

LICENSING (No. 2).

12° Elizabeth II., No. LXXXV.

No. 85 of 1963.

AN ACT to amend the Licensing Act, 1911-1962.

[Assented to 23rd December, 1963.]

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 (No. 2), 1963*.

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Reprinted
Acts.

Approved for
reprint
8th June,
1960.

Amended by
Acts Nos. 17
of 1960,
73 of 1960,
53 of 1961,
59 of 1962,
64 of 1962
and 66 of
1962.

(2) In this Act the Licensing Act, 1911-1962, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Licensing Act, 1911-1963.

2. This Act shall come into operation on a day to be fixed by proclamation. Commence-
ment.

3. Section five of the principal Act is amended— S. 5
amended.

- (a) by substituting for the interpretation, “electoral district” the following interpretation—

“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; ;

- (b) by substituting for the interpretation, “Local Governing Act” the following interpretation—

“Local Governing Act” means the Local Government Act, 1960, and any Act amending or in substitution for that Act; ;

- (c) by adding after the interpretation, “Local Governing Act” the following interpretation—

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

- (d) by inserting after the word, “means” in line one of the interpretation, “receiver of revenue”, the passage, “(except when used in section seventy-three of this Act)”.

S. 7
amended.

4. Section seven of the principal Act is amended—

- (a) by repealing subsection (2) and re-enacting it with amendments as follows—

(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. ;

and

- (b) by adding after subsection (2) the following subsection—

(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.

5. Sections fourteen, seventeen and eighteen of the principal Act are each repealed.

Ss. 14, 17
and 18
repealed.

6. Section twenty-one of the principal Act is amended—

S. 21
amended.

- (a) by substituting for the passage, “, with the approval of the Minister, may delegate to any licensing magistrate or resident magistrate” in lines one, two and three of subsection (7), the passage, “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,”;
- (b) by substituting for the words, “any licensing magistrate or resident” in lines ten and eleven of subsection (7), the words, “that licensing magistrate or that resident or stipendiary”; and
- (c) by inserting after the word, “resident” in line fourteen of subsection (7), the words, “or stipendiary”.

7. Section twenty-two of the principal Act is repealed and re-enacted with amendments as follows—

S. 22
repealed and
re-enacted.

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.

(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.

S. 25
amended.

8. Section twenty-five of the principal Act is amended by substituting for the word, "Governor" in line three of the proviso, the word, "Minister".

S. 27
amended.

9. Section twenty-seven of the principal Act is amended by adding after the word, "month" being the last word in subsection (3), the passage, ", 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".

S. 28
amended.

10. Section twenty-eight of the principal Act is amended—

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

(b) Limited Hotel licenses. ;

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

(d) Australian wine, beer and spirits licenses. ;

- (c) by repealing subsection (3) and re-enacting it with amendments as follows—

(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. ;

- (d) by adding after subsection (3) the following subsections—

(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. ;

and

- (e) by repealing subsection (4) and re-enacting it with amendments as follows—

(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. .

S. 30
amended.

11. Section thirty of the principal Act is amended by substituting for the word, "An", being the first word in the section, the words, "A limited".

S. 32
amended.

12. Section thirty-two of the principal Act is amended—

- (a) by substituting for the words, "and beer" in line one, the passage, ", beer and spirits"; and
- (b) by substituting for the words, "or beer" in line two, the passage, ", beer or spirits".

S. 33
amended.

13. Section thirty-three of the principal Act is amended by substituting for the words, "municipal district or townsite" in lines two and three of subsection (2), the words, "townsite or the municipal district of a municipality that under the Local Governing Act is a city or a town".

S. 36 repealed
and
re-enacted.

14. Section thirty-six of the principal Act is repealed and re-enacted with amendments as follows—

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. .

15. Section forty-three of the principal Act is ^{S. 43} amended—

- (a) by substituting for the passage commencing with the words, “the public” in line six of paragraph (a) of subsection (4) down to and including the word, “Minister”, being the last word in that paragraph, the words, “persons in attendance at the holding of any sale of livestock to members of the public”;

- (b) by substituting for paragraph (b) of subsection (4) the following paragraph—

(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. ;

and

- (c) by deleting paragraph (e) of subsection (4).

S. 44A
amended.

16. Section forty-four A of the principal Act is amended by repealing subsection (1) and re-enacting it with amendments as follows—

(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. .

S. 44D
amended.

17. Section forty-four D of the principal Act is amended by deleting the passage, “, an hotel license” in the last line of the proviso to subsection (1).

S. 44E
amended.

18. Section forty-four E of the principal Act is amended by deleting the passage commencing with the word, “for” in line three of paragraph (c) of subsection (1) down to and including the word, “aforesaid” being the last word in that paragraph.

S. 44F
amended.

19. Section forty-four F of the principal Act is amended—

- (a) by inserting after the word, “bottle” in line three, the passage, “, can”; and
- (b) by substituting for paragraph (b) the following paragraph—
- (b) to persons who for the purpose of transacting business are temporarily lodging in the vicinity of the site of the licensed premises. .

20. Section forty-four I of the principal Act is amended by substituting for the word, "license" where it occurs in line one of subsection (1), and again in line one of subsection (2), the words, "restaurant license" in each case. S. 44I
amended.

21. Section forty-six of the principal Act is amended— S. 46
amended.

- (a) by substituting for the passage, "subsections (2) and (3) of section fifty-nine" in lines two and three of subsection (3), the passage, "section sixty-four";
- (b) by deleting the passage commencing with the semi-colon in line ten of subsection (3) down to and including the word, "repealed" in line twelve of that subsection;
- (c) by substituting for the passage, "1904-1939" in line twenty-one of subsection (3), the figures, "1904";
- (d) by substituting for the words, "a reasonable time before and after the arrival or departure of any passenger train" in lines one, two and three of paragraph (a) of the proviso to subsection (3), the words, "the period commencing one hour before the arrival and terminating one hour after the departure of any passenger train or railway omnibus";
- (e) by substituting for the words, "on the railway or are about to travel on the railway" in lines four and five of paragraph (b) of the proviso to subsection (3), the words, "or about to travel on the railway or in the railway omnibus";
- (f) by substituting for the passage, "situated." in the last line of paragraph (b) of the proviso to subsection (3), the passage, "situated; and";

(g) by adding after paragraph (b) of the proviso to subsection (3), the following paragraph—

(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);

and

(h) by adding after subsection (3), the following subsection—

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

S. 47
amended.

22. Section forty-seven of the principal Act is amended—

(a) by deleting all the words after the word, “Court” in line four of subsection (1) down to the end of that subsection;

(b) by repealing and re-enacting subsection (2) as follows—

(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. ;
- (c) by substituting for the passage, "district (as defined in section one hundred and eighty-three)" in lines five and six of paragraph (a) of subsection (3), the words, "licensing district";
- (d) by substituting for paragraph (b) of subsection (3), the following paragraph—
- (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. ;
- (e) by adding after subsection (4) the following subsection—
- (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. ;
- (f) by substituting for the words, "hotel or" in line six of subsection (7), the words, "limited hotel or a"; and
- (g) by substituting for the word, "This", being the first word in subsection (8), the passage, "The provisions of subsection (2) of this".

S. 48
amended.

23. Section forty-eight of the principal Act is amended—

- (a) by adding after the word, "district" being the last word in paragraph (b) of subsection (1), the passage, ",", 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"; and
- (b) by substituting for the word, "Governor" in line one of the proviso to subsection (2), the word, "Minister".

S. 49
amended.

24. Section forty-nine of the principal Act is amended by substituting for the word, "hotel" in line five of subsection (3a), the words, "limited hotel".

S. 50,
amended.

25. Section fifty of the principal Act is amended—

- (a) by substituting for the word, "an" in paragraph (b) of subsection (1), the words, "a limited";

- (b) by substituting for the words, "and beer" in paragraph (d) of subsection (1), the passage, ", beer and spirits";
- (c) by adding to subsection (1) the following proviso—

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. ;

- (d) by inserting after the words, "bed rooms" in line three of subsection (2b), the passage, ", suitable furniture, furnishings, fly-proof screens for doors and windows," ; and
- (e) by inserting after the word, "department" in line six of subsection (2b), the passage, ", the provision and installation of suitable refrigeration and glass washers".

26. Section fifty-one of the principal Act is amended by substituting for the word, "hotel" where it occurs in line one of subsection (1) and again in line one of subsection (2), the words, "limited hotel" in each case.

S. 51
amended.

S. 51A
amended.

27. Section fifty-one A of the principal Act is amended—

- (a) by inserting after the word, “license” in line five of paragraph (a) of subsection (1), the passage, “or a wayside-house license”;
- (b) by deleting the words, “appointed for the licensing district wherein the premises are situated” in lines three and four of paragraph (c) of subsection (5);
- (c) by deleting the words, “for the licensing district wherein the premises are situate” in lines four and five of paragraph (a) of subsection (8); and
- (d) by substituting for paragraph (b) of subsection (9) the following paragraph—

(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. .

S. 52
amended.

28. Section fifty-two of the principal Act is amended—

- (a) by adding immediately after the section number, “52” in line one, the subsection designation, “(1)”;

- (b) by substituting for the proviso, the following subsection—

(2) 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. .

29. Section fifty-seven of the principal Act is ^{S. 57} amended—

- (a) by substituting for the passage, “hotel, or Australian wine and beer” where it occurs in lines three and four of subsection (6), and again in line four of subsection (7), the passage, “limited hotel, or Australian wine, beer and spirits” in each case; and
- (b) by substituting for the word, “ten” in line two of paragraph (a) of subsection (10), the word, “twenty-eight”.

30. Section fifty-nine of the principal Act is ^{S. 59} amended—

- (a) by repealing subsection (1) and re-enacting it as follows—
- (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. ;

and

- (b) by deleting the passage, “, an hotel license” in the last line of the proviso to paragraph (a) of subsection (8).

S. 60
amended.

31. Section sixty of the principal Act is amended by inserting after the word, “discretion” in line six of subsection (1), the passage, “suspend the license of such licensee for such period as it considers necessary, or”.

S. 61
amended.

32. Section sixty-one of the principal Act is amended—

- (a) by repealing subsection (1) and re-enacting it with amendments as follows—

(1) Subject to the provisions of section forty-seven of this Act, a person desirous of obtaining a publican's general 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 quarterly sitting of the Licensing Court for a provisional certificate. ;

- (b) by substituting for the words, “buildings erected or” in line four of paragraph (a) of subsection (2), the words, “alterations or additions proposed to be effected or of the buildings”;
- (c) by substituting for the passage, “may—” in line three of subsection (4), the following passage—

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. ;
- (d) by deleting paragraphs (a) and (b) of subsection (4);
- (e) by substituting for the word, “erected” in line one of paragraph (b) of subsection (5), the words, “proposed to be altered or added to”; and
- (f) by substituting for the passage, “within the time specified to the satisfaction of the Court,” in lines seven and eight of subsection (6), the passage, “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;” .

S. 63
amended.

34. Section sixty-three of the principal Act is amended—

- (a) by substituting for the passage, “, either personally or by petition, to the Licensing Court” in lines four and five of subsection (1), the passage, “to the Licensing Court, either personally or by his solicitor or agent”;
- (b) by substituting for the passage, “, or the board of the road district within which such premises are situated.” in lines three and four of paragraph (e) of subsection (1), the passage, “within which the premises to which the application relates are situated,”; and
- (c) by adding after paragraph (e) of subsection (1), the following paragraph—
 - (f) by any person authorised in writing by the Chairman of the Western Australian Tourist Development Authority constituted under the Tourist Act, 1959. .

S. 69
amended.

35. Section sixty-nine of the principal Act is amended by substituting for the words, “within fourteen days after the granting of the certificate” in lines four and five of subsection (1), the passage, “before the commencement of the period for which the license is granted or renewed”.

S. 72
amended.

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

- (a) by substituting for the words, “a municipal district” in lines one and two of paragraph (a) of the first proviso to subsection (2), the words, “the municipal district of a municipality that under the Local Government Act is a city or a town”; and
- (b) by inserting after the word, “district” in line two of paragraph (b) of the first proviso to subsection (2), the passage, “referred to in paragraph (a) of this proviso”.

37. Section seventy-three of the principal Act is amended by repealing subsection (13). S. 73
amended.

38. Section seventy-nine of the principal Act is amended— S. 79
amended.

- (a) by substituting for the words, “a municipal district” in line two of paragraph (a) of subsection (1), the words, “the municipal district of a municipality that under the Local Governing Act is a city or a town”; and
- (b) by inserting after the word, “district” in line two of paragraph (b) of subsection (1), the passage, “referred to in paragraph (a) of this subsection”.

39. Section one hundred and twelve of the principal Act is amended by substituting for the words, “and beer” where they occur in line nine, and again in line eleven, the passage, “, beer and spirits” in each case. S. 112
amended.

40. Section one hundred and fourteen of the principal Act is amended by substituting for the words, “and beer” in lines two and three, the passage, “, beer and spirits”. S. 114
amended.

41. Section one hundred and seventeen of the principal Act is amended— S. 117
amended.

- (a) by adding immediately after the section number “117.” in line one, the subsection designation, “(1)”; and
- (b) by adding a subsection as follows—

(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.

42. Section one hundred and eighteen of the principal Act is amended by substituting for the words, “and beer” in line three of subsection (1), the passage, “, beer and spirits”. S. 118
amended.

S. 119
amended.

43. Section one hundred and nineteen of the principal Act is amended—

- (a) by substituting for the word, “an” in line two of subsection (1), the words, “a limited”; and
- (b) by substituting for the words, “and beer” in line three of subsection (1), the passage, “, beer and spirits”.

S. 122
amended.

44. Section one hundred and twenty-two of the principal Act is amended—

- (a) by substituting for the words, “an hotel license” in line two of subparagraph (i) of paragraph (c) of subsection (2), the passage, “a limited hotel license, a canteen license”; and
- (b) by inserting after the word, “bottle,” in line two of subparagraph (iii) of paragraph (c) of subsection (2), the passage, “, 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),”; and
- (c) by substituting for the words, “so sold in quantities of not more than two bottles” in lines five and six of subparagraph (iii) of paragraph (c) of subsection (2), the passage, “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.”

S. 123
amended.

45. Section one hundred and twenty-three of the principal Act is amended—

- (a) by substituting for the word, “hotel” in line two of subsection (1), the words, “limited hotel”;

- (b) by substituting for the words, "and beer" in line three of subsection (1), the passage, ", beer and spirits";
- (c) by inserting after the word, "him" in line six of subsection (2), the words, "or other accommodation provided for him";
- (d) by adding after subsection (3), the following subsection—

(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.

- (e) by adding after the word, "inspector", being the last word in subsection (4), the passage, ", and no page shall be removed or withdrawn from the register";
- (f) by inserting after the word, "him" in line seven of subsection (5), the word, "or other accommodation provided for him"; and
- (g) by adding after paragraph (c) of subsection (6), the following paragraph—
 - (ca) removes or withdraws any page from a register of lodgers; or.

46. Section one hundred and twenty-four of the principal Act is amended—

S. 124
amended.

- (a) by substituting for the word, "hotel" in line one, the words, "limited hotel"; and
- (b) by substituting for the words, "and beer" in line three, the passage, ", beer and spirits".

S. 125
amended.

47. Section one hundred and twenty-five of the principal Act is amended by inserting after the word, "railway" in line three of the proviso, the passage, ", or in a railway omnibus as defined in section thirty-six of this Act,".

S. 126
amended.

48. Section one hundred and twenty-six of the principal Act is amended by substituting for the passage, "Anzac Day (the 25th day of April), Good Friday, or Christmas Day" in lines five and six, the passage, "Good Friday or Christmas Day, or before the hour of one o'clock in the afternoon on Anzac Day (the 25th day of April)".

S. 130
amended.

49. Section one hundred and thirty of the principal Act is amended by adding after the word, "licensee", being the last word in the section, the passage, ", 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".

S. 139
amended.

50. Section one hundred and thirty-nine of the principal Act is amended by deleting the passage, ", passengers, and travellers" in line three of the proviso to subsection (1).

S. 145
amended.

51. Section one hundred and forty-five of the principal Act is amended by deleting the word "wooden" in line seven of subsection (1).

S. 146
amended.

52. Section one hundred and forty-six of the principal Act is amended by deleting the words, "in the case of a child who is resident but not employed in the licensed premises or" in lines one, two and three of subsection (5).

S. 148
amended.

53. Section one hundred and forty-eight of the principal Act is amended by deleting the passage commencing with the word, "This" in line five down to and including the passage, "1922." in line eight.

S. 151
amended.

54. Section one hundred and fifty-one of the principal Act is amended by substituting for the word, "Affairs", being the last word in subsection (2), the word, "Welfare".

55. Section one hundred and sixty-nine of the principal Act is amended by inserting after the word, "resident" in line one, the words, "or stipendiary".

S. 169
amended.

56. Section one hundred and seventy-one of the principal Act is repealed.

S. 171
repealed.

57. Section one hundred and seventy-seven of the principal Act is amended—

S. 177
amended.

- (a) by substituting for the word, "hotel" in line two of subsection (1), the words, "limited hotel";
- (b) by substituting for the word, "suffered" in line one of paragraph (f) of subsection (1), the word, "suffers"; and
- (c) by inserting after the word, "license" secondly occurring in line four of subsection (2), the passage, ", an Australian wine, beer and spirits license".

58. Section one hundred and eighty-two of the principal Act is repealed.

S. 182
repealed.

59. Section one hundred and eighty-three of the principal Act is amended—

S. 183
amended.

- (a) by inserting after the figures, "1922" in line five of paragraph (a), the passage, ", but before the commencement of the Licensing Act Amendment Act (No. 2), 1963";
- (b) by adding after the passage, "elsewhere;" in the last line of paragraph (a), the passage, "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;" ; and

- (c) by adding after the word, "districts", being the last word in the section, the passage, "as existing at the commencement of the Licensing Act Amendment Act, 1922".

S. 184
amended.

60. Section one hundred and eighty-four of the principal Act is amended—

- (a) by adding immediately after the section number, "184." in line one, the subsection designation, "(1)";
- (b) by adding after paragraph (b), the following paragraphs—
 - (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 committee of the club, shall be members of the club, and shall be required to report and be responsible to that management committee; ;

- (c) by substituting for the words, “and regulations prescribed therein” in lines six and seven of paragraph (i), the words, “specified in the rules and to any regulations prescribed”; and
- (d) by adding at the end of the section the following subsections—

(3) 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.

- (4) 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.

S. 185
amended.

61. Section one hundred and eighty-five of the principal Act is amended by adding after subsection (2), the following subsection—

(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.

62. Section one hundred and eighty-six of the principal Act is amended—

S 186
amended.

- (a) by substituting for the passage, “Any member of the Licensing Court, or any resident” in lines one and two of subsection (1), the passage, “Subject to the provisions of this section, any member of the Licensing Court, or any resident or stipendiary”;
- (b) by adding after the word, “hours”, being the last word in subsection (1), the passage, “, but no club shall be granted a permit under this subsection on more than fifty-five occasions in any one calendar year”;
- (c) by substituting for the words, “or the stipendiary magistrate” in lines two and three of subsection (5), the passage, “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”; and
- (d) by adding after subsection (6) the following subsection—

(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. .

S. 189
amended.

63. Section one hundred and eighty-nine of the principal Act is amended by substituting for the words, "the quarterly sitting held in November or December in each year" in lines two and three of subsection (3), the words, "quarterly sittings of the Licensing Court".

S. 190
amended.

64. Section one hundred and ninety of the principal Act is amended—

(a) by adding after paragraph (a) of subsection (1), the following paragraph—

(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; ;

and

(b) by deleting the passage, "in a newspaper published in the district, or, if none is so published, then" in lines six and seven of paragraph (b) of subsection (1).

S. 196
amended.

65. Section one hundred and ninety-six of the principal Act is amended by inserting after the word, "certificate" in line six of subsection (4), the passage, " , 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".

66. Section two hundred and five of the principal Act is amended— S. 205
amended.

- (a) by inserting after the word, "bottle," secondly occurring in line two of paragraph (c) of subsection (2), the passage, "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 club premises)";
- (b) by inserting after the word, "bottle" secondly occurring in line four of paragraph (d) of subsection (2), the passage, "or in a can, the capacity of which bottle or can does not exceed one reputed quart,"; and
- (c) by substituting for the word, "bottles," in line five of paragraph (d) of subsection (2), the words, "reputed quarts."

67. Section two hundred and twelve of the principal Act is amended by inserting after the word, "Sections" in line two of subsection (1), the passage, "one hundred and seventeen,". S. 212
amended.

68. Section two hundred and twenty-four of the principal Act is amended by substituting for the passage, "1911-1919" in line one of subsection (2), the figures, "1911". S. 224
amended.

69. Section two hundred and thirty-one of the principal Act is amended by substituting for the word, "complaint" in line two, the word, "complainant". S. 231
amended.

70. Section two hundred and thirty-three of the principal Act is amended— S. 233
amended.

- (a) by substituting for the word, "an" in line two of paragraph (a) of subsection (3), the words, "a limited"; and
- (b) by substituting for the words, "and beer" in line four of paragraph (a) of subsection (3), the passage, "beer and spirits".

Second
Schedule
amended.

71. The Second Schedule to the principal Act is amended—

- (a) by substituting for the passage, “the 31st day of December” where it occurs in each form of that Schedule (except the forms “TEMPORARY LICENSE” and “OCCASIONAL LICENSE”), the passage, “the day of ” in each case;
- (b) by substituting for the word, “HOTEL” in line three of the form “HOTEL LICENSE”, the words, “LIMITED HOTEL”;
- (c) by substituting for the word, “an” where it occurs in each of lines seven and twelve of the form “HOTEL LICENSE”, the words, “a Limited” and “a limited” respectively;
- (d) by substituting for the words, “AND BEER” in line three of the form “AUSTRALIAN WINE AND BEER LICENSE,” the passage, “, BEER AND SPIRITS”;
- (e) by substituting for the words, “and Beer License for wine and beer” in line seven of the form “AUSTRALIAN WINE AND BEER LICENSE”, the passage, “, Beer and Spirits License for wine, beer and spirits”;
- (f) by substituting for the words, “and beer” in line thirteen of the form, “AUSTRALIAN WINE AND BEER LICENSE”, the passage, “, beer and spirits”; and
- (g) by substituting for the passage, “on the arrival and within half-an-hour before and after the arrival and departure of any passenger train” in lines thirteen, fourteen and fifteen of the form, “RAILWAY REFRESHMENT ROOM LICENSE”, the passage, “within the period commencing one hour before the arrival and terminating one hour after the departure of a passenger train or a railway omnibus”.

72. The Third Schedule to the principal Act is amended—

Third
Schedule
amended.

- (a) by substituting for the words, "AN HOTEL" in line four of the first form in that Schedule, the words, "A LIMITED HOTEL";
- (b) by substituting for the word, "Hotel" in line ten of the first form in that Schedule, the words, "Limited Hotel";
- (c) by substituting for the words, "AND BEER" in line four of the second form in that Schedule, the passage, ", BEER AND SPIRITS";
- (d) by substituting for the words, "and Beer" in line eight of the second form in that Schedule, the passage, ", Beer and Spirits"; and
- (e) by substituting for the words, "and beer" in line eleven of the second form in that Schedule, the passage, ", beer and spirits".

73. The Twelfth Schedule to the principal Act is amended by substituting for the passage, "the 31st day of December" in line seven, the passage, "the day of".

Twelfth
Schedule
amended.

74. The Twenty-fourth Schedule to the principal Act is amended by substituting for the passage, "the 31st day of December" in lines eleven and twelve, the passage, "the day of".

Twenty-
fourth
Schedule
amended.

75. The Twenty-fifth Schedule to the principal Act is amended—

Twenty-
fifth
Schedule
amended.

- (a) by deleting the passage, "(or the renewal of the registration)" in line five;
- (b) by substituting for the passage, "the 30th day of September last" in line eight, the passage, "the day of 19....."; and
- (c) by substituting for the words, "excluding the duties thereon and" in line ten, the words, "including all duties thereon but excluding".