

LICENSING.

13° Elizabeth II., No. LX.

No. 60 of 1964.

AN ACT to amend the Licensing Act, 1911-1963.*[Assented to 4th December, 1964.]*

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Licensing Act Amendment Act, 1964*.

Reprinted.
Approved
for reprint,
22nd April,
1964.

(2) In this Act the Licensing Act, 1911-1963, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Licensing Act, 1911-1964.

2. The principal Act is amended by substituting the passage, “, beer and spirits” for the words, “and beer” in—

Ss. 43 and 44
amended.

- (a) line three of subsection (1) of section forty-three; and
- (b) line six of the proviso to subsection (1), and again in line two of subsection (2), of section forty-four.

3. Section seventy-two of the principal Act is amended—

S. 72
amended.

- (a) by substituting for the word, “an” in line three of the second proviso to subsection (2), the words, “a limited”; and
- (b) by substituting for the words, “and beer” in line five of the second proviso to subsection (2), the passage, “, beer and spirits”.

4. Section seventy-three of the principal Act is amended—

S. 73
amended.

- (a) by adding after subsection (6), the following subsections—

(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, 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. ;

- (b) by inserting after the word, "fee" in line one of subsection (9), the passage, ", and any further sum (if any) due under subsection (6a) of this section,"; and
- (c) by inserting after the word, "fees" in line two of subsection (11), the passage, "and other sums (if any)".

s. 73B
added.

5. The principal Act is amended by adding after section seventy-three A, the following section—

Certain
license fees
payable by
instalments.

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. .

6. Section one hundred and eighteen of the principal Act is amended by substituting for the words, "an hotel", in line two of subsection (1), the words, "a limited hotel".

S. 118
amended.