

# LIQUOR.

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No. 112 of 1970.

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AN ACT to amend sections seven, twenty-five, thirty, thirty-five, thirty-seven, forty-three, forty-six, sixty-nine, seventy-two, one hundred and twenty, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and forty-three, one hundred and forty-four, one hundred and fifty-one and one hundred and fifty-three of the *Liquor Act, 1970.*

[Assented to 8th December, 1970.]

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 Act Amendment Act, 1970.* Short title and citation.

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

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

S. 7 amended.

2. Section 7 of the principal Act is amended—

(a) by substituting for the interpretation, “bar”, the following interpretation—

“bar” means that part of licensed premises, not being premises to which a store licence, a wholesale spirit merchant’s licence or a brewer’s licence relates—

(a) from which liquor is supplied, over a counter, to a person other than the licensee or his servants or agents, for consumption on or off the premises; or

(b) that the Court may, from time to time, designate as a bar;

and the term includes any part of the licensed premises set aside for the sale of liquor in sealed containers;

and

(b) by adding, after the interpretation, “rationalization”, the following interpretation—

“reception area” means a part of licensed premises in respect of which a reception area permit is issued under section 40; .

S. 25  
amended.

3. Section 25 of the principal Act is amended by adding, after the word, “premises”, in line one of paragraph (a) of subsection (2) the passage, “, or on a defined part of premises”, .

4. Section 30 of the principal Act is amended by adding, after the word, "to", in line three of subsection (1), the words, "light refreshment and to". . S.30  
amended.

5. Section 35 of the principal Act is amended— S.35  
amended.

(a) by substituting for paragraph (b) of subsection (1) the following paragraph—

(b) during ordinary trading hours and between the hours of ten and eleven in the evening, on a weekday and on Christmas Day where it does not fall on a Sunday, to a member of the club and to his guests, not exceeding three in number, in his company, for consumption on the premises;

(b) by inserting after the word "club" in line five of paragraph (d) the passage "and to his guests, not exceeding three in number, in his company";

(c) by deleting all words after the word "premises" in line six of paragraph (d);

(d) by adding, after subsection (1), the following subsections—

(1a) The provisions of subsection (2) of section 24 apply, with such adaptations as may be necessary, to the holder of a club licence that relates to premises situated within an area prescribed for the purposes of paragraph (a) of that subsection.

(1b) The holder of a club licence that relates to premises other than such as are mentioned in subsection (1a) of this section may apply to the Court for a variation of the hours mentioned in paragraph (d) of subsection (1) of this section; and the Court may, if satisfied that the variation is, in the particular circumstances of the case, warranted

vary those hours so as to authorise the licensee to sell and supply liquor, for consumption on the premises, only, during any period of two hours falling between the hours of half-past ten in the morning and one in the afternoon, and falling between the hours of four in the afternoon and seven in the evening, on a Sunday other than Anzac Day, until the Court otherwise orders. ;

and

- (e) by substituting for the passage, “subsections (2) and ”, in line one of subsection (2), the word, “subsection”.

S.37  
amended.

6. Section 37 of the principal Act is amended by deleting the passage, “of spirits, wine or beer”, in lines four and five of subsection (1).

S.43  
amended.

7. Section 43 of the principal Act is amended by adding, immediately after the word, “meeting”, in line three of subsection (3), the words, “or to a person conducting a canteen at a livestock saleyard”.

S.46  
amended.

8. Section 46 of the principal Act is amended by adding, immediately after the word, “townsite”, in line two of paragraph (a) of subsection (1), the passage, “or within twenty chains of a hall, while a dance or other entertainment is being conducted in the hall”.

S.69  
amended.

9. Section 69 of the principal Act is amended—

- (a) by substituting for subparagraph (iii) of paragraph (a) of subsection (4), the following passage—

(iii) he is a juvenile,

unless the Court otherwise approves;

and

- (b) by adding, after subsection (4), the following subsection—

(4a) Notwithstanding any other provision of this section, where a club has as its object, or one of its principal

objects, the conduct of a prescribed competitive sport a person who is on any day visiting the club—

- (a) as a member or an official of, or a person assisting, a team that is to contest a pre-arranged event in that sport on that day;
- or
- (b) as an invitee of a member of that club to engage in that sport on that day,

is deemed to be an honorary member of that club during its authorised trading hours for that day if a proposal in writing, by a member, setting out that the person is, or will be, so visiting on that day, has been posted on the club premises, by the secretary, with the date and time of posting endorsed on it.

10. Section 72 of the principal Act is amended by deleting the passage, “; but the Court shall not grant a restaurant licence in respect of premises to which any other licence relates”, at the end of the section, and substituting for it the passage “but any restaurant licence in respect of premises that relate to another licence which is a winehouse, or an Australian wine, licence shall not authorise the sale or supply of any liquor that is not authorised by that other licence”.

S.72  
amended.

11. Section 120 of the principal Act is amended by substituting for paragraph (d) of subsection (1) the following paragraph—

S.120  
amended.

- (d) not, without the leave of the Court, close any bar on the licensed premises, except by reason of some pressing emergency or other just cause.

S.128  
amended.

12. Section 128 of the principal Act is amended by adding, after the word, "liquor", in the penultimate line of subsection (2), the passage, ", and the person obtaining the liquor,".

S.129  
amended.

13. Section 129 of the principal Act is amended by substituting for paragraph (g) of subsection (1) the following paragraph—

(g) being a juvenile—

(i) purchases or obtains or attempts to purchase or obtain liquor, from any other person, on specified premises;  
or

(ii) brings liquor on to specified premises; .

S.143  
amended.

14. Section 143 of the principal Act is amended by adding, immediately after the word, "night", at the end of subsection (1), the passage, "or into any premises in respect of which a permit has been issued, at a time when a person is, or purports to be, selling and supplying liquor pursuant to the permit".

S.144  
amended.

15. Section 144 of the principal Act is amended by substituting for the word, "consumed", in line two of subsection (1), the words, "offered for sale".

S.151  
amended.

16. Section 151 of the principal Act is amended by adding, after subsection (2), the following subsection—

(3) The provisions of subsections (1) and (2) of this section relating to the holder of a licence or to a person being licensed apply, with such adaptations as may be necessary, to a person who is responsible as licensee.

S.153  
amended.

17. Section 153 of the principal Act is amended by adding, after the word, "a", where first occurring in line one of paragraph (c), the passage, "place,"