

LICENSING.

10° Elizabeth II., No. LIII.

No. 53 of 1961.

AN ACT to amend the Licensing Act, 1911-1960.

[Assented to 23rd November, 1961.]

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, 1961*.

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Approved for
reprint
8th June,
1960,
amended by
Acts Nos. 17
of 1960 and
73 of 1960

(2) In this Act the Licensing Act, 1911-1960, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Licensing Act, 1911-1961.

2. Section forty-four of the principal Act is amended— S. 44
amended.

(a) by substituting for paragraph (b) of subsection (2) the following paragraph—

(b) between the hour of six o'clock in the evening and the hour of half past twelve o'clock in the morning of the next day, notwithstanding that that next day is a Sunday, where the license is a restaurant license, in which case the occasional license shall also permit liquor to be consumed but not served within thirty minutes after that hour of half past twelve o'clock; and

(b) by adding after subsection (3) the following subsection—

(4) An occasional license shall not authorise the holder of a restaurant license granted in respect of premises other than premises the subject of a publican's general license to sell or dispose of liquor on Good Friday, Christmas Day or any Sunday.

3. Section forty-four G of the principal Act is amended— S. 44G
amended.

(a) by substituting for paragraph (a) of subsection (6) the following paragraph—

(a) A restaurant license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of, on any day except Anzac Day (the twenty-fifth day of April), Good Friday, Christmas Day or any Sunday, any liquor in any quantity on the licensed premises therein specified, for *bona fide* consumption by persons partaking of a meal on the premises and not otherwise, if the liquor—

(i) is drunk or consumed with the meal in the period during which the liquor is authorised under

this paragraph to be served or within thirty minutes immediately following that period; and

(ii) is served—

(I) where the premises are the subject of a publican's general license, between the hour of ten o'clock in the evening and the hour of half past twelve o'clock in the morning of the next day, notwithstanding that that next day is Anzac Day, Good Friday, Christmas Day or a Sunday;

(II) where the premises are other than premises the subject of a publican's general license, between the hour of noon and the hour of two o'clock in the afternoon of the same day, and also between the hour of six o'clock in the evening of that day and the hour of half past twelve o'clock in the morning of the next day, notwithstanding that that next day is Anzac Day, Good Friday, Christmas Day or a Sunday,

but shall not authorise the licensee to sell or dispose of liquor to any other person or in any other manner. ;

(b) by adding after paragraph (b) of subsection (6) the following paragraph—

(c) Notwithstanding any of the provisions of this Act but subject to compliance with the provisions of this section, it shall not be unlawful for the licensee of premises the subject of a

restaurant license to have or keep his licensed premises open for the sale of liquor, or to sell any liquor or permit or suffer any liquor to be drunk or consumed in or upon his licensed premises, or for a person partaking of a meal on those licensed premises to drink or consume liquor with the meal, on Anzac Day (the twenty-fifth day of April), Good Friday, Christmas Day or a Sunday during the hours permitted for those purposes on those days under this subsection. ; and

- (c) by inserting after the word, "granting" in line one of paragraph (a) of subsection (7), the words, "or renewing".

4. Section forty-five of the principal Act is ^{S. 45} amended—_{amended.}

- (a) by substituting for the passage, "remain in force until the thirty-first day of December in the year for" in lines three and four of subsection (1), the following passage—

"remain in force—

(a) where the premises the subject of the license are situated north of the twenty-sixth parallel of south latitude, until the thirtieth day of June; and

(b) where the premises the subject of the license are not so situated, until the thirty-first day of December,

next following the date on" ; and

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

(3) All licenses renewed at the quarterly sitting of the Licensing Court held in May or June shall, unless otherwise specified, take effect as from and inclusive of the first day of July next following. .

S. 46
amended.

5. Section forty-six of the principal Act is amended by substituting for the word, "nine" where it appears in each of lines four and five of paragraph (a) of the proviso to subsection (3), the word, "ten" in each case.

S. 121
amended.

6. Section one hundred and twenty-one of the principal Act is amended by substituting for the proviso to subsection (2) the following proviso—

Provided that the Governor may, on the recommendation of the Licensing Court, by proclamation from time to time extend, reduce or vary the hours in any licensing district or part of a licensing district within the Goldfields District, and this subsection shall in that licensing district or part of a district thereupon have effect as so modified.

S. 122
amended.

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

(a) by inserting after the word, "premises" in line two of paragraph (b) of subsection (2), the passage, "(not being a restaurant under section forty-four G of this Act)";

(b) by adding after paragraph (b) of subsection (2), the following paragraph—

(ba) any person on Anzac Day, Good Friday, Christmas Day or a Sunday, on premises the subject of a restaurant license, if the person is partaking of a meal on those premises and the liquor is served and consumed during the hours permitted for those purposes on those days under section forty-four G of this Act and in accordance with the provisions of that section; or ;

(c) by substituting for subparagraph (iii) of paragraph (c) of subsection (2), the following subparagraph—

(iii) the liquor is not sold by the bottle or in a bottle except where the premises are situate in the Goldfields

District, in which case the liquor may be so sold in quantities of not more than two bottles to each purchaser during the hours before one p.m. when liquor may be sold on those premises pursuant to the provisions of this paragraph. ;

- (d) by adding to paragraph (c) the following proviso—

Provided that the Governor may, on the recommendation of the Licensing Court, by proclamation from time to time extend, reduce or vary the hours referred to in subparagraph (ii) of this paragraph in any licensing district or part of a district within the Goldfields District, and that subparagraph shall in that licensing district or part of a district thereupon have effect as so modified. ; and

- (e) by adding after subsection (3) the following subsection—

(3a) In this section the expression, "Goldfields District" has the same meaning as that expression has in section one hundred and twenty-one of this Act.

8. The principal Act is amended by adding after section one hundred and forty-nine the following section—

S 149A
added.

149A. (1) A person shall not in any public premises knowingly supply or give, or cause or permit or suffer to be supplied or given, any liquor in any quantity whatsoever, either alone or mixed with any liquid, to any person under the age of twenty-one years for himself or for any other person.

Penalty for
supplying
liquor
to persons
under 21
years of age.

Penalty: Twenty pounds.

(2) A person under the age of twenty-one years shall not consume any liquor in any public premises.

Penalty: Twenty pounds.

(3) In and for the purposes of this section—

“meals” and “refreshments” includes any substance whether solid or liquid, or partly solid or partly liquid, used or intended to be used for food or drink;

“public premises” means premises not licensed under this Act—

(a) where meals or refreshments are ordinarily served to the public for consumption on those premises; or

(b) in or on which any dance or other entertainment is being held,

but when such premises, or any separate part or parts of such premises, are being used for a function or entertainment that is private and not open to the public and is under the control, direction and supervision of a person of at least twenty-one years of age, does not include those premises, or as the case may be, that part or those parts of the premises, while being so used.

S. 162
amended.

9. Section one hundred and sixty-two of the principal Act is amended by deleting the words, “a Sunday” in the first line of paragraph (b) of subsection (1).

Fifteenth
Schedule
deleted.

10. The principal Act is amended by deleting the Fifteenth Schedule.