgamation of two or more bodies described in paragraph (a) of this

subsection each of them has been, well managed for a period of at least two years prior to the making of the application, ” ; and

- (b) by inserting, after subsection (3), the following subsection—

“ (4) Before a permit under this section is issued to a club it shall nominate, and may from time to time nominate, a person, as provided by the rules, to be responsible as permit holder on behalf of the club and, if the Court approves the nominee, he shall be responsible accordingly. ” .

25. Section 43 of the principal Act is amended— Section 43
amended.

- (a) by repealing subsection (1) and substituting the following subsections—

“ (1) The Court may, on the application of a body or association of persons, issue to the applicant a function permit authorising the applicant to sell and supply liquor, as provided by subsection (2) of this section—

(a) subject to subsection (1a) of this section, during such period or periods; and

(b) on such premises,

as are specified in the permit.

(1a) The Court may under paragraph (a) of subsection (1) of this section specify a period which commences on any day other than Good Friday and ends on the following day notwithstanding that it is Good Friday, but shall not specify any period which is, in whole or in part, outside the hours of nine in the morning and two in the morning of the following day. ” ;

- (b) by deleting paragraph (aa) of subsection (3) and substituting the following paragraph—

“ (aa) the liquor to be supplied pursuant to the permit is purchased or obtained by the permit holder from a body or organisation (not being a manufacturer or producer of liquor) of which the sole or the principal object is the promotion of one or more types or varieties of Australian produced liquor; ” ;

and

- (c) by inserting, after subsection (3), the following subsections—

“ (4) Before a permit under this section is issued to a body or association of persons, it shall nominate a person to be responsible as permit holder on behalf of the body or association and, if the Court approves the nominee, he shall be responsible accordingly.

(5) It is not an offence against section 134 for a body or organisation referred to in paragraph (aa) of subsection (3) of this section to sell or supply Australian produced liquor to the holder of a function permit if—

- (a) the liquor is purchased by the body or organisation from a member thereof; and
- (b) the Court has in connection with the issue of the function permit authorised the body or organisation to sell and supply liquor in terms of paragraph (aa) of subsection (3) of this section. ” .

Section 45
amended.

26. Section 45 of the principal Act is amended, in the penalty provision at the foot thereof, by deleting “One” and substituting the following—

“ Two ” .

27. Section 46 of the principal Act is amended, in the penalty provision at the foot of subsection (2), by deleting "One" and substituting the following—

Section 46
amended.

" Two " .

28. Section 47 of the principal Act is amended, in the penalty provision at the foot of subsection (4), by deleting "One" and substituting the following—

Section 47
amended.

" Two " .

29. Section 48 of the principal Act is amended, in the definition of "road", by deleting "Traffic Act, 1919" and substituting the following—

Section 48
amended.

" Road Traffic Act 1974 " .

30. Section 51 of the principal Act is amended by repealing subsection (5) and substituting the following subsections—

Section 51
amended.

" (5) The principal clerk shall not list for hearing, and the Court shall not hear, an application of a person who has not complied with such of the provisions of this section as apply to him.

(6) At the expiration of twelve months after the date of lodgment of an application, it shall not be listed for an initial hearing without the leave of the Court; and upon an application for leave being made the Court may extend the time for listing the application or may strike it out.

(7) The Court may at any time after the expiration of twelve months after the date of lodgment of an application strike out the application if no application for leave has been made under subsection (6) of this section. " .

31. Section 52 of the principal Act is amended—

Section 52
amended.

(a) in paragraph (c) by deleting the "and" after the semi-colon;

(b) in paragraph (d), by deleting “and, where the case requires, of the rules delivered pursuant to subsection (4) of section 51.” and substituting the following—

“ ; and ” ; and

(c) by inserting, after paragraph (d), the following paragraph—

“ (e) examine the rules delivered pursuant to subsection (4) of section 51 and consider whether those rules conform to the requirements of this Act and are adequate to give effect to those requirements. ” .

Section 53
amended.

32. Section 53 of the principal Act is amended in subsection (2)—

(a) in paragraph (b) by inserting after the semi-colon the following—

“ and ” ;

(b) by deleting paragraph (c); and

(c) by deleting the paragraph designation “(d)” and substituting the paragraph designation “(c)”.

Section 54
amended.

33. Section 54 of the principal Act is amended—

(a) in subsection (1), by inserting after “restaurant licence” the following—

“ , ballroom licence, reception lodge licence ” ; and

(b) by inserting after subsection (3), the following subsection—

“ (4) The Court may, either of its own motion or on application made by any person before the hearing of an application referred to in subsection (1), amend the specification of the affected area by enlarging the area to which the application shall be deemed to apply. ” .

34. Section 54A of the principal Act is amended, in paragraph (c), by deleting “and paragraph (b) of subsection (4)” and substituting the following—

Section 54A
amended.

“ paragraph (b) of subsection (4) and subsections (5), (6) and (7) ” .

35. Section 54B of the principal Act is amended—

Section 54B
amended.

(a) in subsection (1)—

(i) by deleting “refuse to hear or determine” and substituting the following—

“ not hear ” ; and

(ii) by deleting “application was made” and substituting the following—

“ application was refused ” ;
and

(b) in subsection (2), by inserting after “a winehouse licence,” the following—

“ a ballroom licence, a reception lodge licence, a cabaret licence, ” .

36. Section 55 of the principal Act is amended—

Section 55
amended.

(a) in subsection (2)—

(i) in paragraph (b) (iii), by deleting “Authority” and substituting the following—

“ Council ” ;

(ii) in paragraph (e) (ii), by deleting “and;” ;

(iii) in paragraph (f) by deleting the full stop and substituting a semi-colon;
and

(iv) by inserting after paragraph (f) the following paragraphs—

“ (g) a ballroom licence or a provisional certificate for such a licence may be made—

(i) by the holder of a ballroom licence or a cabaret licence

whose licensed premises are in the affected area or by an association of licensees of which a holder of either such licence is a member; and

(ii) by a resident of the affected area, not being the holder of any licence other than a ballroom licence or a cabaret licence; and

(h) a reception lodge licence or a provisional certificate for such a licence may be made—

(i) by the holder of a reception lodge licence, a restaurant licence or a cabaret licence whose licensed premises are in the affected area or by an association of licensees of which the holder of any such licence is a member; and

(ii) by a resident of the affected area not being the holder of any licence other than a reception lodge licence, a restaurant licence or a cabaret licence. ” ; and

(b) in subsection (2a), by inserting after “a restaurant licence” the following—

“ , a ballroom licence, a reception lodge licence ” .

37. Section 57 of the principal Act is amended— Section 57 amended.

(a) in subsection (1) (b), by deleting the full stop and substituting the following—

“ ; but an objection under this paragraph shall be made by a person referred to in subsection (1) of section 55 and not by any other person. ” ; and

(b) in subsection (2)—

(i) in paragraph (a) by inserting after “store licence” the following—

“ , a ballroom licence, a reception lodge licence ” ; and

(ii) in paragraph (d) (viii), by deleting “or registration” in both places where it occurs.

38. Section 62 of the principal Act is amended by inserting, after subsection (5), the following subsection— Section 62 amended.

“ (6) The requirements of sections 51, 52, 53 and 54 do not apply to or in relation to an application under subsection (5) of this section. ” .

39. Section 66 of the principal Act is amended in subsection (1) by deleting “being is” and substituting the following— Section 66 amended.

“ being in ” .

40. (1) Section 69 of the principal Act is amended— Section 69 amended, and transitional provisions.

(a) in subsection (1) (f), by deleting “or provisional members”;

(b) in subsection (3)—

(i) in paragraph (c), by inserting after “provisional members” the following—

“ , which manner of election may not allow a person to be

nominated or seconded for membership by a provisional member " ; and

(ii) by deleting paragraph (d) and substituting the following—

“ (d) that only persons possessing the qualifications set out in the rules be elected honorary members, honorary life members or provisional members, and that only honorary members, honorary life members or provisional members be relieved of payment of the regular subscription; ” ;
and

(c) in paragraph (d) of subsection (4), by inserting after “the entry” the following—

“ , as mentioned in subsection (3) of section 35, ” .

(2) In its application to a club for which a licence is in force immediately before this section comes into operation, section 69 of the principal Act, as amended by subsection (1) of this section, shall not have effect until the expiration of six months from and including the day on which this section comes into operation; and until that time section 69 shall apply to such club as if this section had not been passed.

Section 70A
inserted.

41. After section 70 of the principal Act, the following section is inserted—

Special
provisions
for Air
Force
Association
Club.

“ 70A. (1) The Court may grant a club licence to the body known as the Australian Flying Corps and Royal Australian Air Force Association (Western Australia Division) Incorporated (in this section referred to as “the Association”) in respect of the premises at Benningfield Road, Bull Creek known as the Air Force Association (Western Australia

Division) Club (in this section referred to as "the club") and may from time to time renew such licence, notwithstanding that—

- (a) the business and affairs of the Association are under the management of a committee elected otherwise than in accordance with paragraph (e) of subsection (1) of section 69;
- (b) entitlement to membership of the club is not by way of election as required by paragraph (f) of that subsection;
- (c) the subscription payable by members of the club does not conform to paragraph (g) of that subsection; and
- (d) the rules of the club do not make provision to the effect mentioned in paragraph (b) of subsection (3) of section 69,

but subject to compliance by the Association with the other requirements of section 69 and with subsection (2) of this section.

(2) So long as a club licence under this Act is in force in respect of the club any rule of the Association or of the club which is inconsistent with any of the following provisions of this subsection shall be of no effect to the extent of the inconsistency—

- (a) the management, conduct and control of the assets and property of the club and its business and transactions are vested in the Division Committee of the Association (in this subsection referred to as "the Committee of Management") as from time to time constituted under, and elected or appointed in accordance with, the rules of the Association for the time being in force, and that Committee is authorised to exercise and have that

management, conduct and control subject to the other provisions of this Act, insofar as they are not inconsistent with, or repugnant to, the provisions of this section;

- (b) the net income from all sources arising from the carrying on, and from the business, of the club, as ascertained from time to time, remains the property of the Association and may be used, applied or disposed of by the Committee of Management not only for the purposes of the club but for any other purpose for which the original funds of the Association may be used, applied or disposed of in accordance with its rules;
- (c) every subscribing member of the Association is, by virtue of the payment of his subscription as a member of the Association and any further subscription that the Committee of Management with the approval of the Court may require, a subscribing member of the club for the period during which his subscription or further subscription to the Association entitles him to be a member of the Association and is, during that period entitled, subject to the rules of the club, to enjoy all the privileges of the club; but—
 - (i) nothing in this paragraph shall be read as preventing a person who is not a subscribing member of the Association being or becoming a member of the club in accordance with its rules; and
 - (ii) a member of the Association who is unfinancial under

its rules is not entitled, and shall not be permitted or suffered, to enjoy the privileges of the club while he continues to be an unfinancial member of the Association.

(3) Divisions 1 and 2 of this Part shall not apply to the Association or a licence applied for by or granted to it except for—

- (a) in Division 1, sections 50 (2) (c), 51 (1), 51 (2) (a), 51 (4) (a) (so far as it relates to a nominee), 51 (4) (b) and (c), 51 (5), (6) and (7), 52 (c), (d) and (e), 53 (1) (a) (iii) (so far as it relates to a nominee), 53 (2), 59, 60 (1) (so far as it relates to a nominee), 60 (2), and 69 (so far as it applies by virtue of subsection (1) of this section); and
- (b) in Division 2, sections 76, 77, 80, 81 and 82. " .

42. After section 71 of the principal Act, the following section is inserted—

Section 71A
inserted.

“ 71A. (1) Subject to any valid objection and to subsection (2) of this section, the Court may grant a ballroom licence if it is satisfied that—

Grant of
ballroom
licences.

- (a) the population of the affected area or the number of persons resorting to the affected area is sufficient to warrant the granting of the licence;
- (b) the granting of the licence would substantially convenience the public; and
- (c) there are insufficient ballroom licences to meet the requirements of the public in the affected area.

(2) The Court shall not grant a ballroom licence unless it is satisfied that the premises in respect of which it is sought—

- (a) are capable of accommodating and seating for the purpose of a ball or dance not less than five hundred persons;
- (b) are so constructed as to include suitable and sufficient facilities—
 - (i) to enable the licensee to comply with the requirements of subsection (2) of section 38A; and
 - (ii) for the sale, supply and consumption of liquor. ” .

Section 72
amended.

43. Section 72 of the principal Act is amended by deleting “71” and substituting the following—

“ 71A ” .

Sections 73A
and 73B
inserted.

44. After section 73 of the principal Act, the following sections are inserted—

Conditions
may be
imposed.

“ 73A. (1) The Court may impose such conditions as it thinks fit on the granting of a licence or the issue of a permit or on the renewal of a licence or permit.

(2) The Court may, in accordance with the rules, at any time during the currency of a licence or permit impose such conditions as it thinks fit or vary or revoke any condition to which a licence or permit is subject.

Designation
of bars on
grant of
licences,
etc.

73B. (1) Where—

- (a) on the grant, renewal or removal (including temporary removal) of a licence, or a provisional certificate for a licence or removal of a licence;

- (b) on the approval of, or requirement by the Court for, a variation, extension or reduction in area of the licensed premises,

the Court approves any plans of licensed premises, or where any plans are approved or deemed to be approved under section 93, the part of the licensed premises shown on any such plan as a bar shall be deemed to be designated by the Court as a bar.

(2) The Court may, on application made by a licensee or of its own motion, designate any bar as a public bar for the purposes of paragraph (d) of section 120. ” .

45. Section 75 of the principal Act is repealed and the following section is substituted—

Section 75
repealed
and sub-
stituted.

“ 75. (1) Subject to subsection (2) of this section, a licence expires on the date in each year which is prescribed for licences of that type.

Expiration of
licences.

(2) The Court, in granting or renewing a licence may fix some other date for the expiry of that licence, either generally or for a particular year or years. ” .

46. Section 76 of the principal Act is amended—

Section 76
amended.

- (a) by repealing subsections (2) and (3) and substituting the following—

“ (2) Except where the Court has otherwise ordered, an application for the renewal of a licence shall be lodged not later than 30 days before the date of expiry of the licence.

(3) An application for the renewal of a licence shall be lodged by posting one copy of the application, by prepaid post, to the principal clerk. ” ; and

- (b) in subsection (4), by deleting “or within the time limited, by this section” and substituting the following—

“ this section, or within the time provided for by this section or specified by the Court, ” .

Section 78
amended.

47. Section 78 of the principal Act is amended, in subsection (1), by deleting “twenty-one” and substituting the following—

“ thirty ” .

Section 83A
inserted.

48. After section 83 of the principal Act, the following section is inserted—

Suspension
of permits.

“ 83A. (1) Where the Court, on the complaint of a member of the Police Force or a supervisor, is satisfied that the holder of a permit of a continuing nature has not complied with any term or condition thereof or has committed an offence against this Act, it may order that the operation of the permit be suspended for the period specified in the order.

(2) The Court may make an order under subsection (1) of this section only after it has given the holder of the permit an opportunity of being heard on the complaint.

(3) The Court may re-instate a suspended permit if the holder applies for an order in that behalf, on notice to the Commissioner of Police and the senior supervisor of licensed premises, and satisfies the Court that the justice of the case requires that the permit be re-instated. ” .

49. Section 84 of the principal Act is amended by repealing subsection (1) and substituting the following subsection—

Section 84
amended.

“ (1) Subject to section 50 and the succeeding provisions of this Division, the Court may, with the consent in writing of the holder of the licence, on payment of the specified fee, and on production to it of the return referred to in subsection (6) of section 163, by endorsement, transfer a licence to any person who is entitled to apply for the grant of a licence. ” .

50. Section 85 of the principal Act is amended, in subsection (2), by deleting “seven” and substituting the following—

Section 85
amended.

“ thirty ” .

51. Section 94 of the principal Act is amended—

Section 94
amended.

(a) in the penalty provision at the foot of subsection (1), by deleting “One” and substituting the following—

“ Two ” ; and

(b) in subsection (4) by inserting after “such licence relates” the following—

“ ; or to anything done pursuant to an order under section 35A ” .

52. Section 97 of the principal Act is amended—

Section 97
amended.

(a) in subsection (1) (b), by deleting “from” and substituting the following—

“ in ” ; and

(b) by inserting, after subsection (2), the following subsection—

“ (3) Where under subsection (1) of this section the Court gives to an owner or licensee an authority or direction which involves the undertaking of any work or the taking of any steps in relation to—

(a) the licensed premises or the condition thereof;

(b) furniture, fittings, accommodation, services or amenities provided or to be provided on the licensed premises,

it shall specify a time before which the owner or licensee, as the case may be, shall notify it in writing that the work has been completed or the steps have been taken; and if an owner or licensee to whom an authority or direction is given does not contravene subsection (2) of this section but fails to—

(c) notify the Court in writing within the specified time; and

(d) show cause why this subsection should not be enforced,

the Court may impose a penalty not exceeding twenty dollars for each day during which the failure to notify the Court in writing continues after the expiration of the specified time. ” .

54. Section 118 of the principal Act is amended— Section 118 amended.

(a) by repealing subsection (1) and substituting the following—

“ (1) Every licensee, other than the holder of a club licence, shall cause—

(a) his name, followed by the word “Licensee” ; and

(b) where the licensee is a body corporate, the name of the nominee, followed by the word “Nominee”,

to be painted or fixed, in a conspicuous position, on the front of the premises to which the licence relates and maintained in a readily legible condition. ” ; and

(b) in the penalty provision at the foot of subsection (2), by deleting “Twenty” and substituting the following—

“ Two hundred ” .

55. Section 119 of the principal Act is amended— Section 119 amended.

(a) in subsection (1) by deleting “from” where it first occurs and substituting the following—

“ in ” ;

(b) in subsection (3) by deleting “from” and substituting the following—

“ in ” ; and

(c) in the penalty provision at the foot thereof, by deleting “Fifty” and substituting the following—

“ Five hundred ” .

Section 120
amended.

56. Section 120 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting “under which he is authorised to sell and supply liquor from” and substituting the following—

“ for premises which comprise or contain ” ;

(ii) by deleting paragraph (d) and substituting the following—

“ (d) not, during ordinary trading hours, without the leave of the Court or by reason of some pressing emergency or other just cause, close any bar on the licensed premises unless—

(i) the Court has under subsection (2) of section 73B designated at least one bar on the premises as a public bar; and

(ii) at least one bar so designated is kept open for the sale and supply of liquor. ” ; and

(iii) in the penalty provision at the foot thereof, by deleting “One” and substituting the following—

“ Two ” ; and

(b) in subsection (3), by deleting “from” and substituting the following—

“ in ” .

57. Section 120A of the principal Act is amended, Section 120A amended.
 in the penalty provision at the foot of subsection (2), by deleting "Five hundred" and substituting the following—

" One thousand " .

58. Section 121 of the principal Act is amended, Section 121 amended.
 in the penalty provision at the foot of subsection (6), by deleting "One" and substituting the following—

" Two " .

59. Section 122 of the principal Act is amended— Section 122 amended.

(a) in subsection (2)—

(i) by deleting "The" and substituting the following—

" Subject to subsection (5) of this section, the " ; and

(ii) in the penalty provision at the foot thereof, by deleting "One" and substituting the following—

" Two " ;

(b) by repealing subsection (3) and substituting the following—

" (3) The holder of an hotel licence or a limited hotel licence shall daily, between the following hours, provide the service necessary for any person requiring—

(a) breakfast, between the hours of seven and nine in the morning, but limited to breakfast of such a nature as the Court may specify;

- (b) any other meal, between the hours of twelve noon and two in the afternoon, and between the hours of six and eight in the evening. ” ;
- (c) by repealing subsection (5) and substituting the following—
- “ (5) A licensee to whom this section applies has reasonable cause to refuse a person any service mentioned in subsection (2) of this section if, and only if, the person—
- (a) is, at the time of requesting the service—
- (i) unclean as to his behaviour or person; or
- (ii) not dressed in conformity with any reasonable standard of dress required by the licensee under and in accordance with subsection (8) of this section;
- (b) is, or is known to be, quarrelsome or disorderly, or is seeking to obtain liquor by begging;
- (c) is a person whose presence, or the provision of service to whom, on the licensed premises will occasion the licensee to commit an offence against this Act; or
- (d) is requesting service on a part of the licensed premises for the time being set aside in good faith by the licensee for the purpose of a private function,

and, in any event, nothing in this section compels a licensee to sell and supply liquor outside his lawful trading hours. ” ; and

(d) by inserting, after subsection (7), the following subsection—

“ (8) For the purposes of paragraph (a) (ii) of subsection (5) of this section—

(a) a licensee may from time to time, by notice conspicuously displayed at each entrance to any part of the licensed premises, require persons wishing to obtain in that part any service mentioned in subsection (2) of this section to conform to such reasonable standard of dress as is described in the notice; and

(b) where the defence mentioned in the said paragraph (a) (ii) is relied on by a person charged with an offence against subsection (2) of this section, the court before which the offence is tried shall not find the defence established unless it is satisfied that the standard of dress required by the licensee was at the relevant time reasonable in the circumstances. ” .

60. Section 123 of the principal Act is amended—

Section 123
amended.

(a) in subsection (3), by deleting “store licence,” and “, vigneron’s licence”; and

(b) in the penalty provision at the foot of subsection (4), by deleting “One” and substituting the following—

“ Two ” .

Section 123A
amended.

61. Section 123A of the principal Act is amended, in the penalty provision at the foot thereof, by deleting "Forty" and substituting the following—

" One hundred " .

Section 124
amended.

62. Section 124 of the principal Act is amended, in the penalty provision at the foot of subsection (2), by deleting "Ten" and substituting the following—

" One hundred " .

Section 125
amended.

63. Section 125 of the principal Act is amended, in subsection (1) (b), by deleting "sections 119, 120, 121, 123 or 126" and substituting the following—

" section 119, 120, 121, 123, 126 or paragraph (b) (ii) of section 127 " .

Section 126
amended.

64. Section 126 of the principal Act is amended, in the penalty provision at the foot of subsection (1), by deleting "Two hundred" and substituting the following—

" One thousand " .

Section 127
amended.

65. Section 127 of the principal Act is amended—

(a) by inserting after the section designation "127." the subsection designation "(1)";

(b) in the penalty provision at the foot of subsection (1) by deleting "One" and substituting the following—

" Five " ; and

(c) by inserting after subsection (1) the following subsection—

" (2) Subparagraph (ii) of paragraph

(b) of subsection (1) does not apply in relation to a juvenile who is on premises for which a reception lodge licence is in force. ” .

66. Section 128 of the principal Act is amended, in the penalty provision at the foot thereof, by deleting “One” and substituting the following—

Section 128
amended.

“ Five ” .

67. Section 129 of the principal Act is amended—

Section 129
amended.

(a) in subsection (1)—

(i) in paragraph (h), by inserting after “with the licensee” the following—

“ or the owner of the premises ” ;

(ii) in paragraph (ha), by inserting after “with the licensee” the following—

“ or the owner of the premises ” ;

(iii) in paragraph (i) by deleting the comma at the end thereof and substituting a semi-colon;

(iv) by inserting after paragraph (i) the following paragraph—

“ (j) not being the licensee, or a servant or agent of a licensee, or a person acting under, or employed in connection with, a contract with the licensee or the owner of the premises, enters or remains in a bar at any time when it is required by this Act to be closed, ” ; and

(v) in the penalty provision at the foot thereof, by deleting "Fifty" and substituting the following—

" Two hundred " ;

(b) in the penalty provision at the foot of subsection (1a), by deleting "One" and substituting the following—

" Two " ;

(c) by inserting after subsection (5) the following subsection—

" (5a) Paragraphs (h) and (ha) of subsection (1) of this section do not apply to, or in relation to, a juvenile who is on premises for which a reception lodge licence is in force. " ;

(d) by repealing subsection (6) and substituting the following—

" (6) In this section "specified premises" means—

(a) any licensed premises or other premises in which liquor is lawfully sold and supplied, a public hall, and an unlicensed restaurant (within the meaning in section 48); and

(b) for the purposes of paragraphs (e) and (g) (i) of subsection (1) of this section extends to any road (within the meaning in section 48) adjacent to specified premises within the meaning in paragraph (a) of this subsection. " ;

and

- (e) in the penalty provision at the foot of subsection (7), by deleting “Fifty” and substituting the following—

“ Two hundred ” .

68. Section 129AA of the principal Act is amended— Section
129AA
amended.

- (a) in subsection (1) by inserting after “from entering licensed premises” the following—

“ or premises to which a permit relates ” ;

- (b) in subsection (2) by inserting after “licensed premises” the following—

“ or premises to which a permit relates ” ;

- (c) in the penalty provision at the foot of subsection (2), by deleting “Two” and substituting the following—

“ Five ” ; and

- (d) in subsection (3) by inserting after “packet licence” the following—

“ or premises to which a lodger’s permit under subsection (2) of section 34 relates ” .

69. Section 131 of the principal Act is amended, Section 131
amended. in the penalty provision at the foot thereof, by deleting “Twenty” and substituting the following—

“ One hundred ” .

70. Section 132 of the principal Act is amended, Section 132
amended. in the penalty provision at the foot thereof, by deleting “Forty” and substituting the following—

“ One hundred ” .

Section 132A
amended.

71. Section 132A of the principal Act is amended by inserting at the foot thereof the following—

“ Penalty—Five hundred dollars. ” .

Section 133
amended.

72. Section 133 of the principal Act is amended, in the penalty provision at the foot thereof, by deleting “Twenty” and substituting the following—

“ One hundred ” .

Section 134
amended.

73. Section 134 of the principal Act is amended—

(a) in the penalty provision at the foot of subsection (2)—

(i) by deleting “two” and substituting the following—

“ five ” ; and

(ii) by deleting “eight hundred” and substituting the following—

“ one thousand ” ; and

(b) in subsection (3), by inserting, after “be forfeited” the following—

“ , and may be sold or destroyed and any proceeds of sale disposed of as provided in subsection (4) of section 135 ” .

Section 136
amended.

74. Section 136 of the principal Act is amended—

(a) in subsection (2), by deleting “forty” and substituting the following—

“ one hundred ” ; and

(b) in subsection (5), in the penalty provision at the foot thereof, by deleting “Twenty” and substituting the following—

“ One hundred ” .

75. Section 138 of the principal Act is amended— Section 138 amended.

(a) in subsection (1), in the penalty provision at the foot thereof—

(i) by deleting “one” and substituting the following—

“ two ” ; and

(ii) by deleting “four” and substituting the following—

“ eight ” ; and

(b) by repealing subsection (5) and substituting the following subsections—

“ (5) Upon the conviction of a person of an offence under this section, the liquor and vessels shall be forfeited, and the court by which he is convicted may order the forfeiture of any vehicle, boat or animal seized and detained under subsection (4) of this section.

(6) Any liquor, vessel, vehicle, boat or animal which is forfeited under subsection (5) of this section or by order of the court may be sold or destroyed and any proceeds of sale disposed of as provided in subsection (4) of section 135. ” .

76. Section 141 of the principal Act is amended, Section 141 amended. in subsection (2), by deleting “two” and substituting the following—

“ five ” .

77. Section 143 of the principal Act is amended, Section 143 amended. in the penalty provision at the foot thereof, by deleting “One” and substituting the following—

“ Five ” .

Section 145
amended.

78. Section 145 of the principal Act is amended, in the penalty provision at the foot of subsection (2), by deleting "Twenty" and substituting the following—

" One hundred " .

Section 146
amended.

79. Section 146 of the principal Act is amended, in the penalty provision at the foot thereof, by deleting "Forty" and substituting the following—

" Five hundred " .

Section 147
amended.

80. Section 147 of the principal Act is amended, in subsection (2), by deleting "All members of the Police Force are required, on demand by a licensee or his servant or agent, to" and substituting the following—

" A member of the Police Force may, and shall on demand by a licensee or his servant or agent, " .

Section 148
amended.

81. Section 148 of the principal Act is amended, in the penalty provision at the foot thereof, by deleting "Twenty" and substituting the following—

" Fifty " .

Section 157
amended.

82. Section 157 of the principal Act is amended—

(a) by inserting after the section designation "157." the subsection designation "(1)"; and

(b) by inserting the following subsection—

" (2) In subsection (1) of this section "licensee" includes the holder of a permit under section 42. " .

83. (1) Section 159 of the principal Act is amended—

Section 159
amended
and
transitional
provision.

(a) in subsection (1)—

(i) in paragraph (a) by inserting after “paid or payable” the following—

“ by the licensee ” ; and

(ii) by deleting paragraph (b) and substituting the following—

“ (b) shall, in the case of a wholesale licence and a brewer’s licence, be the fee specified for each of those licences in the Fourth Schedule and a further fee, assessed at a percentage of the gross amount paid or payable in each case by persons who are not holders of a licence, for liquor sold to them by the holder of a wholesale licence or a brewer’s licence, during the period of twelve months immediately preceding the commencement of that year; and ” ;

(b) in subsection (1a)—

(i) by deleting “or a tavern licence” and substituting the following—

“ , a tavern licence, a reception lodge licence or a restaurant licence ” ; and

(ii) by deleting “or tavern licence” and substituting the following—

“ , tavern licence, a reception lodge licence or restaurant licence ” ;

(c) by repealing subsection (3) and substituting the following—

“ (3) For the purposes of this Part, a year commences on each first day of July. ” ; and

(d) in subsection (7) by deleting “Treasurer may” and substituting the following—

“ Court may direct the Principal Receiver of Revenue to ” .

(2) Notwithstanding the repeal of section 159 (3) (a) of the principal Act, a licensee whose annual fee would have been assessed, if this section had not been passed, by virtue of that provision, in respect of the period of 12 months immediately preceding the commencement of 1982 shall be assessed in respect of that period, but that period only, as if this section had not been passed.

(3) The period from the 1st January 1982 to the 30th June 1982 shall be deemed to be a year for the purpose of the assessment under section 159 of the principal Act, as amended by this section, of the annual fee payable by a licensee referred to in subsection (2) of this section.

Section 161
amended
and
transitional
provision.

84. (1) Section 161 of the principal Act is amended by deleting subsections (1) and (2) and substituting the following—

“ (1) If a licensee, not being the holder of a wholesale licence, a brewer’s licence or a vigneron’s licence, so elects, he may pay the annual fee in four amounts, as nearly equal as practicable, and, in that event, the first of those amounts shall be paid on the furnishing of a return pursuant to section 163 and the other three of those amounts shall be paid respectively on or before the last day of each of the next following months of October, January and April.

(2) A licensee who does not elect to pay the annual fee in four amounts shall pay the whole of the fee on the furnishing of his return, and the holder of a wholesale licence, a brewer's licence or a vigneron's licence shall pay the annual fee on or before the last day of July in each year. " .

(2) Notwithstanding the repeal of section 161 (1) (a) of the principal Act, a licensee whose annual fee in respect of the period of 12 months immediately preceding the commencement of 1982 could have been paid, if this section had not been passed, in accordance with that provision may pay that annual fee in accordance with that provision as if this section had not been passed.

85. (1) Section 163 of the principal Act is amended—

Section 163
amended
and
transitional
provision.

(a) by repealing subsections (1) and (2) and substituting the following—

“ (1) Every licensee other than the holder of a wholesale licence, a brewer's licence, or a vigneron's licence shall, on or before the thirty-first day of July in each year, as regards the period of twelve months ending on the thirtieth day of June immediately preceding that day, furnish to the Principal Receiver of Revenue a return in writing, signed by the licensee or some other person authorised by him to do so, setting out—

(a) the quantities of the various kinds of liquor purchased (excluding liquor purchased but still in bond) for his licensed premises;

(b) the gross amount paid or payable by the licensee for liquor, wherever purchased, for his licensed premises; and

- (c) the names and addresses of the persons who sold or supplied the various kinds of liquor purchased for his licensed premises,

during that period of twelve months.

(2) On or before the thirty-first day of July in each year—

- (a) every holder of a wholesale licence or of a brewer's licence, as regards the period of twelve months ending on the thirtieth day of June immediately preceding that day; and
- (b) every person who has during that period of twelve months sold liquor to a person authorised to sell liquor, as regards that period,

shall furnish to the Principal Receiver of Revenue a return in writing, signed by the licensee or person or by some other person authorised by him to do so, setting out—

- (c) the quantities of the various kinds of liquor sold to any person who is authorised to sell liquor, other than the holder of a wholesale licence or a brewer's licence;
- (d) the gross amount paid or payable for that liquor by each such person to whom liquor was sold;
- (e) the name and address of each such person to whom liquor was sold or, where applicable, the name of his licensed premises; and

- (f) the aggregate amount of liquor sold to persons who are not holders of a licence or permit. ” ;
- (b) in subsection (3), by deleting “Where any licensee makes a false statement in any return furnished pursuant to this section” and substituting the following—
- “ Subject to subsection (3a) of this section, where a licensee makes a false statement or error in any return furnished pursuant to this section (being an error which will result in a lesser fee being paid than should be paid), ” ;
- (c) by inserting after subsection (3) the following subsection—
- “ (3a) The Principal Receiver of Revenue may make an assessment under subsection (3) of this section, in the case of an error in a return, only after he has given the licensee notice of the alleged error and of his intention to exercise the power in subsection (3) and has given the licensee an opportunity to make submissions to him on the matter. ” ;
- and
- (d) by inserting after subsection (5) the following subsections—
- “ (6) Every person required to furnish a return under this section who consents under section 84 to the transfer of his licence to another person shall furnish a return, in accordance with this section, for the period from and including the immediately preceding first day of July until a date specified by the Court as the date of transfer of the licence; and

the Court shall not grant a transfer of the licence until such a return has been furnished to it.

(7) A person who is required to furnish a return under this section shall keep all such books, documents and other records, relating to purchases and sales required to be included in such a return as are necessary to enable him to make such return; and shall retain any book, document or record relating to a particular sale or purchase for a period of not less than two years after the date of the sale or purchase.

(8) A licensee who fails to comply with subsection (7) of this section is liable to a penalty of two hundred dollars.

(9) In subsection (2) of this section "a person authorised to sell liquor" means any licensee, the holder of any permit, and any person authorised to sell liquor by the law of any other State or Territory of the Commonwealth. " .

(2) Notwithstanding the repeal of section 163 (1) (a) and 163 (2) of the principal Act, a licensee who would have been required, if this section had not been passed, to furnish a return in writing as regards the period of 12 months ending on the 31st December 1981 shall furnish a return under section 163 of the principal Act in respect of that period as if this section had not been passed.

(3) The period from the 1st January 1982 to the 30th June 1982 shall be deemed to be a period of 12 months for the purpose of the requirement to make a return under section 163 of the principal Act, as amended by this section, imposed on a licensee referred to in subsection (2) of this section.

86. After section 164 of the principal Act; the following section is inserted—

Section 164A
inserted.

“ 164A. (1) A reference in this Division to the amount paid or payable by a licensee or any person for or in respect of any liquor is a reference—

Interpreta-
tion.

(a) except as provided in paragraph (b) of this subsection, to the sum of—

- (i) the amount paid or payable by that person for that liquor;
- (ii) any amount paid or payable for the packing or for the handling of that liquor or for putting it into the state in which it is when it is delivered to or purchased by or on behalf of that person (whether or not any such amount is paid or payable to the supplier of that liquor);
- (iii) any amount paid or payable by that person for or for the hiring of any containers or packages (including corks, stoppers and labels attached thereto) in which that liquor is contained or packed when it is delivered to or purchased by or on behalf of that person or is to be contained or packed for sale or disposal by or on behalf of that person (whether or not any such amount is paid or payable to the supplier of that liquor);
- (iv) any amount paid or payable for the packing or handling of those containers or packages or for putting them into the state in which they are delivered to or purchased by or on behalf of that person

(whether or not any such amount is paid or payable to the supplier of that liquor);

(v) any amount paid or payable by that person as freight or other delivery charges in respect of the delivery of that liquor, being an amount so paid or payable to the supplier of that liquor but not being an amount so paid or payable to that supplier as reimbursement for those freight or delivery charges if those freight or delivery charges are paid or payable by that supplier to a common carrier; and

(vi) any amount paid or payable for duties or sales tax in respect of that liquor; or

(b) where the Court is of the opinion that any amount paid or payable for anything or for the doing of any thing referred to in paragraph (a) (i), (ii), (iii), (iv) or (v) of this subsection is less than the value of that thing or of the doing of that thing, as the case may be, to such amount as is determined by the Court having regard to the circumstances in which that liquor was delivered to or purchased by or on behalf of that person.

(2) A reference in this Division to any amount paid or payable by any person for any liquor includes any amount paid or payable by any other person for the acquisition of that liquor for sale, supply or disposal by that firstmentioned person.

(3) A reference in this Division to an amount paid or payable by any person includes an amount paid or payable on his behalf by another person. " .

87. After section 166 of the principal Act, the following sections are inserted—

Sections 166A and 166B inserted.

“ 166A. The Court may in conferring authority on an owner or licensee under section 95 in respect of any premises the licence for which attracts a premium under section 165, fix a premium to be paid by the owner or licensee; and the authorisation shall not have effect until the amount of the premium has been paid to the Principal Receiver of Revenue.

Premiums on authorisation of variation or extension.

166B. Where the Court is satisfied that a holder of a provisional certificate or of an authorisation under section 95 in respect of any premises or proposed premises—

Refunds.

(a) has not proceeded with—

(i) the proposed erection, completion, extension, alteration or variation of the premises, in whole or in part; or

(ii) the proposed removal of a licence; and

(b) that the certificate or authorisation has lapsed or otherwise ceased to have effect, in whole or in part,

it may direct the Principal Receiver of Revenue to refund such proportion of any premium paid as it thinks proper. ” .

88. Section 168 of the principal Act is repealed.

Section 168 repealed.

89. Section 170 of the principal Act is amended—

Section 170 amended.

(a) in subsection (2a), by inserting at the foot thereof the following—

“ Penalty—Two hundred dollars. ” ;
and

(b) in the penalty provision at the foot of subsection (3), by deleting "Forty" and substituting the following—

“ Two hundred ” .

Section 177
amended.

90. Section 177 of the principal Act is amended, in subsection (2) (f), by deleting "forty" and substituting the following—

“ two hundred ” .