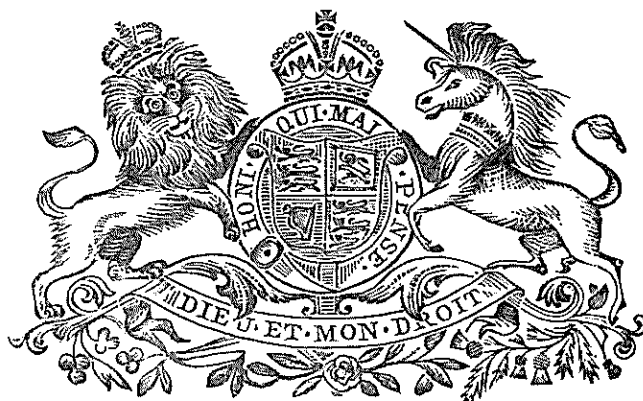


WESTERN AUSTRALIA.



ANNO SEXTO

GEORGII QUINTI REGIS,

XXX.

No. 63 of 1915.

AN ACT to amend the Licensing Act, 1911, and to Regulate the Closing Time for the Sale or Supply of Liquor on Licensed Premises, and in State Hotels, Refreshment Rooms, Restaurant Cars, Vessels for which Packet Licenses are held, and Registered Clubs, during War Time.

[Assented to 10th January, 1916.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Sale of Liquor Regulation Act*, Short title. 1915.
2. In this Act, unless the context otherwise indicates—
“District” means a district constituted under and for the Interpretation. purposes of this Act.

“Elector” means a person qualified to vote at an election for the return of a member of the Legislative Assembly.

“Electoral District” means a district constituted by the Redistribution of Seats Act, 1911.

“Licensed premises” means premises in respect of which a license under the Licensing Act, 1911, has been granted and is in force, and includes State Hotels, refreshment rooms, and restaurant cars, a vessel for which a packet license is held, and registered clubs.

“Licensee” means any person holding or entitled to exercise a license under the Licensing Act, 1911, or granted by the Commissioner of Railways authorising the sale of liquor in any railway refreshment room or restaurant car, and the secretary of any registered club holding a certificate under the Licensing Act, 1911.

“Liquor” means intoxicating liquor within the meaning of the Licensing Act, 1911.

Districts.

3. For the purposes of this Act the State of Western Australia is hereby divided into four districts, each district consisting of a group of electoral districts, as follows:—

- (1.) Metropolitan District, comprising the West Perth, North-East Fremantle, South Fremantle, Fremantle, Perth, East Perth, Guildford, Canning, North Perth, Subiaco, Leederville, and Claremont Electoral Districts.
- (2.) Goldfields District, comprising the Cue, Boulder, Mount Leonora, Kalgoorlie, Murchison, Yilgarn, Coolgardie, Menzies, Hannans, Brown Hill-Ivanhoe, Mount Margaret, Mount Magnet, and Kanowna Electoral Districts, and the town of Westonia in the Avon Electoral District.
- (3.) Agricultural District, comprising the Greenough, Irwin, Murray-Wellington, York, Avon (exclusive of the townsite of Westonia), Swan, Geraldton, Pingelly, Williams - Narrogin, Moore, Northam, Forrest, Toodyay, Albany, Wagin, Bunbury, Katanning, Beverley, Nelson, Collie, and Sussex Electoral Districts.
- (4.) North-West District, comprising the Roebourne, Pilbara, Kimberley, and Gascoyne Electoral Districts.

Exclusion of N.W.
District.

4. The North-West District (No. 4) is excluded from the operation of this Act.

5. Section ninety-seven of the Licensing Act, 1911, is amended by striking out the word "six" in line six thereof and inserting the word "nine," and by striking out the word "eleven" in line seven thereof and inserting the word "nine."

Amendment of Sec.
97 Licensing Act,
1911.

This section shall apply solely to the Metropolitan District (No. 1) and the Agricultural District (No. 3).

6. Upon receipt of a requisition signed by not less than two thousand electors of the Goldfields District (No. 2) the Governor shall, on a date to be fixed by proclamation, in the prescribed manner submit to the electors resident in such district the question of the closing time of licensed premises in the district.

Referendum.

7. On such submission each elector shall have one vote, and the voting paper shall be in the form following, that is to say:—

Voting papers.

Sale of Liquor Regulation Act, 1915.

.....District.

Are you in favour of the closing time at night for the sale of liquor on licensed premises in the district being fixed at—

Six o'clock

☐

or

Seven o'clock

☐

or

Eight o'clock

☐

or

Nine o'clock

☐

or

Ten o'clock

☐

or

Eleven o'clock

☐

The elector must indicate his vote by marking a cross X in the square opposite the hour which he desires to have fixed as the closing hour.

8. Every elector desiring to vote on the submission shall indicate his vote by marking a cross on the voting paper in the square opposite the hour which he desires to have fixed as the closing time.

Indication of
vote.

- Polling places. **9.** The vote shall be taken at the polling places appointed by the Governor and notified in the *Gazette*.
- Returning Officer. **10.** A Returning Officer appointed by the Governor shall conduct the taking of the vote in the Goldfields District, and shall with respect to such vote have all the powers possessed by a returning officer under the law for the time being regulating the conduct of elections for the Legislative Assembly.
- Deputy Returning Officers. **11.** For the purpose of taking the vote the Governor may appoint such deputy returning officers and other officers as may be deemed necessary.
- Scrutiny. **12.** (1.) If on the votes being counted a majority of all the votes cast is in favour of any particular hour, that hour shall be certified by the Returning Officer to the Attorney General as the result of the vote.
(2.) If no hour has such a majority, then the votes cast for the earliest hour shall be transferred to the next later hour, and if such next later hour has not then such a majority, the votes (original or transferred) in favour of that hour shall be transferred to the next later hour, and so on until some hour has a majority of all the votes cast. The transferred votes shall have effect as if originally given in favour of the hour to which they have been transferred, and the hour which obtains a majority of all the votes cast shall be certified by the Returning Officer to the Attorney General as the result of the vote.
- Notification of result of poll. **13.** The result of the vote shall be notified in the *Gazette* by the Attorney General, and such notification shall be conclusive evidence of the result and of the regularity of all antecedent proceedings, and of due compliance with all necessary conditions.
- Closing hour to be fixed by proclamation. **14.** The Governor shall forthwith, after the taking of the vote, by proclamation, fix the closing time for the sale of liquor on licensed premises in the Goldfields District at the hour which obtains a majority of all the votes cast in the district.
- Offences. **15.** The provisions of Part VII. of the Electoral Act, 1907, shall, so far as applicable, apply to the submission under this Act, and such provisions are incorporated herewith; and any reference in the said Part VII. to an election shall be deemed to be a reference to a submission under this Act, and any reference to a poll or to a ballot-paper shall be deemed to be a reference to the taking of the vote of electors and the voting paper under this Act.

16. If at the commencement of this Act any licensed premises are held under lease the lessee shall be allowed by the lessor a proportionate reduction of the rent of the premises, in the same ratio to the full rent as the reduction in hours bears to the time during which the premises might have been lawfully open for the sale of liquor except for this Act, and a like proportionate return of a part of the premium (if any) paid by the lessee to the lessor, apportioned to the period during which this Act is in force.

Apportionment of
rent and premium.

Provided that if any lessee or lessor considers himself unduly penalised by the incidence of this section he may require the question of adjustment of rent or rent and premium to be submitted to arbitration under the provisions of the Arbitration Act, 1895, and by an award to be made thereunder the rent or rent and premium to be payable by the lessee or sub-lessee during and in respect of such period shall be at such reduced rate as in the circumstances of the case may be deemed reasonable, and the award shall be binding upon the parties and final.

Provided that this section—

- (a) shall only apply to premises for which a publican's general license, an hotel license, a way-side house license, an Australian wine and beer license, a railway refreshment-room license, or a railway restaurant car license is held; and
- (b) shall not apply to premises not licensed at the commencement of the lease, unless the amount of rent or premium (if any) was fixed in view of a prospective license.

In this section of the Act—

“Lessee” includes the mesne lessee and an assignee of a lease and a sub-lessee, and also a mortgagee of a lease or sub-lease.

“Lessor” includes a mesne lessor and the person for the time being entitled to the rent of the premises, and also a mortgagee of the lessor or of the land comprised in the lease.

17. The Governor may make all such regulations as may be necessary or convenient for giving effect to this Act, and for carrying out its object and purpose.

Regulations.

18. This Act shall not affect the operation of the Licensing Act Amendment Act, 1914.

Act No. 22 of 1914
not affected.

19. This Act shall continue in force until the thirty-first day of December, One thousand nine hundred and sixteen, and no longer, unless both Houses of Parliament otherwise determine.

Duration of Act.

Provided that if a resolution is passed by both Houses of Parliament to the effect that this Act shall continue for a further period expressed in such resolution, this Act shall continue in force accordingly.