

## LICENSING (No. 4).

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No. 96 of 1965.

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AN ACT to amend the Licensing Act, 1911-1964.

[Assented to 8th December, 1965.]

**B**E 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:—

Short title  
and citation.

1. (1) This Act may be cited as the *Licensing Act Amendment Act (No. 4), 1965.*

Reprinted in  
Vol. 18 of  
the Reprinted  
Acts.

Approved  
for reprint  
22nd April,  
1964, and  
amended by  
Act No. 60  
of 1964.

(2) In this Act the Licensing Act, 1911-1964, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Licensing Act, 1911-1965.

2. The principal Act is amended by adding after section fifty-one B, the following section—

S. 51C  
added.

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

Court may  
determine  
standards of  
service  
system of  
grading  
hotels.

“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. .

S. 51D  
added.

3. The principal Act is amended by adding the following section—

Court to  
refer system  
of grading  
to Tourist  
Authority.

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. .

4. The principal Act is amended by adding the following section—

S. 51E  
added.

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.

(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. .

S. 56  
amended.

5. Section fifty-six of the principal Act is amended by adding after subsection (3), the following subsection—

(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. .

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