

## LICENSING.

No. 32 of 1911.

As amended by No. 46 of 1911, No. 36 of 1913, No. 1 of 1917, No. 1 of 1918,  
No. 38 of 1922, No. 39 of 1922, and No. 35 of 1923.

### AN ACT to consolidate and amend the Law relating to the Sale of Fermented and Spirituous Liquors.

[Assented to 16th February, 1911.]

**B**E 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:—

#### PART I.—PRELIMINARY.

1. This Act may be cited as the *Licensing Act*, 1911, and shall come into operation on a day to be fixed by Proclamation.\*

Short title and  
commencement.

2. This Act is divided into Parts, as follows:—

Division.

PART I.—PRELIMINARY, ss. 1-6.

PART II.—LICENSING DISTRICTS, s. 7.

PART III.—LICENSING COURTS, ss. 8-27.

Division (1)—*Constitution of Licensing Courts*,  
ss. 8-24.

Division (2)—*Sittings of Licensing Courts*, ss.  
25-27.

PART IV.—LICENSES, ss. 28-80.

Division (1)—*Description of Licenses*, ss. 28-45.

Division (2)—*Exemptions*, s. 46.

Division (3)—*New Licenses*, s. 47.

Division (4)—*Applications*, ss. 48-53.

Division (5)—*Renewal of Licenses*, ss. 54-55.

Division (6)—*Transfer and transmission of  
Licenses*, ss. 56-58.

Division (7)—*Removal of Licenses*, ss. 59-60.

\*Proclaimed to commence 7th April, 1911: see *Gazette*, 24th February, 1911.

*Division (8)—Provisional Certificates, ss. 61-62.*

*Division (9)—Objections, ss. 63-65.*

*Division (10)—Disqualifications, ss. 66-67.*

*Division (11)—Issue of Certificates and Licenses, ss. 68-71.*

*Division (12)—Fees, ss. 72-80.*

PART V.—LICENSES REDUCTION, ss. 81-97.

PART VI.—PROHIBITION, ss. 98-110.

PART VII.—DUTIES AND LIABILITIES OF LICENSEES AND OTHER PERSONS, ss. 111-179.

PART VIII.—CLUBS, ss. 180-213.

PART IX.—INSPECTION OF LICENSED PREMISES, ss. 214-219.

PART X.—ADULTERATION OF LIQUOR, ss. 220-232.

PART XI.—MISCELLANEOUS, ss. 233-249.

Repeal.  
1st Schedule.  
No. 39 of 1922,  
s. 132.

3. The Acts specified in the First Schedule are hereby repealed.

Existing Licenses  
subject to Act

4. All licenses granted under any repealed Act, and held at the commencement of this Act, and all licensed persons holding any such license, and all licensed premises in respect of which any such license is held at the commencement of this Act, shall be under and subject to the provisions of this Act.

The authority conferred by any such license shall, at the commencement of this Act, become such (and such only) as would be conferred on the holder of a license of the same designation issued hereunder; but if no provision is made hereby for the issue of a license of the same designation, the authority of the licensee shall, until the expiry or sooner determination of his license, remain unaltered, subject however to the general provisions (except those relating to renewal) applicable in respect of licenses issued under this Act.

Interpretation.

5. In this Act, unless the context otherwise indicates—  
“Court” means a Licensing Court constituted under this Act;  
“Date of License” means the time when the license takes effect;  
“District” means a licensing district constituted under this Act;

- “Elector” means a person qualified to vote in the district at an election for the return of a member of the Legislative Assembly;
- “Electoral District” means an electoral district for the Legislative Assembly defined in the Redistribution of Seats Act, 1904, or any amendment thereof;
- “Electoral Roll” means the roll of electors for the time being of an electoral district;
- “Grant of License” includes the granting of the certificate authorising the issue of the license;
- “Inspector” means an inspector of licensed premises appointed under this Act; and includes an inspector of liquor;
- “Intoxicating Liquor” or “Liquor” means any spirits, wine, beer, or other fermented, distilled, or spirituous liquor; and “beer” includes ale, porter, and stout; and “wine” includes cider and perry; but the terms do not include any liquor which does not contain more than two per centum of proof spirit; No. 39 of 1922.  
S. 2.
- “License” means any license granted under this Act or any Act hereby repealed;
- “Licensee” or “Licensed person” means any person holding or entitled to exercise a license within the meaning of this Act;
- “Licensed Premises” means premises in respect of which a license has been granted and is in force;
- “Liquor” means “intoxicating liquor”;
- “Local Governing Act” means the Municipal Corporations Act, 1906, the Roads Act, 1902, and any Act amending the same respectively;
- \*“Local Option Vote” means a vote of electors taken under Part V. of this Act;
- “Minister” means the responsible Minister of the Crown charged for the time being with the administration of this Act;
- “Owner” of licensed premises means the person for the time being entitled to receive either on his own account or as mortgagee or other encumbrancer in possession, the rent of such premises, or if he is absent from the State, means the attorney or agent of such person capable of giving a valid receipt for such rent, and includes any mesne lessor of the premises;

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\* Part V. of the principal Act repealed by Section 41. of the Licensing Act Amendment Act, 1922.

- "Police Officer" includes any constable or officer of the police;
- "Premises" includes house or place, and extends to every room, closet, cellar, yard, stable, outhouse, or any other place whatsoever of, belonging or in any manner appertaining to, such house or place;
- "Prescribed" means prescribed by this Act or by any regulation made under the authority thereof;
- "Proclamation" means a proclamation by the Governor published in the *Government Gazette*;
- "Receiver of Revenue" means any person duly appointed for the purposes of issuing licenses under this Act for the district in which the licensed premises are situated;
- "Townsite" means any land constituted, defined, or reserved as the site of a town or village under the Land Act, 1898, or any amendment thereof or under any Land Regulations in force at any time prior to that Act, and also any land subdivided and laid out as the site for a town, township, or village in accordance with a subdivisional plan, registered in the Office of Titles or the Department of Lands.

Penalties at foot  
of sections and  
subsections.  
No. 39 of 1922,  
s. 3.

6. The penalty, pecuniary or other, set out at the foot of any section or subsection of this Act, shall indicate that any contravention of the section or of the subsection respectively, whether by act or omission, shall be an offence against this Act, punishable on summary conviction by a penalty not exceeding the penalty mentioned and not less than one-fifth of such penalty.

#### PART II.—LICENSING DISTRICTS.

Licensing  
districts.

7. (1.) The electoral districts for the time being constituted for the representation of the people in the Legislative Assembly are hereby constituted licensing districts for the purposes of this Act:

Provided that the Governor may by proclamation—

- (a) amalgamate two or more electoral districts into one licensing district;
- (b) divide any electoral district into two or more licensing districts;
- (c) declare the name by which any licensing district shall be known.

(2) The licensing districts shall continue as constituted at the commencement of this Act until the thirty-first day of March, one thousand nine hundred and twenty-one, and shall

No. 46 of 1911,  
s. 2.  
No. 1 of 1918,  
s. 3.

be deemed to have continued as so constituted notwithstanding the Redistribution of Seats Act, 1911.

On the first day of April, one thousand nine hundred and twenty-one, the then existing electoral districts shall, subject as hereinafter provided, become licensing districts for the purposes of this Act:

Provided that if the Governor shall, for the purposes aforesaid, on or before the said first day of April, by proclamation amalgamate two or more such electoral districts into one district, or divide any such electoral district into two or more districts, then any electoral district affected shall not become a licensing district, but every district formed by such amalgamation or division shall become a licensing district on the said first day of April;

Provided also that every such licensing district as aforesaid shall bear such name as the Governor shall from time to time determine, and shall remain and continue to be a licensing district for the purposes aforesaid until Parliament otherwise provides.

### PART III.—LICENSING COURTS.

#### *Division (1).—Constitution of Licensing Courts.*

8. (1.) For every licensing district there shall be a Licensing Court. Licensing Courts.

(2.) Every Licensing Court shall be constituted of three persons, to be appointed from time to time by the Governor.

(3.) The same persons may be appointed the members of two or more Licensing Courts. No. 39 of 1922,  
S. 4.

9. Every member of the Licensing Court shall be, by virtue of his office, a justice of the peace for the State, and shall hold office for a period of three years from the date of his appointment, unless he dies, resigns, becomes disqualified, or is removed from office, in any of which events a successor shall be appointed, who shall hold office for the unexpired period of his predecessor's term of office. Tenure of office.

10. (1.) Every person shall be disqualified from holding office as a member of a Licensing Court who is interested beneficially in the manufacture or sale of liquor, or in any premises licensed or proposed to be licensed under this Act, or who holds any license whatsoever within the meaning of this Act, or is beneficially interested in any trade or calling exercised under any such license. Disqualifications.

(2.) Any person so disqualified who acts as a member of such Court commits an offence against this Act.

Penalty: One hundred pounds.

Resignation.

11. Any member of a Licensing Court may resign his office by writing under his hand addressed to the Governor.

Extraordinary  
vacancies.

12. Any member of a Licensing Court who absents himself from any two consecutive quarterly sittings of the Court, except in case of sickness or for other reasonable cause allowed by the Minister, shall be deemed to have vacated his office; and to have created an extraordinary vacancy, which shall, as soon as conveniently practicable, be filled up by the appointment of some other person.

Death etc., of  
member.

13. Notwithstanding any alteration in the constitution of a Licensing Court by reason of the death, removal, absence, or resignation of any of its members, the jurisdiction conferred by this Act on such Court may be lawfully exercised by a quorum of such Court.

Chairman.

14. (1.) The Governor shall, from time to time, appoint a member of each Licensing Court to be the chairman thereof.

(2.) The same person may be appointed the chairman and a member of two or more Licensing Courts.

(3.) The chairman must be a police or resident magistrate.

Licensing Courts  
to be Courts of  
record.

15. (1.) Every Licensing Court shall be a court of record, with full power to make all general and other rules necessary for the conduct of its business, and for the enforcement of its orders, and adjudications; but such rules shall be subject to any regulations made by the Governor as hereinafter provided.

(2.) Every such Court shall have and use a seal having inscribed thereon the words "Licensing Court," with the name of the licensing district of the Court.

(3.) Any member of a Licensing Court may take, administer, and cause to be taken and administered, oaths, declarations, affirmations, and depositions in any licensing or other matter or proceeding to be heard and determined or dealt with by such Court.

16. Subject to this Act the Governor may appoint any person to be for such period as he specifies a deputy member of the Licensing Court of any district; and such deputy may, in the case of the sickness or of the absence of any member from any sitting of the Court or from the State, exercise all the powers vested in, and shall perform all the duties of such member:

Deputy members of Court.

Provided that any person appointed deputy chairman must be a police or resident magistrate, and it shall be no objection that he is chairman or deputy chairman of any other Court or Courts.

No. 39 of 1922, s. 5.

A deputy member of the Licensing Court shall, by virtue of his office, be a justice of the peace for the State.

17. Any two members of the Licensing Court shall form a quorum for the constitution of the Court: Provided that one of such members shall be a chairman or deputy chairman.

Quorum.

18. Subject to the provision of section twenty-one, every application made to a Licensing Court shall be decided by a majority of the members, and in the case of a disagreement where only two members are present, the decision of the chairman or deputy chairman shall prevail.

Majority to decide.  
No. 39 of 1922, s. 6.

19. Notwithstanding anything hereinbefore contained, a member or deputy member of a Licensing Court may be removed from office at any time by the Governor.

Members and deputies liable to removal.  
No. 39 of 1922, s. 7.

20. The chairman or any two members of the Court may, on behalf of the Court, sign or sign and seal all certificates and other documents issued and recorded.

Certificates.

21. (1.) On and after a date to be fixed by proclamation the Licensing Courts shall be constituted as provided by this section, and all persons immediately before the day so fixed holding office as members of the Licensing Courts shall cease to hold office as such.

Licensing Magistrates.  
No. 39 of 1922, s. 8.

(2.) The Governor may—

- (a) appoint three persons to be licensing magistrates;
- (b) appoint one of such licensing magistrates to be chairman of Licensing Courts;
- (c) appoint any person to fill any vacancy however caused in the office of licensing magistrate or chairman of Licensing Courts; and

- (d) in case of the absence or temporary incapacity of such chairman or of any licensing magistrate, appoint some person to act in his stead who, when so acting, may (as the case may be) exercise all the powers of the chairman or licensing magistrate in whose place he is appointed.

(3.) Licensing Courts shall be constituted by the licensing magistrates so appointed under this section, and—

- (a) shall have jurisdiction, and may act in and for every licensing district throughout the State; and
- (b) shall have and may exercise all the powers, authorities, duties, and functions conferred or imposed upon Licensing Courts and the chairman and members thereof by this Act.

(4) Every person appointed as a licensing magistrate—

- (a) shall, subject to this Act, hold office for a period of three years from the date of his appointment;
- (b) shall be eligible for re-appointment; and
- (c) shall be entitled to receive such salary or fees and travelling expenses as may be determined by the Governor.

(5.) Two licensing magistrates shall form a quorum for the constitution of the Court, provided that one of such members is the chairman or deputy chairman.

(6.) Every application or matter may be determined by a majority of the members of the Court, but in case of disagreement where only two licensing magistrates are present the application or matter shall be adjourned.

Certain duties  
may be delegated  
to resident  
magistrates.

(7.) The licensing magistrates, with the approval of the Minister, may delegate to any licensing magistrate or resident magistrate any of their powers, authorities, duties, and functions relating to the renewal, transfer, and removal of licenses, and the granting of occasional and temporary licenses; and the powers, authorities, duties, and functions so delegated shall be exercised by any licensing magistrate or resident magistrate under such delegated authority accordingly.

A Licensing Court shall be deemed to be duly constituted by a licensing magistrate or resident magistrate when sitting in any district under such delegated authority.

(8.) Every licensing magistrate shall be, by virtue of his office, a justice of the peace for the State.



22. The Governor may, from time to time, appoint a clerk to the licensing magistrates, and appoint any person, being a clerk of petty sessions, to be clerk of the Licensing Court of any one or more districts.

Appointment of clerk.  
No. 39 of 1922.  
s. 9.

23. (1.) The Licensing Court may summon witnesses and examine them on oath as nearly as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of justices of the peace on summary convictions and orders.

Power to summon witnesses.

(2.) If any person required by a summons under the seal of the Court to attend as a witness at any Licensing Court neglects, without sufficient excuse, to appear and give evidence, or refuses to be sworn, or to answer any lawful question; or if any person wilfully interrupts the proceedings of the Court, or hinders, obstructs or assaults any person in attendance before the Court, or any officer thereof in the lawful execution of his duty, such person shall be guilty of contempt of Court.

Punishment of Contempt of Court for non-attendance, etc.

(3.) The chairman or, in his absence, any member of the Court, either on his own view, or on the oath of a witness, may, by warrant under his hand and the seal of the Court, commit any person guilty of such contempt to any prison, there to be imprisoned for any term not exceeding fourteen days, or may order such person to forfeit any sum by way of fine not exceeding ten pounds; and, if such fine is not forthwith paid, he may order such person to be imprisoned in any prison for any term not exceeding fourteen days, but subject to the discharge of such person if the fine is paid within the term of the imprisonment.

24. All acts and proceedings of every Licensing Court shall, notwithstanding it is afterwards discovered that there was some defect in the constitution of the Court, or that any member of the Court was disqualified, be as valid and effectual as if the Court had been duly constituted or such member duly qualified.

Proceedings not to be invalid in certain cases.

*Division (2).—Sittings of Licensing Courts.*

25. An ordinary sitting of the Licensing Court, to be called the "Quarterly Sitting," shall be held for each district on the first Monday in the months of March, June, September, and November or December in every year, or on such other day as may be appointed by the Minister, of which at least twenty-one days' notice shall be published in the *Government Gazette*:

Court to sit quarterly.  
No. 39 of 1922.  
s. 10.

Provided that special sittings may be held from time to time for the purposes of this Act, on a day to be appointed by the Governor of which at least fourteen days' notice shall be published in the *Government Gazette*.

Place of sitting.

26. (1.) The Licensing Court shall sit at such petty sessional court house or other place as the Minister may, from time to time, appoint.

(2.) It shall not be necessary for the place at which the Licensing Court is appointed to sit to be situated within the licensing district to which such sitting relates.

Adjournment.

27. (1.) Any Licensing Court may adjourn from time to time.

(2.) If at any sitting a quorum is not present, any member present, and if no member is present, the clerk may adjourn the Court.

(3.) If any applicant for a license, or for the renewal, transfer, or removal of a license, requires an adjournment, the Court may, upon such terms as to costs or otherwise as it thinks fit, from time to time, adjourn the application for any period not exceeding one month.

#### PART IV.—LICENSES.

##### *Division (1).—Description of Licenses.*

Licenses.

28. (1.) Subject to the provisions of this Act, licenses may be granted under this Act of the several descriptions following, that is to say:—

- (a) Publicans' general licenses.
- (b) Hotel licenses.
- (c) Wayside-house licenses.
- (d) Australian Wine and Beer licenses.
- (e) Australian Wine Licenses.
- (f) Australian Wine bottle licenses.
- (g) Packet licenses.
- (h) Railway Refreshment Room licenses.
- (i) Spirit Merchants' licenses.
- (j) Gallon licenses.
- (k) Brewers' licenses.
- (l) Eating-house, Boarding-house, or Lodging-house licenses.

No. 86 of 1913,  
s. 15.

No. 39 of 1922,  
s. 11.

(m) Billiard-table licenses.

(n) Temporary licenses.

(o) Occasional licenses.

(2.) Such licenses respectively shall be in such one of the forms in the Second Schedule as may be applicable.

Forms.  
2nd Schedule.

(3.) No license or renewal of a license shall be granted to any person who is not a natural born or naturalised British subject.

(4.) No Australian wine and beer license shall be granted except for premises so licensed at the commencement of this Act.

No. 39 of 1922,  
s. 11.

29. A publican's general license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of any liquor in any quantity on the licensed premises.

Publican's  
general license.

30. An hotel license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of any liquor, at any time—

Hotel license.

(a) to lodgers or boarders in the hotel, for the use of such lodgers or boarders and their guests; or

(b) to persons taking a meal at the hotel, the liquor to be consumed during such meal;

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

31. (1.) A wayside-house license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of any liquor in any quantity on the premises therein specified; but no license for a wayside-house shall be granted or renewed for any house or premises situated within a distance of ten miles from any municipal district or townsite in which the population exceeds one hundred persons.

Wayside-house  
license.

(2.) The Licensing Court may insert a clause in any wayside-house license prohibiting any liquor from being taken off the premises, excepting liquor sold to *bona fide* travellers.

32. An Australian wine and beer license shall authorise the sale of wine or beer made in any State of the Commonwealth, in any quantity on the premises named in the license, such wine to be made from fruit grown in the Commonwealth.

Australian wine  
and beer license.

Australian wine  
license.

33. (1.) An Australian wine license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of, on the premises named in the license, any wine made in a State of the Commonwealth, produced from fruit grown in the Commonwealth, for consumption on the premises or otherwise: Provided that such wine does not contain more than thirty-five per centum of proof spirit.

(2.) No Australian wine license shall be granted for any premises beyond the limits of a municipal district or townsite.

No. 1 of 1917,  
s. 5.  
No. 39 of 1922,  
s. 12.

(3.) No Australian wine license shall be hereafter granted or renewed except in respect of premises used for the sale of Australian wine, and in which no goods of any other kind, except aerated waters, cigars, cigarettes, and tobacco are sold, or offered or exhibited for sale, or apparently for sale.

No. 39 of 1922,  
s. 12.

(4.) No person holding an Australian wine license shall keep or bring or permit to be brought on his licensed premises any liquor other than Australian wine, the produce of fruit grown in a State of the Commonwealth.

Penalty: Ten pounds.

*Ibid.*

(5.) An Australian wine license shall only be issued or renewed in respect of premises of a standard to be prescribed by the Licensing Court.

*Ibid.*

(6.) It shall be unlawful to have or use in any bar-room or saloon of premises for which an Australian wine license is held any partition of wood or other material so as to wholly or partially prevent or limit the uninterrupted view of the whole of the place where the bar is situated, or so as to wholly or partially divide such place into two or more compartments.

Penalty: Twenty-five pounds.

No. 1 of 1917,  
s. 5.  
No. 39 of 1922,  
s. 12.

(7.) No person holding an Australian wine license shall have or keep his licensed premises open to the public at any time before or after the time during which wine may be lawfully sold on the premises, or sell or offer or exhibit for sale, or apparently for sale, on the premises, any goods of any other kind than Australian wine, except aerated waters, cigars, cigarettes, and tobacco.

Penalty: For a first offence, Fifty pounds; for any subsequent offence, One hundred pounds.

No. 1 of 1917,  
s. 5.

(8.) Every application for an Australian wine license, or the renewal of such license, shall, subject as aforesaid, be granted or refused in the absolute discretion of the Court.

(9.) The Court shall not grant to the holder of an Australian wine license a gallon license or two-gallon license in respect of the same premises. *Ibid.*

(10.) Section nineteen of the Illicit Sale of Liquor Act, 1913, is hereby repealed. *Ibid.*

34. (1.) An Australian wine bottle license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of, on the premises named in the license, any wine made in a State of the Commonwealth produced from fruit grown in the Commonwealth in any quantity of not less than one reputed pint not to be drunk on the premises in which such liquor is sold. *Australian wine bottle license. No. 36 of 1913. s. 16.*

(2.) No person holding an Australian wine bottle license shall have or keep the premises named in the license open to the public at any time before or after the time during which wine may be lawfully sold. *No. 1 of 1917. s. 7.*

Penalty: For a first offence, Fifty pounds; for any subsequent offence, One hundred pounds.

35. A packet license shall, subject to the provisions of this Act, authorise the master of the vessel therein mentioned, being a vessel licensed to carry passengers within the State of Western Australia, to sell and dispose of liquor to passengers on board of such vessel while such vessel is on her passage: *Packet license.*

Provided that section one hundred and twenty-two of this Act shall not apply to a packet license:

Provided also that no license shall be necessary to authorise the granting of allowances of liquor to the crew of any vessel:

Provided also that a packet license shall not authorise the sale of liquor upon any Sunday, Anzac Day (the twenty-fifth day of April), Good Friday, or Christmas Day on any vessel whilst such vessel is in any river or estuary. *No. 35 of 1923. s. 2.*

36. 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 such refreshment room or stand on the arrival, and within half an hour before and after the arrival and departure of any passenger train at or from the railway station where such refreshment room or stand is situated, to *bona fide* travellers on the railway, but not to any other person. *Railway refreshment room license. No. 39 of 1922. s. 13.*

Spirit merchant's  
license.  
No. 36 of 1922.  
s. 15.

37. A spirit merchant's license shall, subject to this Act, authorise the licensee to sell and dispose of any liquor on the licensed premises in quantities of not less than two gallons not to be consumed on the premises in which the liquor is sold.

The minimum quantity shall consist wholly of spirits or of wine, or of beer, or of some other kind of liquor, and shall be delivered and taken away from the premises at one time and not by instalments.

Gallon license.  
See sec. 23 (9).

38. (1.) A gallon license shall authorise the licensee to sell and dispose of any liquor in any quantity of not less than one gallon, not to be drunk on the premises in which such liquor is sold.

(2.) The minimum quantity shall consist wholly of spirits, or of wine, or of beer, or of some other kind of liquor, and shall be delivered and taken away from the premises at one time, and not by instalments.

Dealings by  
gallon licenses  
to be recorded,  
and books, etc.,  
produced.  
No. 1 of 1917,  
s. 3.  
No. 39 of 1922,  
s. 132 (2), 134.

39. (1.) The holder of any gallon license or two gallon license, or a brewer's license, or a spirit merchant's license—

- (a) shall keep a book and shall enter therein forthwith, after every purchase by him of liquor, for sale under his license, the date of purchase, the quantity and kind of liquor purchased, and the name of the seller;
- (b) shall keep a book and shall enter therein forthwith, after every sale under such license, the date of sale, the quantity and kind of liquor sold, and the name of the purchaser; and
- (c) shall produce to any police officer, inspector of licensed premises, or inspector of liquor, on demand, such books and the invoices of all liquor purchased, and copies of the sale notes or invoices of all liquor sold.

Penalty: Fifty pounds.

(2.) Any police officer or inspector of liquor may, on demand, search the cart or vehicle of any licensee delivering liquor and examine the sale notes or invoices, and the person in charge of such cart or vehicle shall permit such examination, and produce the sale notes and invoices.

Penalty: Fifty pounds.

40. A brewer's license shall authorise the licensee, being a person, or the representative of a person, carrying on the trade or business of a brewer, to sell and dispose of beer on the licensed premises in quantities of not less than two gallons, not to be consumed on the premises, such beer being the produce of the brewery.

Brewer's license.  
No. 39 of 1922,  
s. 17.

41. (1.) An eating-house, boarding-house, or lodging-house license shall not authorise the licensee to sell or dispose of liquor to any boarder, lodger, or other person, but it shall authorise the licensee to cause the boarders or lodgers in the licensed house, and any person taking a meal in such house, to be supplied therein directly from any house licensed for the sale of the kind of liquor required, in the quantity required, with any liquor to be consumed in the licensed eating-house, boarding-house, or lodging-house.

Eating, board-  
ing, and lodging  
house license.

(2.) Any keeper of any such house who, without being licensed under this section in respect of such house, shall supply or cause to be supplied any liquor to any boarder, lodger, or person taking a meal therein, shall be liable in the same manner and to the same extent as if he had sold such liquor.

(3.) No person holding an eating-house license shall cause intoxicating liquor to be supplied to, or permit intoxicating liquor to be consumed by any person on his licensed premises except during such time as such liquor might be lawfully sold in the licensed house from which such liquor was obtained.

Restriction of  
supply of liquor  
in eating houses.  
No. 1 of 1917,  
s. 6.

Penalty: For a first offence, Fifty pounds; for any subsequent offence, One hundred pounds.

42. A billiard table license shall authorise the licensee to keep and maintain a billiard or bagatelle table, or both, on his licensed premises.

Billiard table  
license.

43. (1.) A temporary license shall authorise the licensee, being also the holder of a publican's general license, or an Australian wine and beer license, or a wayside-house license, to exercise the privileges of his license at any fair, military encampment, races, regatta, rowing match, cricket ground, or other place of public amusement, or at any ball, concert, theatrical or other entertainment, for a period to be specified in the license:

Temporary  
license.

Provided that no temporary license shall be granted so as to permit of the sale or supply of liquor at any military encampment of cadets or at any athletic or aquatic sports, games or contests wholly or mainly held or engaged in by scholars of any educational establishment, or by members of any association or society the majority of the members whereof are minors.

No. 39 of 1922.  
s. 18.

(2.) A temporary license may authorise a licensee to exercise as aforesaid the privileges of his license within or beyond the limits of the district in which his licensed premises are situated.

(3.) Subject to the proviso to subsection (1), a temporary license may be granted to any club, or other organising body of race-meetings, or agricultural shows, or other sports meeting if, in the opinion of the Licensing Court or the chairman or members thereof to whom the application is made, the granting of a license is desirable for the accommodation of the public, and that the number of persons likely to be in attendance is sufficient to justify the issue of a license.

Occasional  
license.

44. An occasional license shall exempt the licensee from the provisions of this Act relating to the closing of the premises on any special occasion during certain hours and on the special occasion to be specified in the license:

Provided that no liquor shall by virtue of an occasional license be sold or consumed at any public bar on the licensed premises.

Duration of  
license.

45. (1.) Every license (except a temporary or occasional license) shall, subject to the provisions of this Act, remain in force until the thirty-first day of December in the year for which it is granted: Provided that any publican's general license, hotel license, Australian wine and beer license, or way-side house license may, at the request of the applicant, or in the discretion of the Licensing Court, be granted or renewed to have effect only during a portion of the year to be specified in the license.

No. 39 of 1922.  
s. 10.

(2.) All licenses renewed at the quarterly sitting of the Licensing Court held in November or December shall, unless otherwise specified, take effect as from and inclusive of the first day of January next following.



Division (2).—Exemptions.

46. (1.) No license under this Act shall be required to be held by any person who—
- (a) sells on the premises of such person wine in quantities not less than two gallons at any one time, the produce of fruit of his own growing within the State; or
- (b) being the occupier of a vineyard of not less than five acres of vines in full bearing, sells on such vineyard, in quantities of not less than one reputed quart bottle at any one time, wine manufactured by such person; or
- (c) being the occupier of an orchard of not less than five acres, sells on such orchard, in quantities of not less than one reputed quart bottle at any one time, cider or perry manufactured by such person:

Exemptions.

No. 46 of 1911,  
s. 3.

No. 39 of 1922,  
s. 19.

Provided that such wine—

- (i) is not consumed or intended to be consumed on the premises where the same is sold; and
- (ii) is neither sold nor delivered to any person to whom it is by this Act made unlawful to sell or supply liquor; and
- (iii) is not sold or delivered during any day or time during which the sale of liquor is prohibited.

(2.) No license under this Act shall be required to be held by any person who—

- (a) sells or supplies liquor in the Houses of Parliament by the permission of or under the control of the members; or
- (b) sells or supplies in a club registered in accordance with the provisions hereinafter contained to a member of the club for the use or consumption of such member or other members of the club or his or their guests; or
- (c) sells or supplies liquor in any military canteen established under the regulations of His Majesty's service; or
- (d) sells any spirituous or distilled perfumery *bona fide* as perfumery; or
- (e) being an apothecary, chemist, or druggist, administers or sells any spirituous distilled or fermented liquors for *bona fide* medicinal purposes; or

- (f) being a licensed auctioneer, in the *bona fide* exercise of his business, sells or offers for sale, by auction, liquor on account of another person, under and subject to the provisions of the Auctioneers Amendment Act, 1881:

No. 39 of 1922,  
s. 19.

(3.) The exercise by the Commissioner of Railways of the powers conferred by subsections (2) and (3) of section fifty-nine of the Government Railways Act, 1904, shall be subject to the sanction of the Licensing Court, and to such conditions as the Court may think fit to impose, and the Court may withdraw its sanction on proof to its satisfaction that the conditions have not been observed or performed; and, subject to the rights of lessees under current licenses, subsection (2) of section fifty-nine of the said Act is hereby repealed.

#### *Division (3).—New Licenses.*

New licenses.  
No. 39 of 1922,  
s. 20

47. (1.) Subject to the provisions of Part VI. of this Act, every application for a license for premises not licensed at the commencement of this Act shall be granted or refused in the absolute discretion of the Court:

Number of  
licenses.

But the number of licensed premises in a district shall not, except in pursuance of a special authority granted under the next following subsection, at any time exceed the number of licensed premises of the same description in the district on the 31st day of December, 1922.

Provided that a brewer's license or spirit merchant's license may be granted to the holder of a two-gallon license or gallon license in lieu of such license; and a railway refreshment room license may be granted under this Act, in lieu of a license under subsection (2) of section fifty-nine of the Government Railways Act, 1904:

Provided also that premises for which a provisional certificate has been granted prior to the 31st day of December, 1922, shall be deemed to be licensed premises:

Provided also that the words "licensed premises," in this subsection, shall not include premises for which a billiard table license is granted, if such premises are not licensed for the sale of liquor:

Provided also that a brewer's license or a spirit merchant's license may be granted for premises not licensed prior to the 31st day of December, 1922, to authorise the sale of beer or liquor, as the case may be.

(2.) Where a petition is presented to the Governor asking that the Licensing Court may have authority to grant a new license within any district, and such petition is signed by a majority in number of the electors living in an area therein defined, and it is shown by such petition that—

Increases in  
number of  
licenses.

- (a) there has been an increase of population in such area, and that such increase is likely to be permanent;
- (b) there are insufficient licensed premises to meet public requirements or no licensed premises within such area,

the Governor may refer such petition for inquiry by the Licenses Reduction Board during the operation of Part V. of this Act, and thereafter by the Licensing Court.

(3.) The area defined in a petition—

- (a) shall be the area comprised within a circle having a radius of 40 chains from the site of the proposed licensed premises, if the new license is required for premises within the metropolitan district (as defined in section one hundred and eighty-three); or
- (b) shall be subject to the approval of the Licenses Reduction Board, or the Licensing Court, as the case may be, if the new license is required for premises not situated within the metropolitan area.

In either case the petition shall, within seven days after its presentation, be published by the petitioners in the *Gazette* and a newspaper circulating in the district.

(4.) If, on such inquiry to be held fourteen days from the publication of the petition and after hearing evidence, the Board or the Court, as the case may be, is of opinion that the petition should be granted, it shall make a recommendation to that effect to the Governor.

(5.) On the receipt of such recommendation, the Governor may grant the petition, and shall so declare in the *Gazette*; and thereupon a license or provisional certificate may be granted by the Licensing Court notwithstanding that by such grant the number of licenses in the district will exceed the number therein on the 31st day of December, 1922.

(6.) The Licensing Court shall prescribe the necessary accommodation to be provided in the premises to be licensed, and shall call for tenders for a premium for the license or provisional certificate to be payable to the Consolidated Revenue Fund.

(7.) If, as a result of a petition and inquiry a new license is considered necessary in any district where a de-licensed house exists, the Court may, without calling for tenders, fix a premium to be paid by the owner of such premises for the granting of such license; and the licensing magistrates may fix a premium for the conversion of a hotel or way-side-house license into a publican's general license.

*Division (4).—Applications.*

Mode of applying  
licenses.

3rd Schedule.

48. (1.) Every person who desires to obtain a license shall, fourteen days at least before applying for the same—

(a) affix on the outer door or front of the principal entrance door of the premises for which such license is applied for, there to be kept until the day upon which the Licensing Court sits, notice in writing, signed by such applicant, in such one of the forms in the Third Schedule as is applicable: Provided that notwithstanding that such notice is not so kept affixed, if the Court shall be satisfied that the applicant has used all reasonable care to keep it so affixed, and that it is not due to any default on his part that it has not been so kept affixed, the Court shall be at liberty to deem the requirements of the subsection in this respect complied with;

(b) deliver a like notice in triplicate to the clerk of the Licensing Court of the district.

(2.) The applicant shall also publish a copy of such notice in a newspaper circulating in the district wherein the premises are situated, at least seven days before he applies for the license:

Provided that the Governor may, in his discretion, order that this subsection shall not have effect in any licensing district in which he may deem compliance therewith impracticable.

(3.) The clerk of the Licensing Court shall, immediately after the receipt thereof, post one of such notices inside and another of such notices outside on some conspicuous part of the court house or building in which the Licensing Court is to sit.

(4.) Provided as follows:—

(a) This section shall not apply to temporary or occasional licenses.

- (b) In the case of an application for a packet license, the notice shall be delivered to the clerk of the Licensing Court for the district of a place or port to or from which the vessel plies, and the notice shall be advertised in a paper circulating in the district in which the notice is delivered.
- (c) In the case of applications for a packet license or a spirit merchant's license, it shall not be necessary to affix any notice elsewhere than on the court house or building in which the Licensing Court is to sit.

49. (1.) Every application for a license, or the renewal, transfer, or removal of a license, and all objections to every such application shall be heard and determined by the Licensing Court for the district wherein the premises in respect of which the license is sought, or to which it relates, are situated, or, in the case of a packet license, for the district of a place or port to or from which the vessel plies.

Application to  
be heard in open  
court.

(2.) Every such hearing shall be open to the public, and every applicant shall attend in person or by an agent at such hearing:

Provided that the Court may, if it thinks fit, require the personal attendance of any applicant.

(3.) Every applicant for a license or the transfer of a license shall with his application deliver to the clerk of the Licensing Court testimonials, and the Court may call and receive evidence as to the character and suitability for the particular premises of the applicant as a licensee or the proposed transferee, as the case may be, and it shall be the duty of an inspector of licensed premises to make a searching investigation as to such applicant's or proposed transferee's character and suitability, and as to the genuineness and value of such testimonials, and to report in writing thereon to the Court, and the Court in dealing with every such application shall take into consideration such testimonials and report and evidence. The written report above-mentioned shall be open to inspection by the applicant not less than forty-eight hours prior to the hearing of the application.

No. 39 of 1922,  
s. 22.

(4.) The Court may in its absolute discretion refuse an application for a transfer of a license.

Certain licensed houses to possess accommodation for travellers and guests.

50. (1.) Every house for which—

- (a) a publican's general license;
- (b) an hotel license;
- (c) a wayside-house license; or
- (d) an Australian wine and beer license

is granted or renewed shall, at the time of the granting or renewal of such license, contain at least two sitting rooms and two sleeping rooms ready and fit for public accommodation, independent of the apartments occupied by the family of the licensee, and shall also be provided with sufficient places of accommodation in or near the premises for the use of the customers thereof, to prevent nuisances or offences against public decency, and with stabling sufficient for six horses at least, and a sufficient supply of wholesome and usual provender for the same, and with such further accommodation as the Licensing Court deems expedient in any other respect:

Provided that the Court may, if it thinks proper, by indorsement in writing upon its certificate, dispense with the said stabling accommodation or such part thereof as to the Court may seem fit.

(2.) The Licensing Court may insert conditions as to further accommodation in its certificate, and any such conditions shall be deemed to be conditions imposed and binding on the licensee.

(3.) If any such licensed house is not provided with, or shall cease to be provided with the accommodation required by this section or by the conditions inserted in the certificate, the Licensing Court, upon proof thereof to its satisfaction, may suspend the license until such accommodation is provided.

No. 39 of 1922,  
s. 23.

Accommodation  
required for  
licensed  
premises  
No. 39 of 1922,  
s. 23.

51. (1.) No new publican's general license or hotel license shall be granted for any premises within the City of Perth or Town of Fremantle—

- (a) unless such house contains not less than twelve bedrooms and two sitting-rooms, besides the rooms occupied by the family and servants of the applicant, together with a suitable complement of bedding and furniture; nor
- (b) unless every room so required for public accommodation is so constructed as freely to admit light and air, and contains at least one thousand two hundred cubic feet, except in the case of a bedroom intended for the accommodation of one person only, which shall contain at least eight hundred and fifty cubic feet; nor

(c) unless such house is substantially constructed of durable materials and the rooms are furnished and divided by partitions of stone, brick, or plaster, or, in the case of rooms other than bedrooms, wholly or partly of glass, wood, or other material of which the Licensing Court approves; nor

(d) unless such house is provided with at least one bath and one closet for every ten lodgers the house can accommodate, placed in suitable places for males and females separately, and also urinal conveniences on the premises for the use of the public frequenting the house, and also where necessary in the opinion of the Licensing Court with stabling sufficient for the accommodation of not less than three horses.

(2.) No new publican's general license or hotel license shall be granted for any premises elsewhere than in the City of Perth or Town of Fremantle—

(a) unless such house contains not less than six bedrooms and two sitting-rooms besides the rooms occupied by the family and servants of the applicant, together with a suitable complement of bedding and furniture; nor

(b) unless such house is provided with sufficient bath, closet, and urinal accommodation, and also where necessary in the opinion of the Licensing Court is provided with stabling sufficient for the accommodation of not less than three horses.

(3.) No publican's general license or hotel license, whether granted before or after the 7th day of April, 1911, shall be renewed after the 31st day of December, 1927, unless the requirements of subsection (1) or (2), as the case may be, of this section are complied with in the meantime.

(4.) The Licensing Court may insert conditions as to further accommodation in its certificate, and any such conditions shall be deemed to be conditions imposed and binding on the licensee; and may require—

(a) the licensed premises to be fitted with an approved system of sewerage treatment;

(b) all places used for the storage, preparation, serving, and consumption of food to be fitted with fly-proof screens; and

(c) each bedroom to be supplied and fitted with a Yale lock, or a lock of a similar type.

(5.) If any such licensed house is not provided with or shall cease to be provided with the accommodation required by or under this section, or by the conditions inserted in the certificate, the Licensing Court, upon proof thereof to its satisfaction, may suspend the license until such accommodation is provided.

Temporary  
licenses.  
No. 89 of 1922,  
s. 24

52. Temporary and occasional licenses may be granted at any time by the chairman or any member of the Licensing Court, or by the clerk of the Court if the application is not opposed, of the district wherein the license is to be exercised, and subject to such conditions as may be deemed fit:

Provided that the applicant for such license shall give notice in writing to the officer in charge of the police station nearest to the applicant's licensed premises within the district of the intention to make such application at least forty-eight hours before making the application.

Temporary  
eating-house,  
boarding-house,  
or lodging-house  
license.

53. A temporary eating-house, boarding-house, or lodging-house license, to be in force until the first day of the month following the next quarterly licensing sitting of the Licensing Court, may be granted at any time by the chairman or any two members of the Court, without any previous notice thereof being given by the applicant.

#### *Division (5).—Renewal of Licenses.*

Renewal of  
existing licenses.

54. (1.) Except as hereinafter provided, and subject to Part V. of this Act, every licensee who applies to the Licensing Court for the renewal of his license may, on production of his license, obtain from the Court a certificate authorising the renewal of such license:

Provided that—

(a) if an objection to such renewal is made under the provisions of Division (9) of this Part, and such objection is sustained to the satisfaction of the Court; or

(b) if the license has been allowed to expire, or is liable to be forfeited or cancelled under any of the provisions of this Act,

the Court may refuse the application for renewal, and against such refusal there shall be no appeal:

Renewal of new  
licenses.

Provided also that the renewal of any license granted after the commencement of this Act for premises not licensed at the commencement of this Act shall, subject to the provi-



sions of Part V. of this Act, be in the absolute discretion of the Court.

(2.) Notwithstanding anything in this Act contained to the contrary, if on an application for the renewal of a wayside-house license such renewal is refused on the ground that the house is situated in or within a distance of ten miles from a municipal district or townsite in which the population exceeds one hundred persons, the Court may, without requiring the applicant to make any further or other application, grant to the applicant a certificate for a publican's general license for the same house in lieu of a certificate for the renewal of the wayside-house license, and a publican's general license may be granted to the applicant accordingly.

No. 46 of 1911.  
s. 4.

55. No compensation shall be payable to any person by reason of the refusal of the Court to renew any license.

No compensation  
on non-renewal  
of license.

*Division (6).—Transfer and Transmission of Licenses.*

56. (1.) The chairman or any two members of the Licensing Court may, in his or their discretion, on application in writing in the form in the Fifth Schedule by the licensee and a proposed transferee, and on payment of the prescribed fee, transfer, at any time, the license of any licensee to such transferee by indorsement upon the license in the form in the Sixth Schedule.

Transfer of  
licenses.  
5th and 6th  
Schedules.

(2.) Subject to this Act every transferee shall, until the end of the year for which the license was granted, possess all the rights of the original licensee, and shall be liable to the same duties, obligations, and penalties as if such license had been originally granted to him.

(3.) At least seven days before the hearing of an application under this section, the application shall be lodged with the clerk of the Licensing Court, and a copy thereof served on the officer in charge of the police station nearest to the licensed premises, and a copy thereof published in a newspaper circulating in the district.

57. (1.) For the purposes of this section and subject to the context.

Interpretation.

"License" includes "Certificate."

"Licensee" includes a person to whom a certificate has been granted.

"Lessor" includes a mesne lessor and the person for the time being entitled to the rent of the premises.

"Lease" includes "Sub-lease" and "Under-lease."

"Owner" means any person (other than the licensee) who (whether as lessor, mortgagee, or otherwise) is or shall become entitled to the possession of the premises.

"Successor" means any person who is entitled under subsection two to the benefit of the license.

Transmission of  
licenses.

(2.) If a licensee shall—

- (a) die;
- (b) become bankrupt;
- (c) assign his estate for the benefit of his creditors;
- (d) be declared or become an insane person or insane patient under the Lunacy Act, 1903; or
- (e) be declared an incapable person under that Act,

then the license shall terminate so far as regards the licensee, and shall enure for the benefit of and, on entry being made on the premises by or on behalf of the successor, shall vest in—

- (a) the widow, husband, next of kin, legatee or executor entitled to apply for letters of administration of the deceased's estate or probate of his will;
- (b) the licensee's trustee in bankruptcy;
- (c) his assignee;
- (d) his committee, or the Master, as the case may be; or
- (e) the person appointed by the Supreme Court to undertake the control and management of his property,

respectively, and as the case may be:

Provided that if no successor entitled on the happening of event (a) shall enter within twenty-one days thereafter, then any creditor of the deceased to whom letters of administration of his estate are granted shall be deemed the successor, and may enter on the premises accordingly.

Right of entry  
by successor.

(3.) Every successor may, subject to the rights of any owner, enter forthwith after the event, and may exercise the license, subject as hereinafter provided, for the term or extended term thereof.

Right of entry  
by owner.

(4.) If a licensee shall (except as a consequence of any event mentioned in subsection two)—

- (a) cease to occupy the premises in which he is entitled to exercise his license;

- (b) fail to apply for, or be refused a renewal of his license on grounds personal to himself;
- (c) fail to pay any license or other fee or money by which failure his license shall have become void;
- (d) suffer a forfeiture of his license for any act or omission by himself or his servant or agent or on grounds personal to himself; or
- (e) be convicted of a crime;

or if, after the happening of any event mentioned in subsection two, no successor shall enter within a period of twenty-eight days, then on entry on the premises being lawfully made by the owner thereof, the license shall (if not already terminated) be terminated as regards the licensee, and shall enure for the benefit of and vest in such owner.

No. 39 of 1922,  
s. 25.

(5.) On the happening of any event mentioned in subsection two or four the license shall (notwithstanding any forfeiture, voidance or expiry thereof) be deemed to continue as regards the premises, and shall so continue for the benefit of the successor or owner who has entered till after the disposal of the application for confirmation hereinafter mentioned, or the expiry of the time for making such application:

Continuance of  
license.

Provided that if no successor or owner shall enter within a period of thirty-five days, or such extended time as the chairman or two members of the Court may allow after the happening of any event mentioned in subsection two, then the license shall become absolutely void:

Provided also that if no owner shall enter within a period of ten days or such extended time as the chairman or two members of the Court may allow after the happening of any event mentioned under heading a, b, c, d, or e of subsection four, then the license shall become absolutely void.

(6.) It shall be an implied term of every mortgage heretofore or hereafter given by a person licensed under a publican's general, wayside-house, hotel, or Australian wine and beer license over his licensed premises, that the mortgagee may enter into possession of such premises, or may bring an action of ejectment to recover the same, on the happening of any event mentioned in subsection four, or in default of entry by a successor within the time therein limited.

Entry by  
mortgagee.  
No. 39 of 1922,  
s. 25.

(7.) It shall be an implied term of every lease, heretofore or hereafter granted, of any premises licensed or to be licensed under a publican's general, wayside-house, hotel, or Australian wine and beer license, to a licensee or intended licensee

Lessor may  
determine lease  
and enter.  
No. 39 of 1922,  
s. 25.

thereof, that, on the happening of any event mentioned in subsection four, or in default of entry by a successor within the time therein limited, the lessor may terminate the lease and thereupon re-enter and take possession of the premises.

Entry by owner  
under power.

(8.) An owner may enter under any other power of entry given by or implied against a licensee, and shall (subject to the provisos to subsection five) be entitled to all such rights and advantages and subject to all such liabilities as he would have been entitled or subject to if he had entered on a cesser of occupation then happening on the part of the licensee.

Successor or  
owner may enter  
by agent.

(9.) (a) A successor or owner may enter by himself or his agent.

(b) Such an agent may exercise the license, and sell thereunder for his principal without subjecting the principal to any penalty.

(c) A body corporate may enter, but by its agent only.

(d) One or two or more persons jointly entitled in the same right may exercise the rights vested in such persons.

(e) The principal of an agent licensee shall be deemed to be his successor for the purposes of subsection two on the happening of any event therein mentioned.

(f) No license shall be renewed in favour of an agent, as such at any Court held after the expiry of three months from the confirmation, but a transfer of any agent's license may be made on the application of the principal without the concurrence of the agent.

(g) No owner shall be entitled to the benefit of subsection four or eight where the licensee is such owner's agent.

Confirmation  
7th Schedule.

(10.) (a) A successor, owner, or agent shall, after entry, be the licensee, but must within ten days after entry obtain from the chairman or two members of the Court a confirmation in the form in the Seventh Schedule.

(b) Such confirmation shall be endorsed on the license, or on a duplicate thereof, which may be issued for that purpose.

(c) Every confirmation shall have effect according to its tenor.

- (d) If such successor, owner or agent shall not obtain or apply for such confirmation, then he shall be deemed to have suffered a forfeiture of the license on grounds personal to himself.

(11.) A successor, owner or agent who has obtained confirmation in respect of licensed premises, the term mentioned in the license whereof has expired, or will expire before the next quarterly Licensing Court, shall be entitled to have added to the confirmation a clause extending the term of the license till after the holding of such Court.

Extension of term of license.

(12.) The fee payable on a confirmation shall be such as is prescribed to which shall be added, if the term be extended as aforesaid, such amount as would be payable if it were a renewal granted on or after the first day of October.

Fee.

(13.) Every successor, owner, or agent shall, after the granting to him of a confirmation, pay all fees and moneys (if any) which have accrued or become due for the grant or renewal or in respect of the license, and if any such fee or moneys or any fee payable under subsection twelve be not paid within three days after the granting of the confirmation, then the license shall become void.

Fees to be paid otherwise license voided.

(14.) Every successor or owner may, before entry, submit himself or his agent to the chairman or two members of the Court as a fit and proper person to hold the license, and such chairman or members shall, if he or they approve such successor, owner, or agent, signify such approval, and in such case the confirmation, if duly applied for, shall be granted to such successor, owner, or agent.

Approval by Court of successor or owner or his agent.

58. (1.) In case of the marriage of any woman being a licensed person, the license held by her shall confer on her husband the same privileges, and shall impose on him the same duties, obligations, and liabilities, as if such license had been granted to him originally:

License of female to vest in husband on her marriage.

Provided that at the quarterly licensing meeting occurring next after any such marriage the husband shall apply to the Licensing Court for the transfer to him of his wife's license for the remainder of the term of the duration thereof, and if the sitting of the Court at which such application is made be the sitting to which application to renew the license should be made he may also apply at such sitting for a renewal of the license in his name.

(2.) Such transfer shall be made if the Court is satisfied that no objection can be made to the character of the husband, and that he has not forfeited a license within the preceding three years.

*Division (7).—Removal of Licenses.*

Removal of  
licenses.  
8th Schedule.

59. (1.) No removal of a license from one district to another shall be lawful, but if any licensee desires to remove his license from his licensed premises to any other premises in the same district he shall give and publish notice in the form in the Eighth Schedule of his intended application in the same manner as notice is required to be given and published of an application for a license.

(2.) The clerk shall cause such notice to be posted in the same manner provided in the case of an application for a license.

(3.) A copy of the notice shall be served upon or sent by registered letter to the owner of the premises from which the license is to be removed.

(4.) The Licensing Court shall not make an order of removal unless satisfied that no valid objection to such removal is made by the owner of the premises to which a license is attached, but subject thereto may, in its discretion, grant or refuse the application.

No 39 of 1922,  
s. 26.

(5.) The Licensing Court may require a premium (to be fixed by the Court) to be paid by the licensee as a condition to the granting of an application for the removal of a license.

9th Schedule.

(6.) If the application is granted an indorsement may be made upon the license in the form in the Ninth Schedule on payment of the prescribed fee, and the license so indorsed shall have the same effect as if it had been originally granted in respect of the premises specified in such indorsement, but as to the original premises the said license shall be deemed to be cancelled.

No. 46 of 1911,  
s. 5.

(7.) An order of removal of a license from licensed premises to other premises proposed to be erected, or in course of erection, or intended to be added to or altered to make such premises suitable to be licensed under this Act, may be made by the Licensing Court, in its discretion, on such conditions as to the Court may seem fit:

Provided that no such order of removal shall take effect until the Court certifies in writing that such conditions have been performed to its satisfaction.

60. (1.) If the premises of any licensee are, by fire, tempest, or other calamity, or by dilapidations, or by reason that such premises are being repaired or rebuilt, rendered unfit for the carrying on of his business, the Licensing Court, upon application by or on behalf of such licensee, may in its discretion authorise such licensee temporarily to carry on his business in any portion of such premises, or in any temporary building or structure thereon, or in some neighbouring premises (although the place in which the business is so authorised to be carried on may not have the accommodation required by this Act), for such period as in the opinion of the Court is necessary for the repairing or rebuilding of the premises.

Temporary removal in case of destruction of premises by fire. etc.

(2.) A sitting of the Licensing Court may be held to deal with applications under this section at such time as the chairman may appoint.

No. 39 of 1922, s. 27.

*Division (8).—Provisional Certificates.*

61. (1.) Subject to the provisions of section forty-seven and of Part VI. of this Act, any person desirous of obtaining a publican's general license for premises—

Provisional certificates. No. 39 of 1922, s. 28.

- (a) proposed to be erected; or
- (b) not at the time completed and fit for occupation; or
- (c) already erected but requiring additions or alterations to make them suitable to be licensed under this Act

may, before building or completing such new premises or effecting such additions or alterations, make application at any quarterly sitting of the Licensing Court for a provisional certificate.

(2.) The applicant shall, fourteen days at least before making such application, deliver to the clerk of such Licensing Court a properly drawn plan showing the precise locality, the number, size, and dimensions of the rooms, and all other information necessary to enable the Licensing Court to form a correct estimate of the nature and style of such proposed premises, and pay the prescribed fee.

Plan, etc., to be delivered.

(3.) Notice of such application shall be in the form in the Tenth Schedule, and shall be given and published as nearly as may be in the same manner and at the same time as is required in the case of applications for new licenses, and the like procedure shall be observed:

Notice of Application to be given. 10th Schedule.

But the notice required to be affixed to the principal entrance door of the premises to be licensed shall, in the case of

premises proposed to be erected, be affixed to a notice board or otherwise exhibited on a conspicuous part of the frontage of the land upon which it is intended to erect such premises.

Hearing of  
application.

(4.) At the hearing of the application—

- (a) if the premises are already erected, evidence must be produced as to the fulfilment of the conditions imposed by this Act as to number and size of rooms and condition of the premises; or
- (b) If the premises require alteration to fit them to fulfil such last mentioned conditions, evidence must be produced of the nature and extent of such proposed alteration; or
- (c) if the premises are not yet commenced, or are in the course of erection and not yet complete, evidence with plans and specifications must be produced to show that when finished they will fulfil such conditions.

Certificate may  
be granted  
subject to  
conditions.  
No. 39 of 1922,  
s. 28.

(5.) The Licensing Court, after hearing any objections to the application may, subject to the provisions of Part VI. of this Act, grant a provisional certificate subject to any conditions it considers necessary to ensure the fulfilment of the requirements of this Act, or may refuse the application.

Bond.

(6.) The Licensing Court may, before granting a provisional certificate, require the applicant to enter into a bond with one or more sureties approved by the Court in favour of His Majesty, his heirs and successors, in a sum to be fixed by the Court, conditioned to be void in case the premises are duly completed within the time specified to the satisfaction of the Court, otherwise to be in full force and virtue.

11th Schedule.

(7.) A provisional certificate shall be in the form in the Eleventh Schedule, and may be granted for any period not exceeding twelve months.

(8.) The refusal of an application for a provisional certificate for any informality only shall not prevent any such application being renewed at any subsequent sitting of the Court:

On performance  
of conditions,  
license to be  
granted

62. (1.) On the application of the holder of a provisional certificate, or any other fit and proper person, at any quarterly sitting of the Licensing Court made within the time specified in such certificate, and on proof of the performance of such conditions, if any, as are imposed by the certificate, the applicant shall be entitled to the license.



(2.) The application shall be made in the same manner as provided in the case of applications for new licenses, and the like procedure shall be observed.

*Division (9).—Objections.*

63. (1.) Objections to the granting of any license, or to the renewal, transfer, or removal of any license, or the granting of any provisional certificate, may be made, either personally or by petition, to the Licensing Court—

Objections to licenses.

- (a) by the owner of the premises to which the application relates;
- (b) by any resident in the licensing district within which the premises to which the application relates are situated;
- (c) by any inspector of licensed premises;
- (d) by any police officer stationed in such district;
- (e) by any person acting with the authority and on behalf of the council of the municipal district, or the board of the road district, within which such premises are situated.

(2.) Any one or more of the following objections may be taken to the granting of any such license or provisional certificate—

- (a) that the applicant is of drunken or dissolute habits, or otherwise of bad repute;
- (b) that the applicant has, within the six months preceding the date of application, been deprived of a license;
- (c) that the applicant has been convicted of selling liquor without a license, or of selling adulterated liquor, within the six months preceding the date of application;
- (d) that the premises in question are out of repair, or have not the accommodation required by this Act, or reasonable accommodation if the premises are not subject to the said requirements;
- (e) that the reasonable requirements of the neighbourhood do not justify the granting of such license;
- (f) that the premises are in the vicinity of a place of public worship, hospital, or school;
- (g) that the quiet of the place in which such premises are situate will be disturbed if a license is granted; or
- (h) any other objection which appears to the Licensing Court to be sufficient.

(3.) The objections which may be taken to the renewal, transfer, or removal of any license may be any of the grounds of objection hereinbefore specified which the Court may deem applicable.

(4.) It shall not be necessary to give to the applicant any previous notice of objection, but the applicant, on any objection being raised at the hearing of which at least three days' previous notice has not been given to him, shall be entitled to an adjournment.

(5.) In this section the word "premises" means the building of premises for or with reference to which the particular application is made.

Member of a  
Licensing Court  
may object.

64. (1.) On the hearing of any application for the grant, renewal, transfer, or removal of any license, or for any provisional certificate, any member of the Licensing Court, although such application is unopposed, may raise any of the objections set out in the last preceding section by stating the same in open court, as matter within his knowledge.

(2.) Thereupon the applicant shall be heard by himself and his witnesses upon the matter of such objection, and may, if necessary, apply for an adjournment, to afford him a better opportunity of answering the same.

(3.) After hearing such objection and the applicant, the Licensing Court may refuse to grant a certificate for the license on the ground that such objection has been established to its satisfaction.

Costs.

65. (1.) The Licensing Court may, in its discretion, order payment by the applicant to the objector of a sum sufficient to meet his reasonable costs and expenses, and such order may be made whether the application is granted or refused.

(2.) If the objection to an application appears vexatious or malicious, the Court may order payment by the objector of a sum sufficient to meet the reasonable costs and expenses of the applicant.

#### *Division (10).—Disqualifications.*

Disqualifi-  
cations.

66. No license shall be granted or transferred to any licensed auctioneer with authority to sell by auction on the premises for which any license may be granted under this Act, nor to any person under a sentence for any criminal offence

whether such sentence be partially remitted or not; nor shall any license be granted for any premises or packet of which a police officer is the owner, landlord, or proprietor, or wherein he has any interest.

67. Subject to the provisions of section fifty-seven, no publican's general license or wayside-house license shall be granted or transferred to a female, unless she is over thirty years of age and unmarried or a widow or married woman divorced or under judicial separation from her husband, or living apart from him under a deed of separation, and in no case shall such license be granted or transferred to, or held by a woman whose husband holds any such license, or granted or transferred to, or held by a man whose wife holds any such license:

As to females.  
No. 39 of 1922,  
s. 29.

Provided that nothing in this section shall prevent the Licensing Court from granting or transferring a license to a married woman living apart from her husband by reason of his being an invalid suffering from an illness or disease which precludes him from living on the licensed premises.

No. 46 of 1911,  
s. 6.

*Division (11).—Issue of Certificates and Licenses.*

68. (1.) Upon the granting of any license, except a temporary or an occasional license, and upon the renewal of any license, the Licensing Court shall—

Certificates.

(a) issue to the applicant a certificate in the form in the Twelfth Schedule; and

12th Schedule.

(b) transmit to the receiver of revenue a list of such certificates in the form in the Thirteenth Schedule.

13th Schedule

(2.) Any dealing with a license authorised by the chairman or any two members of a Licensing Court under the powers conferred by this Act shall be reported to the receiver of revenue by the clerk of the Court.

69. (1.) Except as hereinafter provided, every certificate shall be void, unless the fee payable on the issue of the license is paid to the receiver of revenue within fourteen days after the granting of the certificate.

Certificate to be  
void for non-  
payment of  
license fee  
No. 39 of 1922,  
s. 30.

(2.) Provided that if, after the granting of such certificate, the fee payable on the issue of the license is not duly paid, it shall be lawful for the owner of the licensed premises, within a week after the last day on which the fee was payable, to pay the fee to the receiver of revenue, and thereupon the license shall issue 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.

(3.) The receiver of revenue shall forthwith, after the receipt of every certificate and payment of the proper fee, issue the license authorised by the certificate.

Temporary and  
occasional  
licenses.

70. A certificate shall not be required for a temporary or an occasional license, but the license, if granted, may be issued by the clerk of the Licensing Court on payment of the prescribed fee.

Duplicate  
license.

14th Schedule.

71. (1.) Whenever any license is lost or destroyed the licensee may apply to the Licensing Court or any member thereof for a certificate that such license has been issued to such person, and the Court or any member thereof, on being satisfied that such license is lost or destroyed and has not been forfeited or transferred, may grant a certificate in the form in the Fourteenth Schedule, and on production of such certificate to the receiver of revenue, and on payment of the fee of one pound, the receiver of revenue shall deliver a duplicate of such license, which shall be of the same form as the original license, but shall have the word "duplicate" stamped, written, or printed across the face of the same.

(2.) In this Act the word "duplicate" used in reference to a license includes a copy thereof made by the receiver of revenue for the time being.

#### *Division (12).—Fees.*

Fees for licenses  
No. 39 of 1922,  
s. 32.

72. (1.) The fees hereinafter prescribed shall be payable in respect of licenses granted, renewed, transferred, or removed under this Act.

(2.) Subject as hereinafter provided, the fees payable in respect of licenses authorising the sale of liquor shall be assessed at a percentage on the amount paid or payable for all liquor purchased for the licensed premises, or paid or payable by the licensee for liquor sold or supplied as hereinafter prescribed:

Provided that a minimum annual fee shall be payable on the issue of a publican's general license, as follows:—

(a) For any house or premises situated within a municipal district—

(i) if the annual value of the house or premises does not exceed five hundred pounds, Fifty pounds;

(ii) if the annual value of the house or premises exceeds five hundred pounds, Seventy-five pounds;

(iii) if the annual value of the house or premises exceeds one thousand pounds, One hundred pounds.

(b) For any house or premises not situated within a municipal district—

(i) if the annual value of the house or premises does not exceed two hundred pounds, Forty pounds;

(ii) if the annual value of the house or premises exceeds two hundred pounds, Fifty pounds:

Provided also that a minimum annual fee shall be payable on the issue of other licenses, as follows:—

For an hotel license—Twenty-five pounds.

For a wayside-house license—Fifteen pounds.

For an Australian wine and beer license—Ten pounds.

For an Australian wine license or an Australian wine bottle license—Five pounds.

For a packet license—Ten pounds.

For a spirit merchant's license—Thirty pounds if the premises are within fifteen miles of the General Post Office, Perth, or twenty pounds if elsewhere.

For a brewer's license—Thirty pounds if the premises are within fifteen miles of the General Post Office, Perth, or twenty pounds if elsewhere.

For a gallon license—Fifteen pounds.

Provided also that the minimum annual fee for a railway refreshment-room license shall not be less than Five pounds and not more than Thirty pounds, and shall be fixed by the Colonial Treasurer.

(3.) If the term of any license mentioned in this section shall commence on or after the first day of April, three-fourths of the fee for an annual license shall be payable as the minimum fee to be paid on the issue thereof; if on or after the first day of July, one-half of such fee; and if on or after the first day of October, one-fourth of such fee.

(4.) If a publican's general license, hotel license, Australian wine and beer license, or wayside-house license is granted to have effect only during a specified portion of the year, such part only of the minimum fee payable for such license on the issue thereof shall be payable as is proportionate to the period for which the license is to have effect.

(5.) The fee payable on the issue of a temporary license shall be One pound for each day for which the license is granted.

Assessment of  
fees on returns  
of liquor  
purchased.  
No. 39 of 1922,  
s. 33.

73. (1.) Save as otherwise expressly provided, every licensee (other than the holder of a spirit merchant's license or a brewer's license) shall on the 31st day of December and the 30th day of June in each year, or within seven days thereof, furnish and deliver to the Receiver of Revenue a return in writing signed by the licensee or some person acting with his authority, and on his behalf, setting forth with regard to the six months ended on 31st day of December and 30th day of June respectively—

- (a) the quantity of liquor of various kinds purchased for the licensed premises by the licensee, or by any other person during such period of six months, but not including liquor so purchased but still in bond;
- (b) the amounts actually paid or the net amount payable therefor respectively (less duties of customs or excise and cost of carriage from place to place within the State) whether purchased in Western Australia or elsewhere; and
- (c) the names and addresses of the persons who sold or supplied such various kinds of liquor,

and together with each such return the person furnishing the same shall, on the delivery thereof, pay to the Receiver of Revenue as a moiety of the annual fee for a license a sum equal to five pounds per centum of the amount so paid or payable for such liquors so purchased, less one-half of the minimum annual fee payable on the issue of the license.

(2.) Every licensee being the holder of a spirit merchant's license shall, on the 30th day of June and the 31st day of December in each year or within seven days thereafter, furnish and deliver to the Receiver of Revenue a return in writing signed by the licensee or some other person acting with his authority and on his behalf, setting forth, with regard to the six months ended on the 30th day of June and the 31st day of December respectively, the quantity of liquor of various kinds sold or supplied by the licensee during such period of six months to persons other than persons licensed to sell liquor or registered clubs or State hotels; and together with each such return the licensee shall, on the delivery thereof, pay to the Receiver of Revenue as a moiety of the annual fee for the license (in addition to the minimum fee paid on the issue thereof) a sum equal to five pounds per centum of the amount

received by the licensee for the liquor sold or supplied, excluding the duties of customs or excise thereon, whether purchased in Western Australia or elsewhere.

(3.) Every licensee being the holder of a brewer's license shall on the 30th day of June and the 31st day of December in each year, or within seven days thereafter, furnish and deliver to the Receiver of Revenue a return in writing signed by the licensee or some person acting with his authority and on his behalf, setting forth, with regard to the six months ended on the 30th day of June and the 31st day of December respectively, the quantity of beer sold or supplied by the licensee during such period of six months to persons other than persons licensed to sell liquor or registered clubs or State hotels, and together with each such return the licensee shall, on the delivery thereof, pay to the Receiver of Revenue, as a moiety of the annual fee for the license (in addition to the minimum fee paid on the issue thereof) a sum equal to five pounds per centum of the amount paid or payable to the licensee for the beer so sold or supplied, excluding the duties thereon.

For the purpose of this subsection, a two-gallon license held by the brewer for the year ending 31st December, 1922, shall be deemed a brewer's license.

(4.) Every holder of a temporary license shall, within fourteen days after the termination of the period of such license, deliver to the Receiver of Revenue a return in writing setting forth the amount paid or payable by him for liquor purchased (excluding the duties thereon) for sale or disposal under the license: and from the return so furnished the Receiver of Revenue shall assess the fee payable for the license at a sum equal to five pounds per centum of such amount less the fee paid on the issue of the license, and such fee so assessed shall be payable forthwith.

(5.) If any licensee fails or neglects to furnish and deliver any return under this section, the Receiver of Revenue may, on such data as he thinks fit, assess the amount which would have been payable by the licensee by or on whose behalf the return should have been delivered, and the amount so assessed shall on demand be paid by such licensee to the Colonial Treasurer, and in addition such licensee shall be liable to a penalty of not more than fifty pounds.

(6.) If any false statement is made in any return under this section the Receiver of Revenue shall, on such data as he thinks fit, assess the amount which should have been paid by

the licensee by or on whose behalf the return was made, and the amount so assessed less the amount (if any) previously paid by such licensee shall on demand be paid by such licensee to the Colonial Treasurer, and in addition the licensee by or on whose behalf the return is signed shall be liable to a penalty of not exceeding one hundred pounds.

(7.) The Colonial Treasurer may, by order in writing, require any brewer, spirit merchant, or other person carrying on business in Western Australia, to state, in such form as may be prescribed, the quantity and kind of all liquor sold to any licensed person or to any registered club named in such order during the period mentioned in such order, and the prices paid or payable for such liquor.

Every such brewer, spirit merchant, or other person who within thirty days after service upon him of such order does not furnish such statement shall be liable to a penalty not exceeding one hundred pounds.

(8.) For the purposes of this section, any transferor of a license shall, on being required by the transferee by notice in writing so to do, furnish the transferee with a statement in writing signed by the transferor setting forth with respect to the whole or any portion of the said period of twelve months during which the transferor was the licensee of the premises the particulars required by this section.

Penalty: Fifty pounds.

(9.) The fee payable by a licensee under this section shall be a debt due to His Majesty, and may be sued for and recovered, and the obligation to make the returns as aforesaid may be enforced in any court of competent jurisdiction, by the Colonial Treasurer suing in his official name.

(10.) The powers conferred by the Land and Income Tax Assessment Act, 1907, on the Commissioner of Taxation, or any officer acting with his authority, relating to the production and inspection of books and documents, and enabling the Commissioner of Taxation to require information or evidence, shall for the purposes of this section apply and may be enforced; and it shall be lawful for the Commissioner of Taxation, and he is hereby authorised, to communicate to the Colonial Treasurer for the purpose of this Act any matter which may come to his knowledge in the performance of his official duties, and any such information may be used as evidence in any legal proceedings under this Act.



(11.) No license shall be transferred or renewed unless the fees due under this section at the date of the hearing of the application for such transfer or renewal are paid.

(12.) In this section the term "licensee" includes any person who, during any portion of the period within which a return is required to be furnished under this section, was the licensee of the premises, and any transferee of the license, and the successor of the licensee within the meaning of the term in section fifty-seven, and an owner entering under that section.

(13.) In the application of this section to licenses held for the year ending the 31st day of December, 1922 (to which licenses, subject as hereinafter provided, this section shall apply), the returns to be furnished on the 31st day of December, 1922, or within seven days thereafter, shall not extend to liquor purchased or sold or supplied, as the case may be, prior to the 1st day of September, 1922, but in the case of returns under subsection (1) of this section the proportionate part of the minimum annual license fee for which credit is to be given shall be one-third thereof.

(14.) Notwithstanding anything in this section contained, but subject to the provisions of subsection (6), no liquor upon which the percentage fee has already been assessed or paid shall be liable to a second or subsequent assessment or payment under this section.

74. (1.) The annual fee to be paid for an eating-house, boarding-house, or lodging-house license shall be One pound.

Fee for eating-house license.

(2.) The fee for a temporary eating-house, boarding-house, or lodging-house license shall be Ten shillings.

(3.) Section seventy-three of this Act shall not apply to any such license or temporary license.

75. The fee for an occasional license shall be One pound.

Fee for occasional license.

76. The fee for a billiard-table license shall be Ten pounds.

Fee for billiard-table license.

77. The fee for the indorsement of a transfer or removal of a license or of a confirmation shall be—

Fee for transfer or removal.

- (a) for a publican's general license, Five pounds;
- (b) for an eating, lodging, or boarding-house license, Ten shillings;
- (c) for any other license, Two pounds.

Fee for provisional certificate.

78. The fee on an application for a provisional certificate shall be Five pounds.

Annual value to be assessed.

79. (1.) On the granting or renewal of any publican's general license—

(a) for any house or premises situated within a municipal district, the Licensing Court shall assess the annual value of the licensed house or premises as not exceeding five hundred pounds, or as exceeding five hundred pounds but not exceeding one thousand pounds, or as exceeding one thousand pounds; and

(b) for any house or premises not situated within a municipal district, the Licensing Court shall assess the annual value of the licensed house or premises as not exceeding two hundred pounds or as exceeding two hundred pounds,

and such value shall be stated in the certificate.

(2.) The annual value shall be assessed at the full annual rent at which the licensed house or premises might be expected to let, and in making such assessment the Licensing Court shall take into consideration, with the other evidence, the amount of every fine, premium, or other sum of money or valuable consideration that may have been paid or given, or agreed to be paid or given, in addition to the rent reserved or agreed upon on any letting or renewal, assignment, or transfer of tenancy or occupation of the house or premises.

(3.) License fees payable under this Act shall not be deemed of the nature of rent, or be regarded as a factor in fixing the annual value of licensed premises.

Increased license fee may be deducted from rent.

80. (1.) If, under the proviso to subsection two of section seventy-two of this Act, any tenant of premises for which a publican's general license is held is required to pay on the issue of the license a larger minimum annual license fee than the annual license fee payable at the time when the lease of such premises was granted, the tenant shall, during the currency of such lease, be entitled to deduct from the rent payable under such lease the increase in the amount of the minimum annual license fee payable by him, and the amount so deducted shall be deemed to be a payment on account of the rent reserved by the lease.

(2.) Where, under the provisions of this section, a tenant is empowered to set off any part of the licensing fee against rent payable by him in respect of the premises, the following conditions shall apply:—

Conditions as to  
set-off from rent.

(a) If the immediate landlord of such tenant—

(i) is a former tenant under an original lease who has sublet at the same rental as that reserved in the original lease, and has not received any greater sum by way of ingoing than that paid by him to the lessor named in the original lease; or

(ii) is a mortgagee in possession who has entered into possession of the premises under the powers of a mortgage registered against the original lease, and has sublet to such tenant at the same rental as that reserved in the original lease, and has not received by way of ingoing any greater sum than that paid to the lessor named in such original lease,

the deduction of the increased licensing fee shall be made from the rental payable to the lessor named in the original lease.

(b) If the immediate landlord of such tenant—

(i) is a former tenant under an original lease who has sublet at a higher rental than that reserved in such original lease, or has received a greater sum by way of ingoing than that paid by him to the lessor named in the original lease; or

(ii) is a mortgagee in possession who has entered into possession of the premises under the powers of a mortgage registered against the original lease, and has sublet to such tenant at a higher rental than that reserved in the original lease, or has received a greater sum by way of ingoing than that paid by the original tenant to the lessor named in such original lease,

the increased licensing fee shall be payable by such immediate landlord.

(3.) This section shall not apply to license fees assessed under section seventy-three so far as such fees exceed the minimum annual fees prescribed by section seventy-two.

## PART V.—LICENSES REDUCTION.

### *Preliminary.*

81. In this Part—

“The Board” means the Licenses Reduction Board constituted under this Act.

Interpretation.  
No. 39 of 1922.  
s. 42.

"Lease" includes a sublease.

"Lessee" includes a sublessee and the assignee of a lease.

"Licensed premises" means premises in respect of which a publican's general license, hotel license, wayside-house license, Australian wine and beer license, Australian wine license, Australian wine bottle license, or gallon license is held.

"Lessor" includes a sublessor and the assignee of a lessor or the person entitled for the time being to the rent of the premises.

"Mortgagee" includes a mortgagee of the land upon which any licensed premises are erected, or of any estate or interest therein, and also the holder of any bill of sale or assignment by way of mortgage of the lease, license, or goodwill of the licensed premises, or of the stock in trade or furniture or other chattels thereon or belonging thereto.

"Owner" of licensed premises includes a *cestui que trust* and means the person for the time being entitled to receive either on his own account, or as mortgagee or other encumbrancer in possession, any rent or profits of such premises, or who (not being a lessee in possession) would be entitled to the rent if the premises were let to a tenant; or if such person is absent from the State means the attorney or agent of such person capable of giving a valid receipt for such rent or profits.

Duration of this  
Part.  
No. 39 of 1922,  
s. 43.

82. This part of this Act shall come into operation on the 1st day of January, 1923, and shall continue in operation for a period of six years, but no longer.

#### *The Board.*

Licenses Reduc-  
tion Board.  
No. 39 of 1922,  
s. 44.

83. (1.) For the purposes of this Part of the Act the licensing magistrates appointed under section twenty-one shall be constituted and known as "The Licenses Reduction Board."

(2.) The chairman or acting chairman for the time being of the Licensing Court shall be the chairman of the Board.

(3.) The Board shall have jurisdiction throughout the State.

(4.) The Governor may appoint any person to be a deputy member of the Board, and such deputy may in the case of the sickness, or absence of any member from any sitting of the Board, or from the State, exercise all the powers vested in and shall perform the duty of such member.

(5.) Each member and deputy member of the Board may receive such fees and travelling expenses as may be prescribed.

(6.) The Governor may at any time remove any member of the Board, and may fill up any vacancy occurring in the Board from any cause whatsoever.

(7.) The Governor may appoint a clerk to the Board and such other officers as may be deemed necessary.

(8.) The fees and expenses of the Board, and the allowances to the clerk and any other officers, shall be a charge upon and payable out of the compensation fund hereinafter provided for.

*Jurisdiction and procedure of the Board.*

84. It shall be the duty of the Board—

Duties of Board.  
No. 39 of 1922,  
s. 45.

- (a) to reduce the number of licenses in the State to the extent that the moneys for the time being to the credit of the compensation fund will allow of compensation being paid to the owners and licensees, and the lessees and mortgagees (if any) of licensed premises which under this Part are deprived of a license and are the subject of compensation;
- (b) to determine which of the licensed premises in any district shall be so deprived of a license; and
- (c) to assess the amount of compensation payable in respect of any licensed premises so deprived of a license:

Provided that after 30th June, 1926, the Board, unless otherwise required by Parliament, may refrain from any further reduction of licenses if, in its opinion, having regard to the matters referred to in section eighty-eight, such further reduction is unnecessary.

85. The Board shall as occasion requires hold sittings for the purpose of determining which of the licensed premises situate in any licensing district shall be deprived of a license.

Sittings of board.  
No. 39 of 1922,  
s. 46.

86. (1.) For the purposes of executing any of the powers, duties, and authorities conferred upon it, the Board may—

Powers and authority of board.  
No. 39 of 1922,  
s. 47.

- (a) summon any person to appear and give evidence, and to produce books, papers, writings, or documents, and (in case of a licensee or his executor or administrator) copies of his own income tax returns or those of the testator or intestate as the case may be, and may hear, receive, and examine evidence upon oath;

- (b) require the production to the Board of any income tax returns in the custody of the Commissioner of Taxation made by or on behalf of any person who is or has at any time been the licensee of any licensed premises, which return the Commissioner of Taxation is hereby authorised and required to produce to the Board, anything in any other Act to the contrary notwithstanding;
- (c) search the public registers of the Office of Titles and Registry of Deeds without payment of any fee.

(2.) The Board may, if it thinks fit, hear any proceeding under this Part in camera, and shall in any event treat as confidential the contents of any income tax return or copy thereof so produced.

(3.) Any person who—

- (a) wilfully misbehaves himself before the Board; or
- (b) wilfully interrupts the proceedings; or
- (c) is guilty of wilful prevarication in giving evidence; or
- (d) on being summoned by any member of the Board to appear before the Board as a witness, and without lawful excuse refuses or neglects to appear at the time and place appointed by the summons or to produce any books, papers, writings, or documents, or to produce or transmit to the Board any income tax returns or copies thereof mentioned in the summons; or
- (e) refuses to be sworn, or who refuses or neglects without lawful excuse to answer any question which is put to him and to which an answer is required by the Board,

shall be liable to a penalty not exceeding twenty pounds.

Owners and  
licensees to be  
summoned to  
show cause.  
No. 39 of 1922,  
s. 48.

87. (1.) No licensed premises shall be deprived of a license by the Board unless the licensee thereof and (if the licensee is not the owner) the owner thereof has been served with a summons, at least twenty-one days before the date of hearing therein fixed, to show cause why such licensed premises should not be deprived of the license.

15th Schedule.

(2.) Such summons may be in the form or to the effect of the Fifteenth Schedule.

(3.) A copy of the summons shall also be served upon any person who, on a search of the public register at the Office of Titles and Registry of Deeds, appears to have any interest in the licensed premises.

(4.) It shall suffice if the summons or a copy thereof is served by any of the means prescribed for the service of documents by section thirty-one of the Interpretation Act, 1918: Provided that if such summons is served by post the same shall be served by registered letter.

88. The Board, in determining which licenses shall cease to be in force, shall—

Matters to be considered by board.  
No. 39 of 1922.  
ss. 49, 134.

- (1) consider the convenience of the public and the requirements of the several localities in the district;
- (2) subject to the above consideration, have regard to—
  - (a) the character of, and the accommodation afforded by, any licensed premises;
  - (b) the manner in which the business has been and is being conducted as a place of accommodation and refreshment for the public; and
  - (c) the distance between such premises and the licensed premises nearest thereto;
- (3) subject to the above considerations, have regard to convictions of offences referred to in section one hundred and seventy-five within three years prior to the date of hearing, against any person who, at the date of the offence, was a licensee of the premises: Provided that if the lessor has re-entered by reason of any such conviction this subsection shall not apply.

89. The Board, after hearing and considering such evidence as the Board may deem to be relevant, and after hearing what (if anything) is alleged by or on behalf of the licensee, owner, lessee, and mortgagee respectively, and what (if anything) is alleged by any member of the police force or inspector, and if it thinks fit, after a view of such or any other licensed premises, shall decide whether the licensed premises shall be deprived of the license.

Board to decide which premises are to be deprived of license  
No. 39 of 1922.  
s. 50.

(2.) The Board in any proceedings before it may hear any matters, and the respective parties thereto, in such order and by such method of procedure as to the Board seems fit.

(3.) The licensee and the owner, and any lessee or mortgagee of the licensed premises and the Commissioner of Police shall have the right to be represented before the Board by a legal practitioner or an authorised agent.

Notice of  
deprivation.  
No. 39 of 1922,  
s. 51

90. So soon as the Board has decided that any licensed premises shall be deprived of a license, the Board shall cause to be served upon the licensee and the owner of the premises, and upon any lessee, mortgagee, or other person who, upon search at the Office of Titles or Registry of Deeds, shall appear to have any interest in the premises, a notice in writing informing them of the decision of the Board.

*Compensation.*

Assessment of  
compensation.  
No. 39 of 1922,  
s. 52

91. (1.) The Board shall as soon as practicable assess the maximum amount of compensation payable in respect of each and every licensed premises deprived of a license—

- (a) to the owner of the freehold of such premises, and any lessee thereof by reason of the diminution in value of the premises owing to such premises being deprived of a license; and
- (b) to the licensee of the premises for the loss of his license and business.

Compensation  
to owner.

(2.) The compensation shall, so far as regards such owner, be based on the difference, if any, between the rent which the owner will probably receive, or which if the premises were let to a tenant he would probably obtain, for three years after the premises are deprived of a license, and the rent which during the same period he would have received, or if the premises were let to a tenant he would probably have obtained, if the premises had continued licensed.

Compensation to  
lessee.

(3.) The compensation shall, so far as regards a lessee, be based on the difference (if any) between the net rent of the premises which he will probably receive from a sublessee, or which if the premises were sublet he would probably obtain from a sublessee, for three years (or the unexpired term of his lease if less than three years) after the premises are deprived of a license, and the net rent which during the same period he would have received, or if the premises were sublet he would probably have obtained, if the premises had continued licensed.

In this subsection "net rent" means the amount of the rent received by a lessee from a sublessee above the rent payable by the lessee to his lessor.



(4.) The compensation shall, as regards the licensee, be based, for each year or part of a year of the unexpired term of his tenancy (not exceeding two years) remaining at the date when the license ceases to be in force, on the average annual net profit accrued to the licensee, or the licensee for the time being, of the premises during a period of three years next preceding the notice of deprivation.

Compensation to licensee.

If the licensee is also the owner of the premises, he shall be entitled to compensation as owner and also to compensation as licensee as if he were a tenant, but in ascertaining such net profit a fair and proper sum shall be deducted therefrom as rent.

92. (1.) Every determination of the Board shall be final and conclusive, and shall not be questioned in or reviewed or amended by any court whatsoever.

Determination of board to be final.  
No. 39 of 1922,  
s. 53.

(2.) The Board may at any time, if it thinks fit, rehear any matter which has been heard and determined by it.

(3.) No determination, order, or proceedings under any of the provisions of this Part shall be removed or removable by *certiorari* or otherwise into the Supreme Court for any want or alleged want of jurisdiction, or for any error or alleged error of form or substance, or on any ground whatsoever.

93. (1.) When any compensation is awarded by the Board to the owner or a lessee of the premises, six weeks' notice of the amount of compensation shall before the same is payable be given by the Board by advertisement in the *Gazette* and in a newspaper circulating in the district where the premises are situated.

Notice of compensation payable.  
No. 39 of 1922,  
s. 54.

(2.) (a) Every mortgagee from such owner or lessee shall have a lien upon the amount payable as compensation to the mortgagor for the amount of the mortgage debt upon giving notice in writing to the Board within one month from the date of such advertisement or within such extended time as the Board shall allow, and thereupon the same shall, unless otherwise ordered by a judge of the Supreme Court on application as hereinafter mentioned, be a first charge on the compensation (if any) payable to the mortgagor, which shall not be paid to the mortgagor unless with the consent in writing of the mortgagee.

Mortgagee to have lien on compensation.

(b) Upon receipt of such notice the Board shall forthwith send a copy thereof to such mortgagor, who, if he dis-

Dispute between mortgagee and owner decided in a summary way.

putes the title of the mortgagee or the amount of the mortgage debt, may within fourteen days after the service of such notice as aforesaid, and upon notice to the mortgagee, apply by summons or otherwise in a summary way to a judge of the Supreme Court for a determination of such dispute, and the judge may make such order with respect to the compensation money and the costs of the proceedings as he thinks fit.

Payment to  
mortgagee.

(3.) If no such application by the mortgagor is made, or subject to any order that such judge may make, the payment or tender of such amount to the mortgagee shall be deemed to be payment or tender to the mortgagor.

Payment or  
tender of  
compensation.  
No. 39 of 1922,  
s. 55.

94. At any time after the amount of compensation determined in accordance with the provisions of this Part is payable to the party entitled to the same, payment or tender thereof may (subject to the provisions of the last preceding section) be made to such party personally, or if it is made to appear to the Board that such party cannot be found, then the Board may direct the compensation due to such party to be paid into the Treasury in trust for such party, or any person lawfully claiming under him.

#### *Deprivation of License.*

Date of closing.  
No. 39 of 1922,  
s. 56.

95. On payment or tender of such compensation the Board shall cause notice of its decision that the licensed premises shall be deprived of a license to be published in the *Gazette*; and, at the expiration of the current period for which the license was granted, the license shall cease and become absolutely void, and shall not be renewed.

Provisions  
applicable as  
between lessor  
and lessee.  
No. 39 of 1922,  
s. 57.

96. Where under this Part of this Act the license of any premises ceases to be in force, the following provisions shall apply between a lessor and the lessee of the premises:—

The lessee may within three months after the license ceases to be in force—

- (a) determine the lease by a surrender to the lessor; or
- (b) give to the lessor written notice that he desires to have the rent of the premises fixed by arbitration.

On such notice being given, the said rent shall be fixed by arbitration under the provisions of the Arbitration Act, 1895, and shall, from the date when the license ceases to be in force, and during the currency of the lease, be the rent payable thereunder in respect of the premises:

Provided that this section shall not apply to premises not licensed at the commencement of the lease unless the rent was fixed in view of a prospective license.

*Compensation Fund.*

97. (1.) To provide for the payment of the compensation which may be granted by the Board, a trust fund to be called the "Compensation Fund" shall be formed in the Treasury.

Compensation fund to be established.  
No. 39 of 1922,  
s. 58.

(2.) During the operation of this Part of this Act every licensee (being the holder of a license to which this Part applies) shall under and subject to section seventy-three of this Act pay to the Receiver of Revenue, in addition to the fee payable on the returns to be furnished thereunder, a sum equal to two per centum of the amount paid or payable for the liquor purchased for the licensed premises (excluding the duties thereon), as a compensation fee to be placed to the credit of the compensation fund.

(3.) All the provisions of section seventy-three shall apply to the compensation fee payable under this section:

Provided that any licensee paying such compensation fee shall, if the Board so orders, be entitled to deduct from any rent payable by him to his lessor in respect of the premises such sum not exceeding one-half of the compensation fee, as the Board may think fit, having regard to the claim (if any) of such lessor on the fund; and where a sum is so deducted from such rent the lessor may in like manner, if the Board so orders, deduct from any rent payable by him such sum as the Board may think fit, and so on until the lessor to whom the rent is payable is not himself a lessee of another person.

Apportionment between lessor and licensee.

(4.) If under Part VI. of this Act the proposal that prohibition shall come into force is carried, any moneys remaining to the credit of the Compensation Fund when the proposal takes effect shall be distributed by the Board, in its discretion, amongst those licensees who have contributed to the fund and who have not already received compensation under this Part.

PART VI.—PROHIBITION.

98. In the year one thousand nine hundred and twenty-five, and in every fifth year thereafter, on a day to be fixed by proclamation, there shall be taken a poll of the electors in every electoral district on the proposal that prohibition shall come into force in Western Australia: and the voting paper shall be in the form in the Sixteenth Schedule:

The poll.  
No. 39 of 1922,  
s. 60.  
16th Schedule.

Provided that where on the taking of a poll prohibition has been previously carried and is in force, the proposal shall be that licenses for the sale of intoxicating liquor shall be restored; and the voting paper shall be in the form in the Seventeenth Schedule.

17th Schedule.

Voters.

No. 39 of 1922.  
s. 61.

99. The persons entitled to vote at such poll shall be those who, for the time being, are entitled to vote at an election of members of the Legislative Assembly, and no other.

Majority for  
carrying  
proposal.

No. 39 of 1922,  
s. 62.

100. The proposal shall be carried if three-fifths at least in number of the votes given throughout the State are in favour of the proposal:

Provided that a proposal shall not be carried unless thirty per centum or more of the number of the Assembly electors throughout the State vote for the proposal.

Effect of  
prohibition.

No. 39 of 1922,  
s. 63.

101. (1.) If the proposal that prohibition shall come into force is carried, it shall take full effect throughout the State at the expiration of the year in which the vote is taken.

(2.) When such proposal so takes effect, all licenses for the sale of intoxicating liquor shall cease to be in force within the State, and the registration under this Act of all clubs within the State shall be annulled; and thereupon, and until licenses are restored, the following provisions shall apply:—

(a) It shall not be lawful to grant or renew any license of any description, or the certificate of the registration of a club.

(b) The provisions in this Act relating to the sale of liquor without a license shall apply generally to the sale, supply, barter, or other disposal of liquor, and, subject as hereinafter provided, the exemptions in section forty-six shall cease to have effect:

Provided that nothing in this section shall be held to prohibit the sale, possession, or disposal, in accordance with regulations made by the Governor, of alcoholic liquor for use in the arts or manufactures, or medical, scientific, sacramental, or industrial purposes.

(3.) If any person sells or supplies liquor otherwise than as herein provided, he shall be liable to a penalty of not exceeding One hundred pounds, or to imprisonment for not exceeding six months.

102. If the proposal that licenses for the sale of intoxicating liquor shall be restored is carried, licenses may be granted, renewed, and transferred under and subject to this Act, at the expiration of the year in which the vote is taken.

Effect of restoration.  
No. 39 of 1922,  
s. 64.

103. The following provisions shall apply to the taking of a vote under this Part:—

Provisions for voting.  
No. 39 of 1922,  
s. 65.

- (a) The vote shall in each district be taken at the polling-places appointed by the Governor and notified in the *Gazette*.
- (b) A returning officer appointed by the Governor shall conduct the taking of the vote in each district, and shall, with respect to such poll, 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.
- (c) The manner of voting shall be similar to that followed in the election of members to serve in the Legislative Assembly, but the voting papers shall be marked as prescribed thereon.
- (d) The provisions of any law for the time being regulating the conduct of elections for the Legislative Assembly shall, so far as they can be made applicable, *mutatis mutandis*, apply to the taking of a vote under this Part.
- (e) A voting paper shall be invalid if the voting paper is not endorsed with the initials of the officers presiding at the polling-booth.

104. (1.) The result of the polling shall be ascertained by scrutiny.

Scrutiny.  
No. 39 of 1922,  
s. 66.

(2.) The returning officer for each district shall, after the close of the voting in that district, examine the voting papers for the district, and after rejecting all invalid voting papers—

Method of dealing with voting papers.

- (a) count the number of votes given for prohibition, and against prohibition, or that licenses be restored or be not restored, as the case may be; and
- (b) seal up the voting papers in two parcels and the rejected votes in a third parcel, and forward the parcels with a statement of the result of the count to the Chief Electoral Officer.

(3.) The Chief Electoral Officer shall, at a time and place to be notified in the *Gazette*, deal with all the voting papers of

all electoral districts throughout the State, and ascertain the results of the polling, and certify—

- (a) the number of electors on the rolls;
- (b) the number of votes given in each district and throughout the State for and against the proposal; and
- (c) that the proposal was or was not carried, as the case may be,

and shall forward his certificate to the Governor, who shall cause the same to be published in the *Gazette*, and such publication shall be conclusive evidence of the result of the polling.

Scrutineers.  
No. 39 of 1922,  
s. 67.

105. The Licensed Victuallers' Association may appoint two scrutineers, and the West Australian Alliance Incorporated and the Anti-Liquor League of Western Australia may each appoint one scrutineer to represent them—

- (a) at each polling place during the polling; and
- (b) at the scrutiny at the place where a scrutiny is conducted for each district; and
- (c) at the scrutiny to be conducted by the Chief Electoral Officer.

Provisions where  
vote is void.  
No. 39 of 1922,  
s. 68.

106. If in any district a vote of electors under this Part is for any reason void, the Governor may appoint another day and the places for taking the vote in such district, and may appoint officers and make necessary arrangements for the purpose of such vote being taken.

Provisions  
applicable as  
between lessor  
and lessee.  
No. 39 of 1922,  
s. 69.

107. (1.) Where, in pursuance of a vote under this Part, the license of any premises demised as licensed premises by a lease granted prior to the 7th day of April, 1911, ceases to be in force, the lessee may within three months after the license ceases to be in force—

- (a) determine the lease by surrender to the lessor; or
- (b) give to the lessor written notice that he desires to have the rent of the premises fixed by arbitration.

On such notice being given, the said rent shall be fixed by arbitration under the provisions of the Arbitration Act, 1895, and shall, from the date when the license ceases to be in force, and during the currency of the lease, be the rent payable thereunder in respect of the premises.

(2.) In this section—

“Lessee” includes a mesne lessee and an assignee of a lease and a sub-lease;

“Lessor” includes a mesne lessor and the person for the time being entitled to the rent of the premises.

108. Where pursuant to a resolution under this Part prohibition is carried, no compensation shall be payable to any person whomsoever.

No compensation.  
No. 39 of 1922,  
s. 70.

109. No poll shall be taken under this Part of this Act on the same day as that appointed for the election of members of the Legislative Council or Legislative Assembly or either House of the Commonwealth Parliament.

Poll not to be taken on a day fixed for Parliamentary election.  
No. 39 of 1922,  
s. 71.

110. The Governor may make such regulations as he may think fit for the purpose of carrying out the provisions of this Part of this Act.

Regulations.  
No. 39 of 1922,  
s. 72.

#### PART VII.—DUTIES AND LIABILITIES OF LICENSEES AND OTHER PERSONS.

111. (1.) If the holder of a license is on naval or military service, the Licensing Court may renew such license on an application by an agent on his behalf; and an application to the Licensing Court, or any member thereof, for permission for a licensee on naval or military service to be absent from his licensed premises may be made by an agent.

Absence of licensee on naval or military service.  
No. 1 of 1917,  
s. 9.

(2.) Any person who, in the absence of a licensee, has the management, superintendence, or conduct of the licensed premises shall be subject to the duties and liabilities of the licensee in respect of such premises.

(3.) If any licensee, on naval or military service, is a married man, and his wife resides on the licensed premises, the Licensing Court, or the chairman thereof, may grant a permit to the wife of the licensee to manage, superintend, or conduct the sale of liquor on the licensed premises during the licensee's absence, and while such permit shall continue, the wife of the licensee shall, in respect of such management, superintendence and conduct, be deemed the licensee of the premises.

112. Every holder of a publican's general license or a way-side-house license shall have his name at length painted or fixed in legible letters at least three inches long, with the words “licensed to retail fermented and spirituous liquors” constantly and permanently remaining and plainly to be seen and read on a conspicuous part of the outside of his licensed

Certain licensees to have their names affixed on premises.

premises; and every person holding an Australian wine and beer license shall have his name painted or affixed as aforesaid, with the words "licensed to retail Australian wine and beer" constantly and permanently remaining and plainly to be seen and read on a conspicuous part of the outside of his licensed premises.

Penalty: Five pounds.

Change of name  
of premises.

**113.** The Licensing Court may, on an application by the holder of a publican's general license or wayside-house license, give permission in writing for a change in the name or sign of the licensed premises; but no such change shall be made without the previous consent of the Court.

Penalty: Five pounds.

When lamp to be  
lit.

**114.** Every holder of a publican's general license, or wayside-house license or an Australian wine and beer license shall keep a lamp, with a sufficient light, affixed outside and over the door of his licensed premises, lighted, and kept burning during the whole of each and every night from sunset to sunrise, during the time of his holding such license.

Penalty: Five pounds.

Duties of  
licensee as to  
sanitary matters.

**115.** Every licensee shall—

- (a) cause his licensed premises to be furnished with proper sanitary appliances sufficient for any lodgers or inmates of the premises, and to the satisfaction of the local board of health;
- (b) cause his licensed premises to be provided with sufficient places of accommodation for the use of the customers thereof, to prevent nuisances or offences against public decency;
- (c) maintain such appliances and any room or place in which they are, and such places of accommodation, in a good sanitary condition;
- (d) keep his licensed premises free from offensive or unwholesome matters.

Penalty: Twenty pounds.

Sanitary  
precautions.

**116.** (1.) Every licensee shall thoroughly cleanse and disinfect all the rooms, passages, stairs, floors, windows, walls, ceilings, closets, places of accommodation, cesspools, and drains of his licensed premises to the satisfaction of the inspector of licensed premises.



(2.) If any licensee refuses or neglects to comply with any requirement in writing of any inspector under this section, the Licensing Court may direct the premises to be closed, and suspend the license until such requirement is complied with.

117. No structural alteration in, or enlargement of, any licensed premises shall be made without the permission in writing of the Court, but when it has been made with such consent, the premises as altered or enlarged shall be deemed to be the licensed premises.

Alteration or enlargement of licensed premises.  
No. 39 of 1922,  
s. 73.

Penalty: Fifty pounds.

118. (1.) Any holder of a publican's general license, an hotel license, or a wayside-house license, or an Australian wine and beer license, who, without reasonable cause, refuses to receive any person as a guest into his house, or to supply any person with food, liquor, refreshment or lodging, or (unless stabling accommodation has been dispensed with) to receive the horse or horses of a traveller and to provide them with sufficient provender and water, whether the owner or person in charge thereof lodges in his house or not, commits an offence against this Act.

Penalty for refusing entertainment.

Penalty: Fifty pounds.

No. 39 of 1922,  
s. 74.

Provided that the burden of proof that there was reasonable cause for not complying with this section shall lie upon the licensee.

(2.) The Licensing Court may prescribe the hours during which meals shall be obtainable.

(3.) Where the Licensing Court is satisfied that any such licensee is not genuinely catering for the requirements of the public, the Court may prescribe tariffs for meals to be supplied to customers by the licensee, and it shall be the duty of the licensee to provide meals as prescribed, if so required by a customer, and not exceeding the tariff so fixed.

Penalty: Twenty pounds.

119. (1.) Every house for which a publican's general license, an hotel license, or a wayside-house license, or an Australian wine and beer license is granted shall be deemed a common inn, and no goods or chattels whatsoever the property of any lodger or stranger being on such licensed premises shall be liable to be distrained or seized for rent or any other claim whatsoever against any such premises, or the owner or occupier thereof.

Immunity from distress of property of guests.

(2.) If any such goods shall be so distrained or seized any two justices in petty sessions may summarily inquire into

any complaint made in respect of such distress or seizure, and order such goods or chattels to be restored, or their value paid, to the owner thereof, and may award and enforce payment of reasonable costs of the proceedings against the person distraining or seizing such goods or chattels.

License to be kept by licensee.

120. Every license shall be and continue in the custody of the licensee, and shall not be subject to detention by reason of any lien, charge, or interest whatever had or claimed by any other person.

Licensed premises not to be open before or after certain hours.  
No. 39 of 1922,  
s. 75.

121. (1.) No licensee shall in any part of the State except the Goldfields district—

- (a) have or keep his licensed premises open for the sale of liquor; or
- (b) sell any liquor or permit or suffer any liquor to be drunk or consumed in or upon his licensed premises,

at any time before nine o'clock in the morning or after nine o'clock in the evening upon any day in the week, except under the authority of an occasional license.

Penalty: For a first offence, Fifty pounds; for any subsequent offence, One hundred pounds.

(2.) No licensee shall in the Goldfields district—

- (a) have or keep his licensed premises open for the sale of liquor; or
- (b) sell any liquor or permit or suffer any liquor to be drunk or consumed in or upon his licensed premises,

at any time before nine o'clock in the morning or after eleven o'clock at night upon any day in the week, except under the authority of an occasional license.

Penalty: For a first offence, Fifty pounds; for any subsequent offence, One hundred pounds:

Provided that the Governor may, on the recommendation of the Licensing Court, by proclamation extend or reduce the hours in any licensing district or part of a district within the Goldfields district, and this subsection shall have effect as so modified, but any such proclamation may, on the recommendation of the Licensing Court, be varied or revoked by a subsequent proclamation.

(3.) This section shall not prohibit the sale of liquor to any *bona fide* traveller or lodger, or the consumption of liquor

by the licensee or any member of his family, or any servant of the licensee living on the premises if the liquor is not drunk at the public bar of the licensed premises.

(4.) Any servant or agent of a licensee who sells or supplies liquor contrary to this section shall be guilty of an offence.

Penalty: Two pounds.

(5.) In this section "Goldfields district" means the area comprised within the Boulder, Brown Hill-Ivanhoe, Coolgardie, Cue, Gascoyne, Hannans, Kalgoorlie, Kanowna, Kimberley, Mount Leonora, Menzies, Mount Magnet, Mount Margaret, Murchison, Pilbara, Roebourne, and Yilgarn electoral districts as constituted at the commencement of this Act, and the town of Westonia, in the Avon electoral district.

122. (1.) No licensee shall—

(a) have or keep his licensed premises open for the sale of liquor; or

(b) sell any liquor, or permit or suffer any liquor to be drunk or consumed in or upon his licensed premises

upon any Sunday, Anzac Day (the twenty-fifth day of April), Good Friday, or Christmas Day.

No liquor to be sold on Sundays and certain other days.

No. 35 of 1923, s. 2.

Penalty: For a first offence, Fifty pounds; for any subsequent offence, One hundred pounds.

(2.) But this section shall not prohibit the sale of liquor to any *bona fide* traveller, lodger, or weekly or other boarder, or the consumption of liquor by the licensee or any member of his family, or any servant of the licensee living on the premises, if the liquor is not drunk at a public bar of the licensed premises.

No. 39 of 1922, s. 76.

(3.) Any servant or agent of a licensee who sells or supplies liquor contrary to this section shall be guilty of an offence.

Penalty: Two pounds.

(4.) The word "boarder" in this section means a person who habitually from day to day obtains his meals on the licensed premises, but only while he is obtaining such meals between the hours of twelve and two in the afternoon and six and eight in the evening.

123. (1.) The holder of every publican's general license, hotel license, wayside-house license, and Australian wine and beer license shall keep a book in the form prescribed to be called "the register of lodgers."

Register of lodgers. No. 39 of 1922, s. 77.

(2.) In the said book the licensee shall enter, or cause to be entered the name and address of every *bona fide* lodger for the time being in such premises, showing opposite the name of each lodger the distinguishing number or description of the room occupied by him, and the book shall be signed by the lodger.

(3.) This section shall apply in respect of regular as well as casual lodgers.

(4.) The register of lodgers shall be kept on the licensed premises, and shall be open to inspection at any time on demand by any member of the police force or inspector.

(5.) The fact that any person is found on licensed premises to which this section applies at any time during which the sale of liquor is prohibited by law shall, unless his name appears in the register of lodgers kept on such premises, together with the distinguishing number or description of the room occupied by him, be conclusive evidence as against the licensee, and *prima facie* evidence as against such person, in any proceedings under this Act, that such person was not a *bona fide* lodger in such premises where he was found.

(6.) Any holder of a license to which this section applies who—

- (a) neglects or fails to keep a register of lodgers, as provided by this section; or
- (b) neglects or fails to enter or cause to be entered in such register the particulars required by this section to be entered therein; or
- (c) makes or causes to be made in such register or retains in such register any false or misleading entry in respect of any of the particulars required to be entered therein; or
- (d) refuses or neglects to produce such register for inspection when required so to do under subsection (4),

shall be liable to a penalty for a first offence of not more than five pounds, and for every subsequent offence of not less than five pounds or more than fifty pounds.

(7.) For the purposes of this section lodger includes boarder.

124. Every holder of a publican's general, hotel, wayside-house, or Australian wine and beer license shall cause every door or other entrance by which admission can be gained to any bar-room on his licensed premises whether from outside

or inside to be kept closed and locked during the hours when the licensed premises may not be lawfully open for the sale of liquor, and during the whole of every Sunday, Anzac Day (the twenty-fifth day of April), Christmas Day, and Good Friday; provided that any such door or entrance may be unlocked and opened at any time between such hours or on such days in order to allow ingress or egress to the licensee or any employee of the licensee for the purpose of enabling, subject to the provisions of this Act, such licensee or employee to obtain and bring liquor for delivery to any person to whom he may then lawfully sell liquor or to do any other lawful act.

Penalty: Ten pounds.

125. No person shall be deemed to be a *bona fide* traveller within the meaning of this Act—

No. 35 of 1923,  
s. 2.

- (a) if the place where he demands to be or is supplied with liquor is within an area bounded by a circle having a radius of twenty miles from the Town Hall in Perth; or
- (b) if the place where he demands to be or is supplied with liquor is elsewhere than within an area bounded by a circle having a radius of twenty miles from the Town Hall in Perth, unless such place is more than ten miles from the place where he lodged during the preceding night; such distance to be calculated by the shortest practicable route along or over any public highway or thoroughfare or by or across any arm of the sea, inlet, river, or creek between the place of lodging and supply:

*Bona fide*  
travellers.  
No. 39 of 1922,  
s. 79.

Provided that notwithstanding this section, the sale or supply of liquor by the holder of a railway refreshment room license to travellers on a railway shall be lawful during the hours when licensed premises may be lawfully open to the public for the sale of liquor in the district in which the railway refreshment room is situated.

126. Any person who, by falsely representing himself to be a *bona fide* traveller, lodger, or inmate, buys or obtains, or attempts to buy or obtain, at any licensed premises liquor or refreshment during Sunday, Anzac Day (the twenty-fifth day of April), Good Friday, or Christmas Day, or during the prohibited hours on other days, commits an offence against this Act.

Penalty for  
obtaining liquor  
by false repre-  
sentation.  
No. 35 of 1923,  
s. 2.

Penalty: Five pounds.

Proof of *bona fide* traveller.  
No 39 of 1922,  
s. 134.

127. If in course of any proceedings under section one hundred and twenty-one or one hundred and twenty-two the licensee sets up as a defence and fails to prove that the purchaser was a *bona fide* traveller but the Court is satisfied that he truly believed that the purchaser was a *bona fide* traveller, and further that he took all reasonable precautions to ascertain whether or not the purchaser was a *bona fide* traveller, the justices may dismiss the case as against the licensee, and shall direct proceedings to be instituted against such purchaser under the last preceding section.

Penalty for carrying liquor during prohibited hours.  
No 39 of 1922,  
s. 80.

128. Any person other than a *bona fide* lodger who carries away liquor in any vessel from any licensed premises on any day or any time during which the sale of liquor is prohibited by law, commits an offence against this Act.

Penalty: Two pounds.

Persons found drinking on or leaving licensed premises during prohibited hours.  
No 39 of 1922,  
ss. 81, 134.

129. (1.) Any person found drinking liquor, or ascertained to have been drinking liquor, on any licensed premises, or found in the act of leaving any licensed premises with liquor in his possession, at any time when such premises should not have been open for the sale of liquor commits an offence against this Act.

Penalty: For a first offence, Ten pounds; for any subsequent offence, Thirty pounds.

(2.) Any person found on licensed premises at any time when such premises should not be open for the sale of liquor shall, unless he satisfies the Court that his presence on such premises at such time was not in contravention of the provisions of this Act, be deemed to have committed an offence against this Act.

Penalty: Two pounds.

(3.) Provided that this section shall not relate to a *bona fide* traveller, lodger, or a weekly or other boarder within the meaning of section one hundred and twenty-five or one hundred and twenty-two, or to the licensee or any member of his family, or any servant of the licensee living on the premises.

Licensees not to be compelled to supply liquor during prohibited hours.

130. Nothing in this Act contained shall be deemed or taken to make the supplying of liquor between the hours of ten o'clock at night and six o'clock in the morning compulsory on any licensee.

132a. Every licensee by whom any person of Asiatic race was employed in or about his licensed premises on the 15th day of August, 1922, shall cause the name of such person to be registered in a register to be kept at the Licensing Court for the district in which the licensed premises are situated; and no licensee shall, elsewhere than in the North Province of the State, employ any person of Asiatic race in or about his licensed premises whose name is not so registered: Provided that this section shall not apply to persons of the Jewish race.

Penalty: Twenty-five pounds.

Employment of Asiatics.  
38 of 1922.  
38 of 1922.  
See *Gazette* 16th Nov., 1923, page 2204.

131. No licensee shall supply to any person by the glass liquor to be consumed with water or aerated water on the premises of the licensee after the 1st day of July, 1923, unless such liquor is supplied in a glass capable of holding at least one and a quarter gills.

Penalty: Five pounds.

Sale of liquor by the glass.  
No. 39 of 1922.  
s. 82.

132. (1.) Subject to the provisions of section forty-six of this Act, any person who sells or offers for sale any liquor without holding a license authorising the sale thereof (unless he is the agent or servant of the holder of such license) commits an offence against this Act.

Penalty of sale of liquor by unlicensed persons.

Penalty: For a first offence, Fifty pounds; for any subsequent offence, One hundred pounds, or imprisonment for six months, or both.

(2.) Upon any conviction under this Act the offender shall forfeit all liquor in his possession, with the vessels containing the same to the use of His Majesty.

(3.) In the event of a second or subsequent offence the offender shall on conviction, be disqualified from holding a license of any description for the sale of liquor for a period of three years from the date of such conviction.

133. Any licensee who sells, or having sold, delivers liquor in any less quantity or in any other place or manner than is authorised by the terms of his license, commits an offence against this Act.

Penalty: Fifty pounds.

Penalty for selling contrary to license.

134. (1.) If any purchaser of any liquor from a person who is only licensed to sell the same not to be drunk on the premises drinks such liquor on the premises where the same is sold, or in any street, road, or place adjoining or near such premises, the seller of such liquor shall, if it appears that such

Penalty if liquor is drunk on premises contrary to license.  
No. 39 of 1922.  
s. 83.

drinking was with his privity or consent, be liable for a first offence to a penalty of not less than two nor more than five pounds, and for a second and every subsequent offence to a penalty of not less than two nor more than ten pounds.

(2.) For the purposes of this section, the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission.

(3.) In any proceeding under this section, it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to or were hired, used, or occupied by the seller if proof is given to the satisfaction of the Court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the condition of the license.

Supplying liquor  
under a false  
description.  
No. 39 of 1922.  
s. 84.

**135.** Any licensee who supplies or causes to be supplied any liquor and charges for it under a fictitious heading or description, or who has upon the licensed premises any liquor under a fictitious heading, trade name, brand, or description, commits an offence.

Penalty: For a first offence, Twenty pounds; for any subsequent offence, Fifty pounds and not less than Twenty pounds.

Penalty on  
keeper of eating,  
boarding, or  
lodging house  
supplying liquor  
contrary to  
license.

**136.** No holder of a boarding-house, lodging-house, or eating-house license shall supply or cause to be supplied any liquor to any boarder, lodger, or person taking a meal, in such house, unless his action in so doing is authorised by the terms of such license or of some other license held by him.

Penalty: For a first offence, Five pounds; for any subsequent offence, Twenty pounds.

Penalty for  
keeping billiard  
or bagatelle table  
without license.

**137.** Any person who in any house keeps and maintains a billiard table or bagatelle table, open to the public, without being duly licensed under this Act to keep and maintain the same, commits an offence against this Act.

Penalty: Twenty pounds:

No. 39 of 1922,  
s. 85.

Provided that this section shall not apply to the holder of a publican's general license if the billiard table or bagatelle table is kept on the licensed premises.



138. No person shall maintain any action for, or recover any debt or demand on account of any liquor sold or disposed of in contravention of this Act, whether sold or disposed of without a license or by exceeding the authority or violating the conditions of any license.

No action for price of liquor illegally supplied.

139. (1.) No person, however licensed, shall maintain any action for, or recover any debt or demand on account of any liquor sold or delivered in any quantity less than one gallon and delivered or taken away all at one time:

No action for price of less than one gallon of liquor.

Provided that nothing herein contained shall extend to prevent a licensee from keeping an account with *bona fide* lodgers, passengers, and travellers, in which any charge for liquor may be included and lawfully recovered as part of the amount thereof.

(2.) Any person who at the time of being supplied with liquor or if supplied with meals or accommodation at licensed premises, on demand of payment by such licensee or by his servant or agent, refuses to pay a reasonable sum therefor commits an offence.

No. 39 of 1922, s. 36.

Penalty: Ten pounds.

140. Any licensee who is found drunk in any part of his licensed premises to which the public have access commits an offence against this Act.

Licensees drunk on premises liable to penalty.

Penalty: Twenty pounds.

141. (1.) Any licensee or other person who supplies any intoxicating liquor to any person who is at the time in a state of intoxication, or visibly affected by liquor, or who aids or abets any person in a state of intoxication, or visibly affected by liquor in obtaining or consuming any liquor, commits an offence against this Act.

Penalty for supplying liquor to intoxicated persons. No. 39 of 1922, s. 87.

Penalty: Twenty pounds.

(2.) If an offence against this section is committed by a servant or agent of a licensee, on or in the vicinity of the licensed premises, the licensee and also such servant or agent shall be liable to the penalty for such offence.

142. (1.) If any licensee, or any servant or agent of a licensee, knowingly or carelessly allows any intoxicated person to remain in or upon any licensed premises, the licensee, and also such servant or agent, commits an offence against this Act.

Penalty for allowing intoxicated persons to remain on premises. No. 39 of 1922, s. 88.

Penalty: Twenty pounds.

(2.) Provided that if upon the hearing of the complaint it is proved to the satisfaction of the Court that the intoxicated person was, at the time of the alleged offence, a *bona fide* lodger or inmate in the licensed premises, and that every due and proper precaution was observed to prevent such lodger or inmate from drinking, or expending his money upon liquor whilst in a state of intoxication, then such complaint shall be dismissed.

Licensed persons to receive payment in money only.

143. No licensee shall take or receive from any person in payment or in pledge for liquor, or for any entertainment whatsoever supplied in or out of his licensed premises, any article or thing whatsoever, except current coin, any notes being legal tender, bank notes, or bank cheques.

Penalty: For a first offence, Fifty pounds; for any subsequent offence, One hundred pounds.

Bars not to be sublet.  
No. 39 of 1922,  
s. 89.

144. No licensee shall let or sublet any bar, dining room, or the right to sell liquor on his licensed premises.

Penalty: Twenty pounds.

Only one bar-room except by permission of Court.  
No. 39 of 1922,  
s. 90.

145. (1.) No licensee shall sell or supply liquor in more than one bar-room in or upon his licensed premises, or shall have more than one bar-room in or upon such premises, unless he has obtained the permission of the Court so to do.

For the purposes of this section, a room divided into compartments by wooden partitions, if approved by the Court, shall be one room if there are doors in the partition giving at all times direct access from one such compartment to the other.

(2.) Every applicant for such permission shall, with the notice of his application, deposit with the clerk a plan showing the position of each proposed additional bar-room for which he has not at the time such permission.

(3.) No such additional bar-room shall be deemed to form any part of the accommodation required by this Act to be provided in any licensed premises.

(4.) (a) Any licensee on whose licensed premises any liquor is sold or supplied in more than one bar-room, or on whose licensed premises there is more than one bar-room, except as permitted under the provisions of this Act, shall be liable to a penalty for a first offence of not less than five

nor more than twenty pounds, and for every subsequent offence of not less than twenty pounds.

(b) A separate offence shall be deemed to be committed upon every day upon which, contrary to this section, liquor is sold or supplied, or a bar-room exists.

(c) A separate offence shall be deemed to be committed in respect of every bar-room in which liquor is sold, or which exists contrary to the provisions of this section.

(5.) Whenever a license is transferred the transfer shall be deemed also to apply to any permission under this section, for the time being in force, to use an additional bar-room on the licensed premises.

146. (1.) No licensee shall allow a child to be at any time in the bar of the licensed premises.

Exclusion of children from bars of licensed premises.

Penalty: Ten pounds.

(2.) No person shall cause or procure, or attempt to cause or procure, any child to go to or be in the bar of any licensed premises.

Penalty: Ten pounds.

(3.) If a child is found in the bar of any licensed premises, the holder of the license shall be deemed to have committed an offence under this section unless he shows that he has used due diligence to prevent the child being admitted to the bar.

(4.) In this section the expression "child" means a child under the age of eighteen years, and where any person is charged with an offence under this section in respect of a child who is alleged in the charge or complaint to be under that age, and the child appears to the Court to be under that age, the child shall be deemed to be under that age unless the contrary is shown:

No. 39 of 1922, s. 91.

(5.) Nothing in this section shall apply in the case of a child who is resident but not employed in the licensed premises or in the case of premises constructed, fitted, and intended to be used in good faith for any purpose to which the holding of a license is merely auxiliary.

(6.) In this section the bar of licensed premises means any open drinking bar or any part of the premises exclusively or mainly used for the sale or consumption of intoxicating liquor.

No. 39 of 1922, s. 91.

Penalty for  
selling liquor to  
persons under 21  
years of age.  
No. 1 of 1917,  
s. 4.  
No. 39 of 1922,  
s. 92.

147. (1.) No licensee, or servant or agent of a licensee, shall sell, supply, or give or permit or suffer to be sold, supplied, or given any liquor, in any quantity whatsoever, either alone or mixed with water or any other liquid, to any person apparently under the age of twenty-one years for himself or for any other person.

Penalty: Twenty pounds.

(2.) Where any licensee, or servant or agent of a licensee, is charged with an offence under this section in respect of a person who is alleged in the charge or complaint to be under the age of twenty-one and the person appears to the Court to be under that age, the person shall be deemed to be under that age until the contrary is proved.

(3.) Any person who in any place not being licensed premises, but on a highway or place adjacent to licensed premises, supplies or causes or permits to be supplied any liquor to any person apparently under the age of twenty-one years, commits an offence.

Penalty: Twenty pounds.

Persons under 21  
not to be em-  
ployed in bars.  
No. 39 of 1922,  
s. 93.

148. No licensee shall employ any person under the age of twenty-one years as a barman or a barmaid, or suffer or permit any person under that age to be so employed.

This section shall not apply to any person over the age of eighteen years who was *bona fide* employed as a barman or barmaid on the 24th day of August, 1922.

Penalty: Twenty pounds.

But it shall not be unlawful for a licensed person to employ a member of his family, or his servant, whose age exceeds sixteen years, as a messenger to deliver intoxicating liquor.

Penalty for obtain-  
ing liquor by false  
statement as to  
age.  
No. 39 of 1922, s.  
94.

149. Any person who, by falsely representing himself to be over the age of twenty-one years, obtains or attempts to obtain liquor at any licensed premises commits an offence.

Penalty: Five pounds.

Penalty for  
supplying liquor  
to aborigines.  
No. 39 of 1922  
s. 95.

150. No person, whether licensed or unlicensed, shall sell, supply, or give any liquor, in any quantity whatsoever, either alone or mixed with water or any other liquid, to any aboriginal native for himself or for any other person, or solicit or

receive from an aboriginal native an order for the supply or delivery of liquor.

Penalty: One hundred pounds or imprisonment for six months, or both.

151. (1.) No person being the holder of a publican's general license or a wayside-house license shall permit any aboriginal native to remain on or loiter about his licensed premises.

Aborigines not to loiter about public houses.

Penalty: Ten pounds.

(2) Provided that this section shall not extend to prevent the lawful employment, by any person holding any such license, of any aboriginal native on the licensed premises with the consent in writing of the Chief Protector of Aborigines.

152. Every aboriginal native of Australia, and every aboriginal half-caste or child of a half-caste (such half-caste or child habitually associating and living with aboriginal natives), shall be deemed to be an aboriginal native within the meaning of this Act, and the court adjudicating upon any complaint may, in the absence of other sufficient evidence, decide on its own view and judgment whether any person, with reference to whom any proceedings are taken under the Act, is or is not an aboriginal native.

Definition of aboriginal native.

153. Any licensee who—

- (a) employs any unlicensed person to sell or dispose of, by retail, any liquor on any premises, or in any vehicle, vessel, or boat, or in any place whatsoever not within the premises or in the place in which such licensee is authorised to sell liquor by his license, or in such last-mentioned premises or place otherwise than as the servant or agent of such licensee and under his immediate superintendence and control; or
- (b) sells, barter, or lends to any unlicensed person any such liquors with the knowledge or upon the understanding that such liquors are to be sold or bartered by such unlicensed person contrary to this Act,

Penalty for employing unlicensed persons to sell liquor.

commits an offence against this Act.

Penalty: Fifty pounds.

Unlicensed  
persons keeping  
up signs, etc.

154. Any person not actually holding a license under this Act who keeps up any sign, writing, painting, or mark on or near his house or premises which may imply or give reasonable cause to believe that such house or premises is or are licensed for the sale of liquor, or that liquor is sold or served therein, commits an offence against this Act.

Penalty: Twenty pounds.

Liquors in any  
unlicensed house  
suspected to be  
for sale may be  
seized and for-  
feited.

155. (1.) Upon complaint on oath before any justice of the peace that the complainant suspects and believes any liquor to have been sold—

(a) by any person not holding a license authorising the sale thereof; or

(b) by any licensee at or in some premises or place not authorised by his license and to be specified in such complaint, and

(c) upon reasonable grounds being therein shown for such suspicion and belief,

such justice of the peace may grant a warrant to any police officer to enter and search any specified premises or place; and such police officer may break open any doors not opened within a reasonable time after demand, and may seize all liquors which he then and there finds, and any vessel in which the same is contained.

(2.) Such justice of the peace shall grant a summons calling upon the owner of such liquors to appear to show how and for what purpose he became possessed of the same. And upon his so appearing, or if after being so summoned he fails to appear, any two justices may inquire into the matter, and if they are satisfied by reasonable proof that any liquor was in such premises or place for the purpose of being illegally sold, they shall adjudge the same and also every such vessel to be forfeited; and the same shall be sold, and the proceeds of the sale, after deducting the expenses of sale, shall be paid to the Colonial Treasurer and appropriated as penalties under this Act are directed to be appropriated.

(3.) In default of such reasonable proof such liquor and the vessels containing the same shall be restored to the owner.

Liquors hawked  
about to be  
seized and  
condemned.

156. (1.) Any police officer may seize and take away any liquor which he reasonably suspects to be hawked about or exposed for sale in any street, road, booth, tent, store, shed, boat, or vessel, or in any other place whatsoever, by any person not holding a license to sell the same therein respectively,

and also every vessel containing, or used for drinking or measuring the same, and every cart, dray, or other carriage, and every horse or animal carrying or drawing the same, or any boat or vessel conveying the same.

(2.) Any person who hawks about or exposes for sale as aforesaid any liquor commits an offence against this Act.

Penalty: For a first offence, Fifty pounds; for any subsequent offence, One hundred pounds, or imprisonment for six months, or both.

(3.) The convicting justices may adjudge any such liquor, vessel, cart, dray, or other carriage, horse or other animal, boat or vessel to be forfeited, and may order the same to be sold, and the proceeds thereof, after deducting the expenses of sale, shall be paid to the Colonial Treasurer and be appropriated in like manner as penalties under this Act are directed to be appropriated.

157. (1.) Any member of the police force may demand from any person found on or seen coming out of any licensed premises at any time when such premises should not be open for the sale of liquor the name and address of such person, and if he has reasonable ground to suppose that the name or address so given is false, may require such person to produce evidence of the correctness of the name or address given by such person.

Powers of police with respect to persons on licensed premises at prohibited times.

(2.) If any such person, on demand being made as aforesaid, refuses or neglects to give such name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, such member of the police force may without any warrant apprehend such person forthwith, and shall bring him before any two justices of the peace as soon as practicable to be dealt with according to law.

(3.) Every such person who, on demand being made as aforesaid, refuses or neglects to give his name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, or gives a false name or address, or produces false evidence with respect to such name or address, commits an offence against this Act.

Penalty: Two pounds.

(4.) Every licensee, upon whose licensed premises any person is so found, unless he proves to the satisfaction of the justices that such person was on such premises for a purpose

No. 39 of 1922,  
s. 96.

not made unlawful by this Act, or any other Act relating to the sale of liquor, shall be deemed to have committed an offence against this Act.

Penalty: Ten pounds.

(5.) If it is proved that the licensee took all reasonable care to prevent such person coming or remaining on the licensed premises for an unlawful purpose, or took all reasonable care to ascertain and actually believed that the purpose for which such person had come or remained on the licensed premises was a lawful purpose, the Court shall dismiss the case against the licensee.

License to be produced on demand.

158. Every licensee shall, on demand at his licensed premises, produce his license to any justice of the peace, police officer, or inspector of licensed premises.

Penalty: Five pounds.

Payment of wages where liquor sold.

159. No master or other person employing workmen, servants, or labourers, shall pay or cause payment of wages to be made to them or any of them in or at any house in which liquor is sold by retail:

Provided that nothing herein contained shall extend to any licensee paying his own workmen, servants, or labourers on his own licensed premises.

Penalty: Five pounds.

Justices may prohibit supply of liquor to inebriates.  
No. 39 of 1922.  
s. 97.

160. (1.) Upon proof being given to the satisfaction of any two justices of the peace that any person, by excessive drinking of liquor, is likely to impoverish himself to such a degree as to expose himself or his family to want, or to seriously impair his health, such justices may order that no licensee shall sell or supply such inebriate with any liquor for not exceeding the space of one year.

(2.) Any two justices of the peace may in like manner renew such order from time to time as to all such persons as have not, in their opinion, reformed.

(3.) No licensee, after notice of such prohibition, shall sell or deliver to any such inebriate any liquor.

Penalty: Twenty-five pounds.

(4.) No person so prohibited as aforesaid shall loiter about or enter any licensed premises for the purposes of obtaining liquor.

Penalty: Five pounds, or imprisonment for seven days.



(5.) An order made under this section may be revoked by any two justices of the peace.

(6.) All proceedings under subsection (1) of this section shall be heard *in camera*.

161. Whenever any justices of the peace have, in execution of the foregoing powers, prohibited the sale of liquor to any inebriate, no person, having a knowledge of such prohibition, shall give, sell, purchase, or procure for or on behalf of such inebriate or for his use, any liquor.

Penalty for procuring liquor for prohibited persons.

Penalty: Five pounds.

162. (1.) No licensee, or person managing or conducting licensed premises, shall employ any female or suffer any female, other than his wife or daughter over the age of twenty-one years to assist or serve in or about any bar, or in or about the sale of liquor on the licensed premises—

Penalty for employing females beyond certain hours.  
No. 39 of 1922, s. 98.

- (a) for a longer period than forty-eight hours in any one week, exclusive of such time as may be allowed for meals; or
- (b) on a Sunday, Christmas Day, or Good Friday; or
- (c) after the closing hour on any night.

Penalty: Fifty pounds.

(2.) The licensee shall at all times keep a record book, wherein shall be entered a correct record showing the time worked by all females employed by him to serve in the bar, and shall on demand at his licensed premises by any inspector produce such book and allow the inspector to examine it.

Penalty: Ten pounds.

163. No licensee shall permit drunkenness, or any indecent or disorderly conduct to take place, or any reputed prostitute or thief to remain on any part of his licensed premises.

Penalty for permitting disorderly conduct.  
No. 39 of 1922, s. 99.

Penalty: For a first offence, Fifty pounds; for any subsequent offence after a previous conviction, One hundred pounds.

164. No licensed person shall placard, post up, or exhibit or permit or suffer to be placarded, posted up, or exhibited in or on or about his licensed premises any information or notices relating to betting or the results of horse racing.

Posting of betting placards.  
No. 39 of 1922, s. 100.

Penalty: Twenty pounds and not less than Five pounds.

Betting in  
licensed pre-  
mises unlawful.  
No. 39 of 1922,  
s. 101.

165. Any licensed person who either himself or by means of any agent, clerk, or servant bets on horse racing in his licensed premises with any other person or permits or is privy to or connives at betting on horse-racing on his licensed premises shall be guilty of an offence, and shall be liable to a penalty of not less than twenty nor more than one hundred pounds, and for a second or subsequent offence to a penalty of not less than one hundred nor more than two hundred pounds.

Evidence of per-  
mission of dis-  
orderly conduct.  
No. 39 of 1922,  
s. 102.

166. (1.) Where any licensee is charged with permitting drunkenness on his licensed premises, and it is proved that any person was drunk on his premises, it shall lie on the licensee to prove that he and the persons employed by him took all reasonable steps to prevent drunkenness on the premises.

(2.) The presence of any reputed prostitute or thief upon licensed premises shall be *prima facie* evidence that the licensee permitted such reputed person to be present with knowledge that such person was a reputed prostitute or thief.

Restriction as to  
the playing of  
billiards and  
other games.  
No. 39 of 1922,  
s. 103.

167. (1.) No licensee of premises licensed for the sale of liquor situated within a radius of twelve miles of the General Post Office in Perth shall permit any billiards, bagatelle, or other games to be played on his licensed premises by any person other than *bona fide* lodgers during the hours when liquor may not be lawfully sold or disposed of to the public on the licensed premises.

Penalty: Twenty pounds.

(2.) No licensee of premises licensed for the sale of liquor situated outside a radius of twelve miles of the General Post Office in Perth shall permit any billiards, bagatelle, or other games to be played on his licensed premises after eleven o'clock at night by any person other than *bona fide* lodgers except under the authority of an occasional license, or at any time on Sunday, Anzac Day (the twenty-fifth day of April), Christmas Day, or Good Friday.

Penalty: Twenty pounds.

(3.) No licensee under a billiard table license for premises not licensed for the sale of liquor shall permit any billiards, bagatelle, or other games to be played on his licensed premises after eleven o'clock at night except under the authority of an occasional license, or at any time on Sunday, Anzac Day (the twenty-fifth day of April), Christmas Day, or Good Friday.

Penalty: Twenty pounds.

No. 35 of 1923.  
s. 2.

No. 35 of 1923.  
s. 2.

168. (1.) No licensee shall suffer any person to play any unlawful games or engage in any unlawful sport, or suffer any gaming on his licensed premises or the appurtenances thereto.

Prohibition of unlawful games. No. 39 of 1922, s. 104.

Penalty: Fifty pounds.

(2.) Any person who plays at any unlawful game or engages in any unlawful sport on licensed premises shall be guilty of an offence.

Penalty: Ten pounds.

169. Any police or resident magistrate may, if any riot or tumult happens or is expected to take place, order or direct the licensee of any licensed premises situated at or near to the place where such riot or tumult happens or is expected to take place, to close his licensed premises for such time as the magistrate thinks fit, and any person who does not obey such order or direction shall be liable to a penalty of not exceeding Twenty pounds.

Closing of licensed premises in case of riot. No. 39 of 1922, s. 105.

170. (1.) Any licensee may refuse to admit to and may turn out of his licensed premises any person who is a reputed prostitute or thief, or any person who is drunken, violent, quarrelsome, or disorderly, or any person whose presence on the premises would or might subject the holder of the license to a penalty under this Act.

Power to exclude or expel certain persons from licensed premises.

(2.) Any such person who, upon being requested in pursuance of this section by a licensee, or his agent or servant, or any police officer, to quit the premises, refuses or fails so to do, commits an offence against this Act.

Penalty: Five pounds.

(3.) All police officers are required, on the demand of a licensee, or his agent or servant, to expel or assist in expelling every such person from the premises, and may use such force as is required for that purpose.

171. Every holder of a publican's general license, Australian wine and beer license, or a wayside-house license, shall at the request of any police officer, receive into the licensed premises any dead body that may be brought to such house for the purpose of an inquest being held thereon; and for every dead body so received the licensee shall be paid the sum of one pound: And no licensee shall refuse to receive such dead body for the purpose aforesaid.

Inquests may be held in public houses.

Penalty: Five pounds.

Power to enter  
licensed  
premises.

172. (1.) Any police officer may, for the purpose of preventing or detecting the violation of any of the provisions of this Act which it is his duty to enforce, at all times enter on any licensed premises.

(2.) If any person by himself, or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any police officer in the execution of his duty demanding to enter in pursuance of this section, that person commits an offence against this Act.

Penalty: Twenty pounds.

Penalty for tear-  
ing down and  
defacing notices.

173. (1.) No person shall tear down, or wilfully deface or render illegible any notice required by this Act to be affixed on any house or premises, or to any notice board, or otherwise exhibited.

Penalty: Ten pounds.

(2.) The fact that any such notice is so torn down, defaced, or rendered illegible shall not affect the validity of any such notice where it is required to be affixed and kept affixed during a specified period, provided the Licensing Court is satisfied that it was not torn down, defaced, or rendered illegible with the privity or knowledge of the person whose duty it was to keep the same affixed during such period.

Forfeiture by  
licensee con-  
victed of crime.  
See W.A. 1880.  
No. 9, s. 62.

174. If any licensee is convicted of a crime his license shall, *ipso facto*, be forfeited.

Forfeiture of  
license after  
repeated convic-  
tions.  
No. 39 of 1922,  
ss. 106, 134.

175. (1.) If any licensee is, within a period of twelve months, convicted two several times of offences under any of the provisions of sections one hundred and eighteen, one hundred and twenty-one, one hundred and twenty-two, one hundred and thirty-three, one hundred and forty, one hundred and forty-one, one hundred and forty-two, one hundred and forty-four (relating to the subletting of bars), one hundred and fifty, one hundred and sixty-three, one hundred and seventy-two, and two hundred and twenty-three (in respect of adulteration of liquor with deleterious substances), or of keeping or using, or permitting to be kept or used, his licensed premises or any part thereof as a common gaming-house, or common betting-house (whether such convictions are in respect of the same kind of offence or not), the justices by whom such licensee is convicted of the second offence or the Licensing Court may, if they think fit, by order under their

hands in the form of the Eighteenth Schedule, declare his license forfeited, and the same shall thereupon be void. 18th Schedule.

(2.) It shall not be necessary to allege in the complaint the fact of such previous conviction, but evidence of such fact, if not admitted, may be given on the conviction of the licensee for the offence of which he is charged.

176. The clerk of petty sessions shall forthwith report any such order to the clerk of the Licensing Court for the district in which the licensed premises are situate. Forfeiture to be reported to Licensing Court.

177. If any person, being the holder of a publican's general license, a hotel license, or a wayside-house license— Forfeiture of license in certain cases.

(a) without the permission in writing of a member of the Licensing Court, is absent from the licensed premises for longer in the aggregate than twenty-eight days in any one year, whether he does or does not appoint a person to manage, superintend, or conduct the sale of liquor thereon during such absence; or

(b) whether present on such premises or not, permits any unlicensed person to be virtually or in effect the keeper thereof; or

(c) fails to maintain such premises and the accommodation thereof at the standard required by this Act; or

(d) allows such premises to become ruinous or dilapidated; or

(e) is of drunken or dissolute habits and unfit to hold a license; or No. 39 of 1922, s. 107.

(f) knowingly suffers his licensed premises to be used for immoral purposes; or

(g) fails to keep a well appointed eating-house with requisite appliances in operation for the daily preparing and serving of meals to guests on his licensed premises,

upon complaint thereof and proof of any of the facts before the Licensing Court such Court may, by an order in the form in the Nineteenth Schedule, declare such license to be forfeited, and the same shall thereupon be void. 19th Schedule.

But if the premises shall have become ruinous or dilapidated by reason of fire, tempest, or other cause beyond the control of the licensee, the license shall not be forfeited until a reasonable time has elapsed for the repair of such premises.

No. 39 of 1922,  
s. 107.

Or at the discretion of the Court such licensed person shall forfeit and pay for such offence a penalty of not more than one hundred pounds.

*Ibid.*

A sitting of the Licensing Court may be held to deal with offences under this section at such times as the chairman may appoint.

Standard  
measure.  
No. 39 of 1922,  
s. 108.

178. All liquor sold under the authority of this Act, in a quantity not less than half a pint shall, if required by the purchaser, be measured and delivered according to imperial standard measures, and shall, upon demand, by the person receiving the same, be remeasured for his satisfaction in the same premises and in the same measures, or any other standard measures he procures, but not if the liquors have been taken to any other room of or away from the licensed premises, or have been partly consumed before a remeasurement is demanded. On failure to measure or remeasure as aforesaid the licensed person shall, for every offence, be liable to a penalty of not more than five pounds.

State hotels.  
No. 39 of 1922,  
ss. 109, 134.

179. The manager of a State hotel shall be deemed a licensee, and the State hotel shall be deemed licensed premises, as regards the hours of trading and conditions imposed by this Act on licensees, and for the purposes of the following sections of this Act, namely, sections one hundred and fifteen, one hundred and sixteen, one hundred and forty-one, one hundred and forty-two, one hundred and forty-six, and one hundred and forty-seven, and Part X. of this Act; and such manager shall for a breach of the provisions of this Act be personally liable for the penalties thereby imposed on a licensee.

## PART VIII.—CLUBS.

### *Preliminary.*

Interpretation.

180. In this Part of this Act—

“Registered club” means a club registered or deemed to be registered under this Act;

“Unregistered club” means a club which requires, under this Act, to be registered but is not registered, or a club the certificate of registration of which has been suspended or cancelled;

“Register of members” means the register of members of a registered club prescribed by this Act to be kept by the secretary;

“Secretary” includes any officer or other person performing the duties of a secretary of a club.

*Registration of Clubs.*

181. The registration of a club under this Act shall not constitute the club premises licensed premises, or authorise any sale of intoxicating liquor therein which would otherwise be illegal:

Registration of clubs.

Provided that the supply or delivery of liquor by or on behalf of any registered club to any member for any money consideration paid or agreed to be paid by such member shall not be deemed illegal by reason of the club being incorporated, but such transaction shall for the purposes of this Act be deemed to have the same effect in law as it would if the club were not incorporated.

182. Every club for which a certificate granted under the Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1893, is in force at the commencement of this Act shall be deemed to be registered under this Act until the conclusion of the quarterly sitting of the Licensing Court of the district in which the premises of the club are situated, to be held next after the commencement of this Act, unless such registration is sooner cancelled or suspended under this Act.

Existing certificates.

*Conditions of Registration.*

183. No club shall be or continue to be registered under this Act unless all the following conditions exist with respect to it, namely—

Conditions as to clubs.  
No. 39 of 1922,  
s. 110.

(a) The club must be a *bona fide* association, company, or body of not less than thirty persons; and in the case of a club registered for the first time after the commencement of the Licensing Act Amendment Act, 1922, the minimum number of members shall be one hundred if the club premises are situated in the metropolitan district, and fifty if the club premises are situated elsewhere.

(b) The club must be an association, company, or body of persons associated together for social, literary, professional, political, scientific, sporting, athletic, or other lawful purposes.

- (c) The club must be established for the purpose of providing accommodation for the members thereof and their guests, upon premises of which such association, company, or body are the *bona fide* occupiers, and not for the purpose of making profit divisible amongst the members or any of them, or in support of any object other than the accommodation of the members, or the members and their guests.
- (d) The accommodation must be provided and maintained from the joint funds of the club, and no person shall be entitled under its rules or articles to derive any benefit or advantage from the club which is not shared equally by every member thereof.
- (e) The premises upon which the club is established must be suitable for the purposes of a club.
- (f) No payment or part payment of any secretary, manager, or other officer or servant of the club shall be made by way of commission or allowance from or upon the receipts of the club for liquor supplied.
- (g) A register of members of the club for the time being shall be kept on the club premises as hereinafter required:

Provided that a club shall not be prevented from becoming or continuing registered under this Act by reason of the fact that provision is or can be made for payment out of its funds for the burial of deceased members or for the relief of sick, aged, or necessitous members or persons who were dependent or partly dependent on any deceased members, or of the fact that the rules do not allow the benefit or advantage of such provision to be shared equally by all the members.

In this section "metropolitan district" comprises Perth, East Perth, North Perth, West Perth, Subiaco, Leederville, Claremont, Fremantle, North-East Fremantle, South Fremantle, Canning, and Guildford electoral districts.

Provision to be made in rules of clubs.

**184.** In order that any club may be eligible to be or to continue registered, the rules of the club shall provide—

- (a) that the business and affairs of the club shall be under the management of a committee, elected for not less than twelve months by the general body of members:



- (b) that the committee shall hold periodical meetings, and that minutes of all resolutions and proceedings of such committee be entered in a book to be provided for the purpose;
- (c) that the names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least a week before their election, and that an interval of not less than two weeks shall elapse between nomination and election of ordinary members;
- (d) that all members shall be elected by the general body of members or by the committee, on a day to be notified, and that a record shall be kept by the secretary of the club of the names of the members present and voting on such day;
- (e) that there shall be a defined subscription of not less than one pound per annum payable by members quarterly, half-yearly, or annually in advance;
- (f) that correct accounts and books shall be kept showing the financial affairs of the club, and the particulars usually shown in books of account of a like nature;
- (g) that a visitor shall not be supplied with liquor in the club premises, unless on the invitation and in the company of a member;
- (h) that no liquor shall be sold or supplied for consumption elsewhere than on the club premises unless such liquor is removed from the premises of the club by the member purchasing the same;
- (i) that no persons shall be allowed to become honorary or temporary members of the club, or be relieved of the payment of the regular subscription, except those possessing certain qualifications defined in the rules, and subject to conditions and regulations prescribed therein; and
- (j) that no person who does not possess certain qualification defined by the rules shall be allowed to become an honorary or temporary member of the club—
  - (i) whose usual place of residence is situated within fifteen miles of the club premises;
  - or

(ii) who was afforded the privileges of the club as an honorary or temporary member at any time within three months immediately preceding; or

(iii) who is under the age of twenty-one years;

(k) that no person under twenty-one years of age shall be admitted a member of the club, except where the club is primarily devoted to some athletic purpose, in which case there shall be no limitation of the age of a member of the club: Provided that no liquor shall be sold or supplied to any person under twenty-one years of age, and no member under the age of twenty-one years shall be admitted to any portion of the club premises where liquor is sold or consumed;

No. 39 of 1922,  
s. 111.

*Ibid.*

(l) that no person under eighteen years of age shall be employed in the club; but this restriction shall not apply to persons employed in the administrative work of the club:

Provided that no person under the age of twenty-one shall serve in the bar:

Provided also that no person under the age of eighteen shall be employed in or about a bar or in the delivery of liquor on the club premises;

*Ibid.*

(m) that no steward, cook, or other employee of a registered club shall be employed for a longer period than persons employed in a public house, hotel, restaurant, or coffee palace may for the time being be lawfully employed.

Honorary  
members.

185. (1.) No person shall become an honorary or temporary member of a club unless—

(a) he is proposed in writing, signed by a member, in a form setting out that such person is, to the knowledge of the proposer, eligible according to the rules of the club to be elected an honorary or temporary member; and

(b) notice is posted on the club premises by the secretary thereof, the time of such posting being marked thereon; and

(c) at least four hours elapse between the posting of such notice and the election; and

- (d) the person proposed as an honorary or temporary member is duly elected according to the rules of the club.

(2.) Any person who makes a false statement for the purpose of procuring the election of any person as an honorary or temporary member or is party to a breach of any of the provisions of this section commits an offence against this Act.

Penalty: For a first offence, Ten pounds; for any subsequent offence after a previous conviction, Twenty pounds.

No. 39 of 1922,  
s. 112.

186. (1.) The chairman or two members of the Licensing Court may, on the application of the secretary, grant to any club a permit in writing to admit to the club premises extraordinary honorary members during any time not exceeding seven consecutive hours.

Extraordinary  
honorary mem-  
bers.

(2.) Such permit shall specify the date and the hours on and during which the privilege may be exercised.

(3.) A record of every permit granted under this section shall be kept by the clerk of the Licensing Court.

187. (1.) Subject as hereinafter provided it shall be unlawful—

- (a) for any stranger to use the club premises; or
- (b) for any member or other person to admit any stranger to the use of the club premises:

Strangers and  
visitors.  
No. 39 of 1922,  
s. 113.

Provided that it shall not be an offence, during the hours when liquor may be lawfully sold or disposed of to the public on licensed premises within the district, for a stranger to use or be admitted to the use of such part of the club premises as is set apart for visitors.

Penalty: Ten pounds.

(2.) No stranger or visitor shall be admitted to the club premises during the hours when liquor may not be lawfully sold or disposed of to the public on licensed premises within this district:

Provided that it shall be lawful for a member of a residential club, which contains not less than ten bedrooms if in the metropolitan area, and not less than two bedrooms if outside the metropolitan area, together with a suitable complement of bedding and furniture, and in which meals are customarily provided, on giving six hours' notice in writing to

the secretary, and subject to the approval in writing of the committee; to invite not more than three guests, whose names shall be stated in the notice, to dinner in the club premises on any day except Sunday, and thereupon such guests shall be entitled to use the club premises or such parts of the club premises as are set apart for the use of guests between six p.m. and twelve midnight on such day; but no such guest shall pay or be allowed to pay for any meal, liquor, or other refreshment in the club.

(3.) If any stranger or visitor is admitted or permitted to use the club premises, contrary to this section, the secretary or other person in charge of the registered club commits an offence and shall be liable to a penalty not exceeding Twenty pounds.

Provided that on the application of the secretary of any club, the chairman of any member of the Licensing Court or the clerk of the Court, when the application is not opposed, may by an order in writing suspend the operation of this section in regard to such club on any special occasion during certain hours to be specified in the order.

(4.) The term "stranger" includes any person not being a member, an honorary member, an extraordinary honorary or temporary member, or an officer or servant of the club, or a workman employed on the club premises.

Sale of liquor,  
No. 89 of 1922,  
s. 114.

188. Every registered club shall be closed for the sale of liquor at the hour of eleven o'clock at night, and shall continue so closed until the hour of nine o'clock the following morning, except to *bona fide* lodgers; but no person shall be deemed a *bona fide* lodger in club premises unless such club contains ten bedrooms if in the metropolitan area, and two bedrooms if outside the metropolitan area, together with a suitable complement of bedding and furniture:

Provided that the Licensing Court may grant an occasional license which shall exempt the club from the provisions of this section on any special occasion during certain hours, and on the special occasion to be specified in the license.

#### *Grant and Renewal of Certificates of Registration.*

Applications for  
registration.

189. (1.) Every application for a certificate of registration of a club, or renewal thereof, or for a certificate of removal from the premises of a registered club, shall be made

by the secretary and heard and determined by the Licensing Court of the district in which the premises of the club are situated.

(2.) Applications for certificates of registration or removal may be made at any quarterly sitting of the Licensing Court.

(3.) Applications for renewals of certificates shall be made at the quarterly sitting held in November or December in each year. No. 39 of 1922.  
s. 10.

(4.) No member of the Licensing Court shall be precluded from acting as such for any purpose under this Act by reason only of his being a member of a club.

190. (1.) The secretary of any club desirous of obtaining a certificate of the registration of the club under this Act shall— Notice of application for registration.

- (a) at least fourteen days before applying for the same, deliver to the clerk of the Licensing Court a notice, in writing, and in duplicate, signed by the secretary in the form in the Twentieth Schedule. 20th Schedule.
- (b) Publish a copy of such notice on one day in each week, for at least two weeks preceding his application (and so that the last of such publications is not less than eight days before the time at which the application is to be made), in a newspaper published in the district, or, if none is so published, then in a newspaper generally circulating in the district;
- (c) at the time of making his application, satisfy the Court that all the conditions prescribed by this Act exist with respect to the club:

(2.) Such application shall be accompanied by the following documents, each of which shall be certified as correct under the hand of the secretary, namely—

- (a) three printed copies of all rules of the club;
- (b) a list of members setting forth the names and addresses of all members of the club for the time being, verified by statutory declaration of the secretary.

(3.) Provided that if the application relates to a club for which a certificate granted under the Wines, Beer, and Spirit

Sales Act, 1880, Amendment Act, 1893, is in force, it shall not be necessary to comply with the provisions of paragraph (b) of subsection one.

Notice of  
application for  
renewal.

21st Schedule.

191. (1.) The secretary of any club desirous of obtaining a renewal of its certificate of registration shall, at least fourteen days before applying for such renewal, deliver to the clerk of the Licensing Court a notice in writing, and in duplicate, signed by the secretary, in the form in the Twenty-first Schedule.

(2.) Such notice shall be accompanied by the following documents, namely—

- (a) two printed copies of all rules of the club;
- (b) a list of members, setting forth the names and addresses of all members of the club for the time being verified by statutory declaration of the secretary.

(3.) It shall not be necessary for an applicant for such renewal to publish any notice, or to attend at the hearing of the application, unless required by the Licensing Court so to do, or unless notice of objection to such renewal has been duly served upon the club.

Copy of applica-  
tion to be  
forwarded to in-  
spector.

192. (1.) Where application is made for the grant or renewal of any such certificate, the clerk of the Licensing Court shall forthwith forward a copy of such application to the inspector of licensed premises for inquiry and report; and on receipt of notice of any objection which may be lawfully taken as hereinafter provided shall forward a copy of the same to such inspector for inquiry and report, and to the secretary of the club.

Inspection of  
club premises.

(2.) The inspector shall, on receipt of such notice, inspect the premises of the club and the register of its members, and satisfy himself by all proper inquiries that the particulars contained in the application are correct.

(3.) If the inspector believes that the provisions of this Act with respect to such premises and otherwise are fully complied with, and that the particulars contained in the copy of the register are correct, he shall forthwith give to the applicant or person in charge of the premises a certificate as nearly as may be in the form of the Twenty-second Schedule.

22nd Schedule.

(4.) If he finds that such provisions have not been complied with, or that such particulars are incorrect, he shall

withhold such certificate, and report his refusal, with a statement of the grounds thereof, to the clerk of the Licensing Court, at least seven clear days before the day appointed for the hearing of such application.

193. The clerk of the Licensing Court shall—

Lists to be published.

- (a) cause a list to be prepared, showing the name and place of abode of every applicant for a certificate, or for the renewal of a certificate, and the situation of the premises in respect of which application is made;
- (b) ten days before every meeting at which any application is to be heard, cause one copy of such list to be posted in some conspicuous place outside, and one copy inside, of the building in which the sitting of the Licensing Court is appointed to be held;
- (c) report to the Licensing Court in respect of every application for a certificate of registration, whether the applicant has previously been an applicant for a certificate of registration, and, if so, with what result; and
- (d) when objection by any person has been made to any application for a certificate, or for the renewal thereof, forward a copy thereof to the inspector of licensed premises for inquiry and report, and to the secretary of the club.

194. (1.) At the hearing of any application for the grant or renewal of a certificate, objections may be taken by any person competent to object to the grant or renewal of a license under Part IV. of this Act, upon one or more of the following grounds:—

Objections.  
No. 39 of 1922,  
ss 115, 134.

- (a) That the application made by the club is, or the rules of the club or any of them are in any respect specified in such objection, not in conformity with this Act.
- (b) That the club has ceased to exist, or that the number of members is less than as prescribed by paragraph (a) of section one hundred and eighty-three.
- (c) That the club is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose, or mainly for the supply of liquor.

- (d) That there is frequent drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner.
- (e) That illegal sales of liquor have taken place in the club premises.
- (f) That persons who are not members are habitually admitted to the club premises merely for the purpose of obtaining liquor.
- (g) That the club occupies premises in respect of which, within twelve months next preceding the formation of the club, a certificate for the sale of liquor has been forfeited, or the renewal of such certificate has been refused.
- (h) That the supply of liquor to the club is not under the control of the members or the committee appointed by the members.
- (i) That any of the rules of the club are habitually broken.
- (j) That the rules have been so changed as not to be in conformity with the provisions required by this Act to be embodied in the rules; or
- (k) That any other specified provision of this Act has not been complied with.

(2.) For the purpose of determining whether a club is likely to be conducted or is being conducted in good faith as a club, the Licensing Court shall have regard to the nature of the premises occupied by the club.

#### *Duration of Certificates.*

Duration of  
Certificates.

**195.** (1.) Subject to this Act, every certificate of registration shall commence and take effect from the date on which it is therein stated to commence, and shall, unless previously cancelled or suspended, be in force until and including the thirty-first day of December then next following.

(2.) A renewal shall be for twelve months from the day when the certificate of the last preceding renewal thereof expires.

#### *Removals.*

Certificate of  
removal.

**196.** (1.) The premises of a registered club may be changed under the authority of a certificate of removal granted by the Licensing Court.



(2.) When such club desires to remove from the premises occupied by it to any other premises, the secretary shall at least fourteen days before applying for a certificate, deliver to the clerk of the Licensing Court a notice in the form or to the effect of the Twenty-third Schedule.

23rd Schedule.

(3.) The only objection that can be taken to any such application shall be that the proposed premises are not suitable for a club.

(4.) Provided that, if the premises of a club are, by fire, tempest, or other calamity, rendered unfit for the purposes thereof, the club may, without application to the Licensing Court, remove to other premises, under its existing certificate, for any period not extending beyond the currency of the certificate; but notice of such removal and of the reason therefor shall be forthwith given by the secretary to the clerk of the Licensing Court.

Temporary removal where premises destroyed.

*Notice of Objections.*

197. No objector shall be heard against any application unless notice of the objection has been given to the clerk of the Licensing Court and to the applicant at least five clear days before the time appointed for the hearing of the application to which such notice applies:

Notice of objections.

Provided that the Licensing Court shall not be precluded from entertaining any objection which may arise during the hearing of an application, but the applicant shall then be entitled to an adjournment for such time as the Court thinks fit.

*Hearing of Applications.*

198. (1.) The proceedings of the Licensing Court on the consideration of any application or any objection to an application for a certificate of registration of a club, and also of every application or objection to any application to renew such certificate or change the premises, shall be public.

Hearing of application.

(2.) The Licensing Court shall—

- (a) hear, inquire into, and determine on the merits all such applications, and also all objections which are made to any such applications;
- (b) hear on oath such witnesses as are called;
- (c) grant or refuse the application entirely in the exercise of its discretion, and against such grant or refusal there shall be no appeal; and may

(d) direct that such additional accommodation shall be supplied in or repairs made to such club premises and in such manner and within such reasonable time as it deems fit.

(3.) If, in the opinion of the Court, any objection is frivolous or vexatious, the person making the objection shall, on the order of the Court, be liable to pay the costs of the applicant in the proceedings.

(4.) When any such application is refused the chairman of the Court shall pronounce the decision in open court, and shall then and there make a statement of the grounds of the refusal, and shall cause such statement to be entered on the records of the Court.

(5.) No compensation shall be payable to any person by reason of the refusal of the Licensing Court to grant any application.

Registration and  
issue of  
certificate.

24th Schedule.

199. When an application for the registration of a club is granted, an entry thereof shall be made in a register to be kept by the clerk of the Licensing Court, and a certificate under the hand of the clerk, in the form in the Twenty-fourth Schedule, shall be issued to the club upon payment of the registration fee in respect thereof as hereinafter prescribed.

Refusal of  
Application.

200. When any application for a certificate or renewal is refused, an entry thereof shall be made by the clerk of the Licensing Court on the records of the Court.

### *Fees.*

Fees.  
No. 39 of 1922,  
s. 116.

201. (1.) The fee payable for a certificate of registration of a club for a year, and for every renewal thereof, shall be assessed and determined by the Licensing Court at a per centage of five pounds per centum on the amount paid or payable for all liquor (excluding the duties thereon and the cost of carriage from place to place within the State) purchased by or for such club during the twelve months ended on the thirtieth day of September next preceding the date of the application for registration, or the renewal thereof; and the provisions of section seventy-three of this Act shall, *mutatis mutandis* apply.

Provided that for the purpose of the first assessment in the case of a club which has not been authorised to sell or supply liquor for such twelve months the percentage may be

assessed on an estimate by the Court of the gross amount to become payable for all liquor purchased during the currency of the certificate.

(2.) Every applicant for the registration or renewal of registration of a club shall at least fourteen days before the hearing of his application by the Licensing Court forward to the clerk of the Court a statutory declaration by such applicant in the form in the Twenty-fifth Schedule setting forth, with regard to the twelve months ended on the preceding thirtieth day of September as nearly as practicable, the gross amount paid or payable for liquor purchased for the club, including any duties thereon.

25th Schedule.  
See Regulation  
in Gazette for  
16th March,  
1923.

The applicant shall also, if required by the Court so to do, produce the books and accounts of the club for inspection by the Court.

(3.) In the event of insufficient information being produced to the Court to enable the Court to determine the gross amount paid or payable during the said period, the Court shall finally and conclusively assess the amount at such sum as the Court thinks reasonable.

(4.) Provided the minimum annual registration fee shall be Five pounds.

#### *Cancellation of Registration.*

202. (1.) Upon the complaint of an inspector, the chairman or any member of the Licensing Court may issue a summons to the secretary of any registered club calling upon him to show cause at a sitting of the Licensing Court why the certificate of registration of the club should not be cancelled, on all or any of the grounds of objection to the grant or renewal of a certificate as hereinbefore provided, or on the ground that the conditions of registration have not been complied with.

Cancellation of  
registration.  
No. 39 of 1922.  
s. 117.

(2.) Such summons shall be served at least eight days before the day appointed for the sitting of the Licensing Court at which the matter is to be heard: Provided that if the secretary of any registered club cannot be found, or if there is no secretary, such summons may be served by affixing the same upon a conspicuous part of the premises of the club.

(3.) The Licensing Court shall hear and determine the matter of such complaint, and may—

(a) cancel the certificate; or

(b) suspend the certificate until any conditions prescribed by or under this Act are complied with; or

(c) dismiss the complaint.

No. 39 of 1922,  
s. 117.

(4.) A sitting of the Licensing Court may be held to determine complaints under this section at such time as the chairman may appoint.

(5.) The costs of the hearing and determination of every such matter shall be in the discretion of the Licensing Court.

(6.) During the period of any such suspension as aforesaid the club shall be deemed to be an unregistered club.

#### *Unlawful Sale of Liquor.*

Supplying or  
keeping liquor in  
unregistered  
club.

**203.** (1.) If any liquor is supplied or sold on the premises of an unregistered club, the person supplying or selling such liquor, and every person authorising the supply or sale of such liquor, commits an offence against this Act.

Penalty: One hundred pounds, or imprisonment for six months, or both.

(2.) If any liquor is kept for supply or sale on the premises of an unregistered club, every officer and member of the club commits an offence against this Act, unless he proves to the satisfaction of the Court that such liquor was so kept without his knowledge or against his orders or consent.

Penalty: Ten pounds.

Supplying liquor  
for consumption  
outside regis-  
tered club.

**204.** (1.) If any liquor is sold or supplied in a registered club for consumption outside the premises of the club, except to a member on the premises and for his own consumption, every person supplying or selling such liquor, every person who obtains such liquor, and every person authorising the sale or supply of such liquor commits an offence against this Act.

Penalty: Fifty pounds.

(2.) Where it is proved that such liquor has been received, delivered, or distributed in the premises of the club and taken outside the premises, it shall, failing proof to the contrary, be deemed to have been so taken for consumption outside the premises.

Sale of liquor on  
Sundays.  
No. 39 of 1922,  
s. 118.  
No. 35 of 1923,  
s. 2.

**205.** No liquor shall be sold or disposed of in any club on Sunday or Anzac Day (the twenty-fifth day of April), except to *bona fide* lodgers or to members of the club being

served with a meal between the hours of twelve and two in the afternoon or six and nine in the evening.

Penalty: For a first offence, Fifty pounds; for any subsequent offence, One hundred pounds.

*Inspection.*

206. (1.) Club premises shall be open at all times to the inspection of any inspector of licensed premises or inspector of liquor, or a member of the police force authorised in writing by a member of the Licensing Court, who shall respectively have power to enter into and search all such premises.

Premises to be open to inspection.  
No. 39 of 1922,  
s. 119.

(2.) The secretary or other person in charge of a registered club who refuses to admit an inspector or such authorised member of the police force on his demanding to enter, or obstructs him or causes or permits him to be obstructed or delayed in the discharge of his duty, commits an offence against this Act.

Penalty: Twenty pounds.

(3.) Part X. of this Act shall apply to club premises which shall be deemed to be licensed premises for the purposes of Part X.

207. (1.) If the chairman or any member of the Licensing Court is satisfied, by complaint on oath, that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for the cancellation or suspension of the certificate of registration thereof, or that any liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any member of the police force.

Search warrant.

(2.) A search warrant granted under this section shall authorise the member of the police force named therein and such assistants as he may deem requisite to enter the club, if need be by force, and to inspect the premises of the club, to take the names and addresses of any persons found therein, and to seize any liquor kept for sale or supply as aforesaid and the vessels containing the same, and the registers, books, and papers relating to the business of the club.

(3.) If admittance to such premises is refused or delayed to a member of the police force authorised as aforesaid, such member may break into the premises with such assistance as may be deemed requisite.

(4.) Any person who—

- (a) refuses or wilfully so delays admittance as aforesaid; or
  - (b) being on any premises, entered by a member of the police force under this section, on being asked by such member his name and address, refuses or neglects to give such name or address, or wilfully gives a false name or address,
- commits an offence against this Act.

Penalty: Ten pounds.

#### *Register of Members.*

Register of  
members to be  
kept.

208. (1.) The secretary of every registered club shall keep on the club premises a register of members setting forth the names in full and addresses of all members of the club for the time being, and the date of the last payment by each member of his subscription, and such register shall be open at any time to the inspection of an inspector or any police officer authorised in writing by the chairman or any member of the Licensing Court.

(2.) Any secretary who fails to keep such register containing the prescribed particulars, or who wilfully makes any false entry therein, or any secretary or other person who prevents or obstructs any such inspection as aforesaid, commits an offence against this Act.

Penalty: Fifty pounds.

#### *Miscellaneous.*

Clerk to keep  
register.

209. (1.) The clerk of the Licensing Court shall keep a register of all certificates granted from time to time to clubs in the district; and such register shall contain with respect to each club the particulars following, namely:—

- (a) date of certificate, and whether granted for the first time or on renewal;
  - (b) name and object of the club;
  - (c) situation of the premises of the club;
  - (d) names and addresses of the officials of the club, including the secretary; and
  - (e) number of members;
- and shall also keep a copy of the rules for the time being.

(2.) The clerk shall, as occasion may require, make such alterations and additions as may be required in such register

by reason of the granting of further certificates or the renewal, cancellation, or suspension of certificates previously granted, or the granting of certificates of removal, or by reason of changes in any of the above-mentioned particulars.

(3.) Such register shall at all reasonable hours be open to the inspection of an inspector or of any police officer without fee, and of any other person on payment of a fee of one shilling.

210. The committee of management of a registered club shall— Change of secretary.

(a) within fourteen days after any change in the secretaryship thereof, forward notice in writing of such change to the clerk of the Licensing Court, and such notice shall be *prima facie* evidence of the appointment of the person named therein as the secretary of such club;

(b) within fourteen days from the making of any amendment or alteration in the rules of such club forward to the said clerk a certified copy of every such amendment or alteration. Alteration of rules.

Penalty: Five pounds.

211. It shall be the duty of the secretary of every registered club to keep a register of lodgers, and the provisions of this Act relating to the register of lodgers to be kept by licensed persons shall *mutatis mutandis* apply, and such register shall at all times be open to inspection by any inspector of licensed premises or police officer acting with the authority in writing of a member of the Licensing Court. Register of lodgers.  
No. 39 of 1922,  
s. 120.

Penalty: Twenty pounds.

212. (1.) The following enactments of this Act shall apply to registered clubs, namely—Sections one hundred and forty-one, one hundred and forty-seven, one hundred and sixty, one hundred and sixty-three, and one hundred and sixty-six. Application of other provisions of Act.  
No. 39 of 1922,  
ss. 121, 134.

(2.) In applying such enactments the words "club premises" shall be read for "licensed premises," and "secretary of the club" for "licensee."

213. Any person who in any written application, notice or document, made to or produced before the Licensing Court for any purpose under this Part of the Act, makes any state- False statement.

ment which is false in any material particular, commits an offence against this Act.

Penalty: Fifty pounds.

#### PART IX.—INSPECTION OF LICENSED PREMISES.

Appointment of  
inspectors.

214. (1.) The Governor may appoint, and at his discretion remove inspectors of licensed premises and inspectors of liquor.

(2.) Every inspector and sub-inspector of police, and the senior member of the police force in any licensing district shall, *ex officio*, be an inspector of licensed premises.

(3.) An inspector of liquor may exercise any of the powers conferred by this Act on an inspector of licensed premises.

Duties of  
inspectors.  
No. 39 of 1922,  
s. 122.

215. It shall be the duty of every inspector of licensed premises—

- (a) to ascertain, by personal inspection, the mode in which the licensed premises situated within the licensing district to which he is appointed are conducted and managed, and the state, condition, nature, and extent of accommodation of such premises,
- (b) to see that the provisions of this Act relating to such premises and the licensee thereof are duly observed; and
- (c) to attend the quarterly and special sittings of the Licensing Court of such district; and to report upon licensed premises situated therein, and such report shall describe the condition of the premises, fittings, and furniture, and the manner in which such premises have been conducted during the preceding twelve months, and generally as to whether the provisions of this Act are duly observed.

Copies of such reports to be forwarded to the Commissioner of Police.

Inspectors may  
enter licensed  
premises.

216. (1.) Any inspector of licensed premises may at all times enter any licensed premises for the purpose of detecting or preventing the violation of any of the provisions of this Act.

(2.) Any licensee or other person in charge of licensed premises who refuses to admit an inspector on his demanding



to enter, or obstructs him, or causes or permits him to be obstructed or delayed in the discharge of his duty, commits an offence against this Act.

Penalty: Fifty pounds.

217. Any inspector who takes or receives any fee, perquisite, gratuity, or reward, whether pecuniary or otherwise, either directly or indirectly, from any person on account of anything done or omitted to be done by him, or in any other way relating to his office or employment, not being part of his official emoluments, commits an offence against this Act.

Penalty on inspectors receiving bribes.

Penalty: One hundred pounds, or imprisonment for six months.

218. Any person who, directly or indirectly, gives, offers, or promises to any inspector any fee, perquisite, gratuity, or reward, commits an offence against this Act.

Penalty for offering bribes to inspectors.

Penalty: One hundred pounds.

219. A branch of the Police Department shall be established to deal with the inspection of licensed premises, or any other premises in which intoxicating liquor is for sale.

Branch of Police Department to deal with inspection, etc., of licensed premises.  
No. 39 of 1922, s. 123.

Such branch shall, subject to the control of the Commissioner of Police, be in charge of an experienced senior officer, whose time shall be devoted exclusively to such duties and the inspection of liquor and reporting upon the management and condition of licensed premises, or any other premises in which intoxicating liquor is for sale, to the Commissioner of Police and the Licensing Courts.

Such officer and any member of the police force attached for the time being to such branch of the department shall, *ex officio*, be an inspector of licensed premises.

Inspectors of liquors appointed under the Health Act shall be officers of the Police Department established under this section.

## PART X.—ADULTERATION OF LIQUOR.

220. In this Part of this Act spirits are regarded as being at proof when the alcohol is mixed with water in such proportions that at a temperature of 60 degrees Fahrenheit, the specific gravity of the admixture is 919.8 (water being 1,000), and the indication on Sykes' hydrometer is 58.8.

Definitions of proof and under-proof.

The term "under-proof," applied to spirits, means spirits of greater specific gravity than above mentioned.

Specific gravity,  
how ascertained.

221. The specific gravity of spirits shall, for the purposes of this Act, be ascertained by Sykes' hydrometer.

Governor may  
appoint public  
analyst.

222. The Governor may appoint, on such terms as he may think fit, and may remove or dismiss one or more public analysts.

Every such appointment shall be notified in the *Government Gazette*.

Such persons may be required, among other duties, to act as analysts under this Act.

Every public analyst exercising that office at the commencement of this Act shall act as analyst under this Act.

Sale or possession of adulterated liquor.

223. (1.) Any licensed person, or any person authorised by subsection one of section forty-six to sell wine without a license who, by himself, his agent, or servant, sells or disposes of, or offers or attempts to sell or dispose of, or shall have upon his licensed premises, or on his premises, vineyard, or orchard, as the case may be, any liquor which is adulterated with water or any other substance, or which is mixed with or contains any tobacco, vitriol, opium, cocculus indicus, grains of paradise, quassia, alum, salt of tartar, creosote, or any extract or preparation of any of the aforesaid substances, or any matter or ingredient which is injurious to health, commits an offence against this Act.

Penalty: For a first offence, Fifty pounds, together with Two pounds in respect of the analysis of the liquor; for a second offence, One hundred pounds or imprisonment for six months, or both, together with Two pounds in respect of the analysis of the liquor.

(2.) On a second or subsequent conviction of a licensed person under this section the Court may declare the license forfeited and declare the licensee disqualified from obtaining a license, or a renewal or a transfer of a license, for any period not exceeding three years.

(3.) Provided that, where the offence charged is in respect of liquor not adulterated otherwise than with water, proof that such admixture has not reduced the spirit more than twenty-five degrees under-proof for brandy, whisky, or rum, or thirty-five degrees under-proof for gin, shall be a good defence.

224. (1.) No person shall sell or supply to any other person, or have on his premises apparently for sale, whisky that has not been kept for at least three years in wood.

Whisky to have been kept three years in wood. No. 39 of 1922, s. 124.

Penalty: For a first offence, Fifty pounds; for any subsequent offence, One hundred pounds.

(2.) The provisions of the Health Act, 1911-19, relating to liquor are incorporated with this Act, and any offences thereunder shall be deemed to be offences under this Act.

225. Any inspector of liquor or inspector of licensed premises or other person authorised in that behalf by the Minister may demand and take for analysis a sample or samples, not being more than he reasonably requires, of any liquor found by him or being upon any licensed premises, upon payment or tender of a reasonable sum for the same.

Inspector may demand samples for analysis. No. 39 of 1922, s. 125.

226. (1.) Any inspector or other person authorised in that behalf by the Minister who purchases any liquor at a licensed house or premises, or from any person licensed to sell liquor or his agent or servant, and who intends to have such liquor analysed by a public analyst, shall, after the purchase is completed, forthwith notify such intention to the seller, or his agent or servant selling the liquor, and divide the liquor into three parts, to be then and there separated, each part to be sealed up and marked, and shall deliver one of the parts to the seller, his agent or servant.

Liquor may be purchased for analysis.

(2.) The inspector or other person authorised in that behalf by the Minister shall afterwards retain one of the said parts for future comparison, and submit the third part, if he deems it right to have the liquor analysed, to the analyst.

(3.) If the liquor cannot be conveniently divided into three parts, it shall suffice if it is divided into two parts, one being delivered to the seller and the other retained by the inspector for future comparison or analysis.

No. 39 of 1922, s. 125.

227. Any licensed person, or the agent or servant of any licensed person, who refuses to sell to an inspector of licensed premises or other person authorised in that behalf by the Minister any sample of liquor duly demanded as aforesaid, or obstructs any inspector or other person authorised in that behalf by the Minister on the occasion of his duly demanding or buying any liquor for analysis, commits an offence against this Act.

Obstruction of inspectors taking samples of liquor. No. 39 of 1922, s. 125.

Penalty: Fifty pounds.

Delivery and  
analysis of  
samples of  
liquor.

No. 39 of 1922,  
s. 126.

Certificate of re-  
sult of analysis.  
26th Schedule.

Certificate of  
analyst to be  
evidence.

Certain  
averments in  
complaint to be  
sufficient.

Proceedings by  
indictment and  
on contracts to  
be affected.

228. Any sample of liquor taken or purchased as aforesaid may be delivered to a public analyst with a suitable identification number, by the inspector.

229. Every public analyst acting under this Act shall set forth the result of his analysis, in a certificate in the form in the Twenty-sixth Schedule, or to the like effect, and he shall deliver, without fee, a copy thereof, signed by him, to the inspector or licensed person, or his agent, requiring the same, and shall retain and keep one signed copy thereof.

230. At the hearing of the complaint, the production of the certificate of the analyst shall be sufficient evidence of the facts therein stated, unless the defendant requires that the analyst shall be called as a witness, and that the sample retained by the person who purchased it shall be produced.

231. In every proceeding under this Part of this Act the averment of the complaint contained in the complaint that the complainant is an inspector and that the defendant is a licensee, and that the premises are licensed premises, shall be deemed to be proved in the absence of proof to the contrary.

232. Nothing in this Act contained shall affect the power of proceeding by indictment, or take away any other remedy against any offender against this Part of this Act, or in any way interfere with contracts and bargains between individuals, and the rights and remedies belonging thereto.

Provided that, on any action brought by any licensed person for breach of contract on the sale to him of any liquor, such person may recover, alone or in addition to any other damages recoverable by him, the amount of any pecuniary penalty in which he may have been convicted under this Part of this Act, together with the costs paid by him upon such conviction, and those incurred by him in and about his defence thereto, if he proves that the liquor, the subject of such conviction, was sold to him as and for a liquor of the same sort as was demanded of him or purchased from him, and that he purchased it not knowing it to be otherwise, and afterwards sold it, not knowing it to be otherwise, in the same state in which he purchased it; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was unreasonable.

PART XI.—MISCELLANEOUS.

233. (1.) If any licensed premises are held under lease, granted prior to the Licensing Act Amendment Act, 1922, 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 that Act, and a like proportionate return of a part of the premium (if any) paid by the lessee to the lessor:

Apportionment  
of rent and  
premium.  
See No. 63 of  
1915, s. 16.  
No. 1 of 1917,  
s. 8.  
No. 39 of 1922,  
s. 127.

Provided that if any lessee or lessor considers himself insufficiently recompensed or unduly penalised by 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 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.

(2.) Where a lease has been assigned or transferred for monetary consideration, the right which, except for such assignment or transfer, would have continued in the lessee to a proportionate return of a part of the premium paid by the lessee to the lessor shall, subject as hereinafter provided, vest in the assignee of the lease: Provided that where such consideration paid by an assignee or transferee is less than the amount of the premium paid by the lessee, the proportionate return of a part of the premium shall be calculated on the amount of such consideration.

(3.) This section—

- (a) shall only apply to premises for which a publican's general license, an hotel license, a wayside-house license, an Australian wine and beer license, a railway refreshment-room 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.

(4.) In this section—

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

Liquid presumed  
to be liquor.  
Every sale a  
separate offence.

234. In any proceedings for an offence against any of the provisions of this Act—

- (a) any liquid shall, until the contrary is proved, be deemed to be liquor; and
- (b) every separate sale or supplying shall be a separate offence.

Proceedings for  
offences under  
Act.

235. Every offence under this Act may be prosecuted, every penalty recovered, and every order enforced in a summary manner under the provisions of the Justices Act, 1902, but no justice who holds a license or who is the owner of or interested in any licensed premises shall adjudicate in any proceedings instituted under this Act.

Licenses to be  
produced on  
hearing of  
charges against  
licensees.

236. (1.) Whenever any licensed person is charged with any offence under this Act he shall produce his license to the justices of the peace hearing such charge, and if such licensed person is convicted of any offence on such hearing the justices shall indorse a memorandum of such conviction on such license.

(2.) Any licensed person who upon the hearing of such charges refuses or neglects to produce his license, commits an offence against this Act.

Penalty: Twenty pounds.

As to penalties  
and their  
remission.

237. The convicting justices may, in their discretion, direct that any complainant or informer shall receive a portion not exceeding in any case one moiety of any penalty recovered under this Act:

Provided that the Governor may remit the whole or any part of such penalty.

Minimum  
penalty.

238. No minimum penalty imposed by this Act shall be liable to reduction under any power of mitigation which would but for this section be possessed by any Court.

Proof of license.  
No. 39 of 1922,  
s. 128.

239. (1.) Any person alleged in any complaint under this Act to be a licensed person shall, for all purposes connected with and in all proceedings under or upon such complaint, be

deemed to be a licensed person, and to be licensed in respect of the premises (if any) in respect of which he is, in such complaint, alleged to be licensed, unless he at the hearing of such complaint satisfies the Court to the contrary.

(2.) In all proceedings under this Act against any person for carrying on without a license any trade or business, for the exercise whereof a license is required by law, such person shall, for all purposes connected with such proceedings, be deemed and taken to be unlicensed, unless he produces the license authorising him to carry on such trade or business, to the justices hearing the case, or produces other proof which is satisfactory to such justices, of his being duly licensed to carry on such trade or business.

Burden of proof.

240. Notwithstanding any rule of law to the contrary, the evidence of a police officer, or of an inspector of licensed premises in any proceeding before any court of law, against a person charged with an offence against this Act, shall not be deemed to be, nor treated as, the evidence of an accomplice or accessory, so as to require corroboration, by reason only of the fact that such police officer or inspector purchased or obtained the liquor, the subject of the prosecution, from the person charged.

Certain persons obtaining liquor not to be regarded as accomplices.

241. The delivery to any person of liquor by a licensed or unlicensed person or by the owner or occupier of any licensed or unlicensed house or premises, or by his servant or other person in any licensed or unlicensed house or premises, shall be *prima facie* evidence of money or other consideration having been given or exchanged for such liquor.

Delivery of liquor to be *prima facie* evidence of payment for same.

242. Any justices of the peace declaring any license forfeited may, if they think fit, order the person whose license is forfeited to pay costs to the person on whose complaint such forfeiture shall have been ordered.

Costs on forfeiture of license.

243. No notice of any intended application to the Licensing Court under this Act shall be deemed insufficient or invalid by reason only that in such notice there is an omission or incorrect or insufficient description or misdescription in respect of any matter or particulars required to be contained in such notice if the Court shall be satisfied that such omission or incorrect or insufficient description or misdescription was accidental or due to inadvertence and was not of such a nature as to be liable to mislead.

Notices not invalid for errors not likely to mislead.

Governor may  
notify irregu-  
larities.

244. If through any accidental or unavoidable impediment or omission, anything required by this Act to be done is omitted to be done or is not done within the time fixed, the Governor may take all such measures as may be necessary for removing such impediment or rectifying such omission, and may validate anything that has been irregularly done in matter of form so that the intents and purposes of this Act may have effect.

Proceedings not  
to be quashed  
for want of form.

245. No order, warrant, or other proceeding made, or purporting to be made under or concerning the conviction of any offender against this Act shall be quashed or vacated for want of form only, or be removed or removable by *certiorari*, or by any writ or process whatsoever into the Supreme Court.

License may be  
surrendered.

246. A licensee being the owner of the licensed premises or with the consent of the owner, may, with the permission, in writing, of the chairman or any two members of the Licensing Court, surrender his license and thereupon the premises shall cease to be licensed:

Provided that no license shall be surrendered unless the consent of every person entitled to any freehold or leasehold interest in the premises in possession, remainder, or reversion, or to any mortgage, charge, or security affecting such premises shall be first had and obtained.

Protection of  
officers.

247. For the protection of persons acting in the execution of this Act—

- (a) notice in writing of any action about to be commenced for anything done under this Act shall be given to the defendant one month at least before the commencement of the action; and
- (b) in every such action the defendant may plead the general issue; and give this Act and the special matter in evidence at any trial to be had thereupon; and
- (c) if a verdict shall pass for the defendant, or the plaintiff becomes non-suited or discontinues such action, or if judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and have the like remedy for the same as any defendant has by law in other cases; and, though a verdict is given for the plaintiff in any such action, such plaintiff shall not have



costs against the defendant unless the judge before whom the trial is held shall certify his approbation of the action and of the verdict obtained therein.

248. (1.) It shall be sufficient in all cases to use such of the forms provided in the schedules to this Act, or by regulation as in this section mentioned, as are applicable.

Forms sufficient if substantially correct.

(2.) Any form may be varied to suit the circumstances of the case, and no variation in any form used shall invalidate such form, provided that the substance and effect thereof are not altered.

(3.) By regulations made under this Act any form provided in such schedules may be altered and new forms may be provided in substitution for, or in addition to, or for other purposes than those for which any of the forms provided in such schedule are provided.

249. The Governor may make regulations for the more efficient administration and carrying out of the provisions of this Act, or any part thereof, and prescribing scales of fees to be taken in Licensing Courts, and of fees and allowances to be paid to returning officers and other persons, and of the travelling expenses to be allowed to members of Licensing Courts, and may in any such regulations impose any penalty not exceeding twenty pounds for the breach of the same.

Regulations.

By Section 133 of the Licensing Act Amendment Act, 1922, it is provided as follows:—

133. Notwithstanding anything contained in this Act to the contrary, a gallon or two-gallon license, or a spirit merchant's license, under and subject to the principal Act may, on payment of the fee payable under that Act, be granted or issued to any person who, prior to 31st December, 1922, is an applicant or the holder of a certificate for such license, but section thirty-four of this Act [Section 73 of the principal Act as reprinted] shall apply to such license.

Saving of right of renewal of certain licenses under pending applications.

Provided that the Receiver of Revenue shall, if required so to do—

- (a) issue to the holder of a certificate for a gallon license or two-gallon license, in lieu of such license, a spirit merchant's license under and subject to this Act, on payment of the prescribed fee;
- (b) issue to the holder of a certificate for a two-gallon license held by or on behalf of a person carrying on the business of a brewer, in lieu of such license, a brewer's license, and also, if so desired a spirit merchant's license under and subject to this Act, on payment of the prescribed fees;
- (c) issue to the holder of a certificate for a spirit merchant's license under the principal Act, in lieu of such license, a spirit merchant's license under and subject to this Act, on payment of the prescribed fee.

Sec. 3.

## SCHEDULES.

## First Schedule.

Date of Act.	Title of Act.
44 Vict., No. 9 ..	The Wines, Beer, and Spirit Sale Act, 1880.
44 Vict., No. 21 ..	The Railway Refreshment Room Licensing Act, 1881.
48 Vict., No. 14 ..	The Wines, Beer, and Spirit Sale Amendment Act, 1884.
50 Vict., No. 26 ..	The Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1886.
52 Vict., No. 13 ..	The Goldfields Licensing Act, 1888.
53 Vict., No. 8 ..	The Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1889.
57 Vict., No. 25 ..	The Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1893.
59 Vict., No. 15 ..	The Railway and Theatre Refreshment Rooms Licensing Act, 1895.
61 Vict., No. 25 ..	The Sale of Liquors Amendment Act, 1897.
62 Vict., No. 34 ..	The Wines, Beer, and Spirit Sale Amendment Act, 1898.
63 Vict., No. 4 ..	The Sale of Liquors Amendment Act, 1899.
63 Vict., No. 21 ..	The Wines, Beer, and Spirit Sale Act, 1899.
1 & 2 Edwd. VII., No. 2 ..	The Wines, Beer, and Spirit Sale Amendment Act, 1902.
2 Edw. VII., No. 4 ..	The Railway and Theatre Refreshment Rooms Licensing Act Amendment, 1902.
2 Edw. VII., No. 44 ..	The Wines, Beer, and Spirit Sale Act Amendment Act, 1902.
5 Edw. VII., No. 21 ..	The Wines, Beer, and Spirit Sale Amendment Act, 1905.
9 Edw. VII., No. 1 .. (No. 5 of 1909)	The Wines, Beer, and Spirit Sale Act Amendment Act, 1909.
No. 39 of 1922, s. 132, No. 46 of 1911 ..	The Licensing Act Amendment Act, 1911 (Section 2).
No. 1 of 1917 ..	The Sale of Liquor and Tobacco Act, 1916 (Section 11).

## Second Schedule.

## The Licensing Act, 1911.

## PUBLICAN'S GENERAL LICENSE.

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at  
a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, by its certificate dated  
the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of  
a Publican's General License for certain premises known [or to be known] as  
\_\_\_\_\_, situated at \_\_\_\_\_

And whereas the said Licensing Court assessed the annual value of the said  
premises at £ \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the  
fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to sell and  
dispose of liquor in any quantity on the said premises under and subject to the  
provisions of the Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and  
continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.

(Place of issue.)

Sec. 28.

*The Licensing Act, 1911.*

HOTEL LICENSE.

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of an Hotel License for certain premises \_\_\_\_\_, situated at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to keep an hotel and to sell liquor therein to lodgers or boarders in the said hotel for the use of such lodgers or boarders or their guests and to persons taking a meal at the said hotel during such meal (such liquor to be consumed on the premises) under and subject to the provisions of the Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Receiver of Revenue.

(Place of issue).

*The Licensing Act, 1911.*

WAYSIDE-HOUSE LICENSE.

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of a Wayside-House License for certain premises known [or to be known] as \_\_\_\_\_ situated at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to sell and dispose of liquor in any quantity on the said premises under and subject to the provisions of the Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Receiver of Revenue.

(Place of issue).

*The Licensing Act, 1911.*

AUSTRALIAN WINE AND BEER LICENSE.

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of an Australian Wine and Beer License for wine and beer made in any State of the Commonwealth, for certain premises, situated at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to sell wine and beer made in any State of the Commonwealth in any quantity on the said premises (such wine to be made from fruit grown in the Commonwealth) under and subject to the provisions of the Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Receiver of Revenue.

(Place of issue).

*Licensing.**The Licensing Act, 1911.***AUSTRALIAN WINE LICENSE.**

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at \_\_\_\_\_  
 sitting on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated  
 the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of  
 \_\_\_\_\_, of an Australian Wine License for the sale of wine made in any  
 State in the Commonwealth, for certain premises, situated at \_\_\_\_\_  
 And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the  
 fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to sell wine  
 made in any State of the Commonwealth, the produce of fruit grown in the Com-  
 monwealth of Australia, on the said premises, under and subject to the provisions  
 of the Licensing Act, 1911.

The License to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and  
 continue until the 31st of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.

*The Licensing Act, 1911.***AUSTRALIAN WINE BOTTLE LICENSE.**

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at \_\_\_\_\_  
 sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate  
 dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_  
 of \_\_\_\_\_, of an Australian Wine Bottle License for the sale of wine  
 made in any State of the Commonwealth, for certain premises, situated  
 at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the  
 fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to sell wine  
 made in any State of the Commonwealth, the produce of fruit grown in the Com-  
 monwealth of Australia, on the said premises, under and subject to the provisions  
 of the Licensing Act, 1911.

The License to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and  
 continue until the 31st of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.

*The Licensing Act, 1911.***PACKET LICENSE.**

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at \_\_\_\_\_  
 sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated  
 the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to A.B. of a  
 Packet License for the vessel known as \_\_\_\_\_, being a vessel licensed to  
 carry passengers within the State of Western Australia, of which vessel the  
 said A.B. is the owner [or master].

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as  
 the fee for the said license.

Now it is hereby declared that the said A.B. is licensed to sell and dispose  
 of liquor to passengers on board the said vessel while such vessel is on her  
 passage under and subject to the provisions of the Licensing Act, 1911.

The License to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and  
 continue until the 31st of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.

(Place of issue)

*The Licensing Act, 1911.*

RAILWAY REFRESHMENT ROOM LICENSE.

Whereas the Licensing Court for the Licensing District of  
at a sitting held on the            day of           , 19   , by its certificate  
dated the            day of           , 19   , authorised the issue to  
                    of a Railway Refreshment Room License for the refreshment  
room at the            station on the            Railway.

And whereas the said            has paid the sum of £            as  
the fee for the said license.

Now it is hereby declared that the said            is licensed to sell and  
dispose of liquor in the said Railway Refreshment Room on the arrival and  
within half-an-hour before and after the arrival and departure of any pas-  
senger train at or from the said station under and subject to the provisions of  
the Licensing Act, 1911, applicable to such license.

The License to commence on the            day of           , 19   , and  
continue until the 31st of December, 19   , if not forfeited in the meantime.

Dated this            day of           , 19   .

Receiver of Revenue.

(Place of issue)

*The Licensing Act, 1911.*

SPIRIT MERCHANT'S LICENSE.

Whereas the Licensing Court for the Licensing District of  
at a sitting held on the            day of           , 19   , by its certificate  
dated the            day of           , 19   , authorised the issue to  
                    of a Spirit Merchant's License for the premises of the said  
situated at

No. 39 of 1922,  
sec 129.

And whereas the said            has paid the sum of £            as the  
fee for the said license.

Now it is hereby declared that the said           , is licensed to  
sell and dispose of on the said premises any liquor in quantities of not less  
than two gallons, so that such liquor shall not be consumed on the premises,  
and that the minimum quantity shall consist of spirits, or of wine, or of beer,  
or of some other kind of liquor, and shall be delivered and taken away from  
the premises at one time and not by instalments, under and subject to the pro-  
visions of the Licensing Act, 1911.

The license to commence on the            day of           , 19   , and continue  
until the 31st day of December, 19   , if not forfeited in the meantime.

Dated this            day of           , 19   .

Receiver of Revenue.

(Place of issue)

*The Licensing Act, 1911.*

GALLON LICENSE.

Whereas the Licensing Court for the Licensing District of  
at a sitting held on the            day of           , 19   , by its certificate  
dated the            day of           , 19   , authorised the issue to  
                    of a Gallon License for the shop [or as the case may be] of the  
said            situated at

And whereas the said            has paid the sum of £            as the  
fee for the said license.

Now it is declared that the said            is licensed to sell and dis-  
pose of liquor in quantities not less than one gallon, so that such liquor shall not  
be consumed on the premises, and that the minimum quantity shall consist of  
but one description of liquor, and be delivered, and taken away from the  
premises at one time, and not by instalments, under and subject to the pro-  
visions of the Licensing Act, 1911.

The license to commence on the            day of           , 19   , and continue  
until the 31st day of December, 19   , if not forfeited in the meantime.

Dated this            day of           , 19   .

Receiver of Revenue.

(Place of issue)

*Licensing.**The Licensing Act, 1911.***BREWER'S LICENSE.**

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of a Brewer's License for the brewery of \_\_\_\_\_ situated at \_\_\_\_\_ in \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_, as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_, being a person or the representative of a person carrying on the trade or business of a brewer, is licensed to sell and dispose of beer, the produce of the brewery, in quantities of not less than two gallons, so that such liquor is sold or disposed of on the premises of the licensee situated at \_\_\_\_\_ and is not consumed on the premises and shall be in quantities of not less than two gallons to be delivered or taken away from the premises at one time and not by instalments, and subject to the provisions of the Licensing Act, 1911.

This license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.

(Place of issue)

*The Licensing Act, 1911.***EATING HOUSE, BOARDING HOUSE, OR LODGING HOUSE LICENSE.**

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of \_\_\_\_\_, of an Eating House [or Boarding House, or Lodging House] License for a house situated at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to cause the Boarders [or Lodgers] in the said house [or any person taking a meal in the said house] to be supplied therein directly from any house, licensed for the sale of the kind of liquor required in the quantity required, with any liquor to be consumed in the said house, under and subject to the provisions of the Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.

(Place of issue)

*The Licensing Act, 1911.***BILLIARD TABLE LICENSE.**

Whereas the Licensing Court for the Licensing District of \_\_\_\_\_ at a sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by its certificate dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, authorised the issue to \_\_\_\_\_ of \_\_\_\_\_ a Billiard Table License for certain premises known as \_\_\_\_\_ situated at \_\_\_\_\_

And whereas the said \_\_\_\_\_ has paid the sum of £ \_\_\_\_\_ as the fee for the said license.

Now it is hereby declared that the said \_\_\_\_\_ is licensed to keep and maintain billiard tables and bagatelle tables on the said premises under and subject to the provisions of the Licensing Act, 1911.

The license to commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and continue until the 31st day of December, 19\_\_\_\_, if not forfeited in the meantime.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Receiver of Revenue.

(Place of issue)

## Licensing.

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*The Licensing Act, 1911.*

### TEMPORARY LICENSE.

A.B., of \_\_\_\_\_, being the holder of a \_\_\_\_\_ License  
for premises known as \_\_\_\_\_ and situated at \_\_\_\_\_, is  
hereby authorised to exercise the privileges of the said license at \_\_\_\_\_  
to be held at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ instant,  
between the hour of \_\_\_\_\_ o'clock in the morning and \_\_\_\_\_ o'clock  
in the evening.

Provided that [*insert conditions, if any*].

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
Chairman [or Member] of the Licensing  
Court for the \_\_\_\_\_ District.

Received the fee of £ \_\_\_\_\_

Clerk of Licensing Court.

*The Licensing Act, 1911.*

### OCCASIONAL LICENSE.

A.B., of \_\_\_\_\_, being the holder of a \_\_\_\_\_ License for  
premises known as \_\_\_\_\_, and situated at \_\_\_\_\_, is hereby  
authorised to exercise the privileges of his said license on his licensed premises  
on the \_\_\_\_\_ day of \_\_\_\_\_ instant, between the extended hours of  
\_\_\_\_\_ and \_\_\_\_\_, on the occasion of [*here state the special occasion*  
*for which the license is granted*], but so that no liquor shall be sold or consumed  
on such occasion at any public bar on the said premises.

Provided that [*insert conditions, if any*].

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
Chairman [or Member] of the Licensing  
Court for the \_\_\_\_\_ District.

Received fee of £ \_\_\_\_\_

Clerk of Licensing Court.

### Third Schedule.

Sec. 48.

*The Licensing Act, 1911*

### NOTICE OF APPLICATION FOR A PUBLICAN'S GENERAL LICENSE, AN HOTEL LICENSE, OR A 'WAYSIDE-HOUSE LICENSE.

To the Licensing Court for the District of \_\_\_\_\_, in Western Australia.

I, A.B., now residing at \_\_\_\_\_, in the said district of \_\_\_\_\_,  
do hereby give notice that it is my intention to apply at the next Quarterly  
Sitting of the Licensing Court for this District, for a Publican's General License  
[or Hotel License, or Wayside House License] for the sale of liquor in the house  
and appurtenances thereunto belonging, situated at \_\_\_\_\_ [*here describe*  
*the house proposed to be licensed, specifying the situation of it, the number of*  
*sitting-rooms and bed-rooms contained in it, exclusive of those required by the*  
*family, the person of whom rented, the present occupier, whether now licensed*  
*and, if so under what sign*].

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

(Signature of applicant).....

*Licensing.**The Licensing Act, 1911.*NOTICE OF APPLICATION FOR AN AUSTRALIAN WINE AND BEER  
LICENSE.

To the Licensing Court for the District of \_\_\_\_\_, in Western Australia.  
I, A.B., now residing at \_\_\_\_\_, do hereby give notice that it is my  
intention to apply at the next Quarterly Sitting of the Licensing Court for this  
District, for an Australian Wine and Beer License for the sale on the premises  
which I now occupy (or intend to occupy), being \_\_\_\_\_, situated at  
[here describe the house proposed to be licensed, specifying the situation of it,  
and whether now licensed] of wine and beer made in any State of the Com-  
monwealth of Australia.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
(Signature of Applicant.)

*The Licensing Act, 1911.*

## NOTICE OF APPLICATION FOR AN AUSTRALIAN WINE LICENSE.

To the Licensing Court for the District of \_\_\_\_\_, in Western Australia.  
I, \_\_\_\_\_, now residing at \_\_\_\_\_, do hereby give notice  
that it is my intention to apply, at the next Quarterly Sitting of the Licensing  
Court for this District, for \_\_\_\_\_ for the sale on the premises which I now  
occupy (or intend to occupy), being situated at \_\_\_\_\_ [here describe the  
house proposed to be licensed, specifying the situation of it and whether now  
licensed] of wine made in any State of the Commonwealth of Australia.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
(Signature of Applicant.)

*The Licensing Act, 1911.*

## NOTICE OF APPLICATION FOR PACKET LICENSE.

To the Licensing Court for the District of \_\_\_\_\_, in Western Australia.  
I, A.B., being master [or commander, or owner] of the vessel [name of  
vessel] licensed to carry passengers within the State, do hereby give notice  
that it is my intention to apply, at the next Quarterly Sitting of the Licensing  
Court for the said District, for a license for the sale of liquor to the passengers  
on board such vessel.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
(Signature of Applicant.)

*The Licensing Act, 1911.*NOTICE OF APPLICATION FOR RAILWAY REFRESHMENT ROOM  
LICENSE.

To the Licensing Court for the District of \_\_\_\_\_, in Western Australia.  
I, A.B., being the lessee [or occupier] of the Railway Refreshment Room  
[or Stand] at the \_\_\_\_\_ station on the \_\_\_\_\_ railway, do hereby  
apply for a license for the sale of liquor at such refreshment room [or stand],  
under the provisions of the Licensing Act, 1911.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
(Signature of Applicant.)



## Licensing.

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### *The Licensing Act, 1911.*

#### APPLICATION FOR A SPIRIT MERCHANT'S LICENSE, A GALLON LICENSE, A BREWER'S LICENSE, AN EATING-HOUSE, BOARDING HOUSE, OR LODGING HOUSE LICENSE, OR A BILLIARD TABLE LICENSE.

To the Licensing Court for the District of \_\_\_\_\_, in Western Australia.

I, A.B., now residing at \_\_\_\_\_, in the said District, do hereby give notice that it is my intention to apply at the next Quarterly Sitting of the Licensing Court for the said District for a Spirit Merchant's [as the case may be] License for the premises which I now occupy [or intend to occupy], situated at \_\_\_\_\_ [here describe the premises proposed to be licensed and state whether it is now licensed].

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(Signature of Applicant.)

#### Fourth Schedule.

Sec. 47.

[Section 47 to which this Schedule related was repealed by the Act No. 39 of 1922.]

#### Fifth Schedule.

Sec. 58.

### *The Licensing Act, 1911.*

#### APPLICATION FOR TRANSFER.

To the Licensing Court for the \_\_\_\_\_ District.

I, A.B., being the licensee of the \_\_\_\_\_ at \_\_\_\_\_, do hereby make application for a transfer of the rights and privileges of the [here state the kind of license] license held by me in respect of the said premises to C.D. of \_\_\_\_\_, and I, the said C.D., do hereby concur in such application and request that the said transfer may be made.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(Signature of proposed transferor).....

(Signature of proposed transferee).....

#### Sixth Schedule.

Sec. 56.

### *The Licensing Act, 1911.*

#### INDORSEMENT ON A LICENSE OF A TRANSFER THEREOF.

I [or We] the undersigned, being the Chairman [or two members] of the Licensing Court for the district of \_\_\_\_\_, do hereby transfer the rights and privileges of the within license to \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Sec. 57 (10).

## Seventh Schedule.

*The Licensing Act, 1911.*

## CONFIRMATION ON ENTRY BY SUCCESSOR OR OWNER.

Whereas A.B. has, pursuant to Section 57 of the Licensing Act, 1911, entered into the within premises as successor [or as the agent of the successor] of the within named C.D. [or as being the person, or the agent of the person, entitled to the possession of such premises] and the within License [or Certificate] has become vested in the said A.B. Now I; [or We] A.S.R. [or J.K. and M.N.] Chairman [or two members] of the Licensing Court for the District of X. do hereby confirm the said License [or Certificate] unto the said A.B. and do authorise him to hold and exercise the same [or the License therein mentioned which I or We authorise the receiver of revenue to issue to and in the name of the said A.B.] up to the end of the within-mentioned term of such License [or till after the holding of the Licensing Court of the said District to be held in the month of \_\_\_\_\_ next, to which time I [or We] do hereby extend the said License].

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Sec. 59.

## Eighth Schedule.

*The Licensing Act, 1911.*

## NOTICE OF APPLICATION TO REMOVE LICENSE TO OTHER PREMISES.

I, \_\_\_\_\_, the holder of a [state the nature of the license] license for the house and premises known as \_\_\_\_\_, situated at \_\_\_\_\_, do hereby give notice that it is my intention to apply to the Licensing Court to be held at \_\_\_\_\_, on \_\_\_\_\_, to remove the license [describe the premises to which it is proposed to remove the license].

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Signature of applicant.)

Sec. 59.

## Ninth Schedule.

*The Licensing Act, 1911.*

## INDORSEMENT ON REMOVAL OF LICENSE.

The Licensing Court for the \_\_\_\_\_ District, \_\_\_\_\_ at the \_\_\_\_\_  
Quarterly Licensing Sitting held at \_\_\_\_\_, on the \_\_\_\_\_ day  
of \_\_\_\_\_, One thousand nine hundred and \_\_\_\_\_, being satisfied  
that the requisite notice of application for removal was duly served and published,  
ordered that the within license shall henceforth cease to apply to the house and  
premises described in the within license, and that the same shall hereafter apply  
to the house and premises known as the \_\_\_\_\_, situate at \_\_\_\_\_.

Signed on behalf of the Licensing Court this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.  
Chairman.

**Tenth Schedule.**

**Sec. 61.**

*The Licensing Act, 1911.*

**NOTICE OF APPLICATION FOR PROVISIONAL CERTIFICATE.**

To the Licensing Court for the \_\_\_\_\_ District.  
 I, \_\_\_\_\_ [state name, residence, and occupation], hereby give notice that I intend to apply, at the next Quarterly Sitting of the Licensing Court for this District, for a Provisional Certificate for the premises belonging to me [or rented by me from \_\_\_\_\_, of \_\_\_\_\_], and situated at \_\_\_\_\_, within the said district. The said premises are now to be erected [or, are in course of erection, or are now being altered, or are now nearly complete], and will, when finished, be in all respects in accordance with the requirements of the Licensing Act, 1911.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Signature of Applicant.

**Eleventh Schedule.**

**Sec. 61.**

*The Licensing Act, 1911.*

**PROVISIONAL CERTIFICATE.**

The Licensing Court of the \_\_\_\_\_ District, at the Quarterly Sitting held at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, hereby certify that the house and premises of \_\_\_\_\_, situated at \_\_\_\_\_, and now in process of erection [or about to be erected], in accordance with the plans and specifications exhibited by the said \_\_\_\_\_ and signed by us, will be a fit and proper place for business to be carried on under a Publican's General License and upon application being duly made by a fit and proper person for the issue of a license in respect of the said house within twelve months from the date hereof, such application will be granted upon proof being given that the said house and premises have been erected [or completed] in accordance with such plans and specifications, and that the following conditions have been complied with. This certificate is granted subject to the following conditions:

(Here set out the conditions, if any.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Chairman.

**Twelfth Schedule.**

**Sec. 63.**

*The Licensing Act, 1911.*

**CERTIFICATE FOR THE ISSUE OF A LICENSE.**

The Licensing Court for the \_\_\_\_\_ District hereby authorises the Receiver of Revenue for the said District to issue to A.B. of \_\_\_\_\_, a [state description of license] license for [describe premises for which license granted, or, in case of a packet license, the vessel] for the year ending the 31st day of December, 19 \_\_\_\_\_.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

[SEAL.]

[Signature of Chairman or two members of the Court.]

Licensing.

Sec. 68.

Thirteenth Schedule.

The Licensing Act, 1911.

LIST OF CERTIFICATES.

To the Receiver of Revenue, District.  
At the Quarterly Sitting of the Licensing Court for the District  
held on the day of 19, the following certificates were  
issued [here state particulars.]  
Dated the day of , 19  
Chairman.

Sec. 71.

Fourteenth Schedule.

The Licensing Act, 1911.

CERTIFICATE OF LOST LICENSE.

The Licensing Court for the District hereby certifies that the  
license granted on the day of , 19, for the premises  
known as , is lost or destroyed, and that a duplicate of such  
license may be issued.  
Dated the day of , 19  
Chairman [or member] of the Court.

Sec. 87.

Fifteenth Schedule.

The Licensing Act, 1911.

No. 39 of 1922.  
sec. 131.

SUMMONS.

In the.....Licensing District.  
To:.....  
of.....  
You are hereby summoned to appear before the Licenses Reduction Board at  
.....on the.....day of....., 19..., at  
the hour of.....o'clock in the.....noon to show cause why the licensed  
premises known as.....and situated at.....should  
not be deprived of a license.  
Given under my hand this.....day of....., 19...  
Chairman [or member] of the Board.

Sec. 98.

Sixteenth Schedule.

The Licensing Act, 1911.

No. 39 of 1922.  
sec. 131.

VOTING PAPER.

Do you vote for Prohibition?

YES

☐

NO

☐

Indicate your vote by placing a cross thus X in one of the above squares.

## 117

Sec. 98.

No. 39 of 1922,  
sec. 131.

Do you vote that licenses be restored?



Indicate your vote by placing a cross thus **X** in one of the squares.

Sec. 175.

Western Australia, to wit. . . . .  
Be it remembered that on the . . . day of . . . , 19 . . . , at . . .  
the said State . . . , in the said State, . . . of . . . , in . . .  
[or for the Magisterial District of . . . ], that . . . , being the  
holder of a . . . license, did [here set out offence]. And the said . . .  
having been convicted of the said offence, and having within a period of twelve  
months been convicted two several times of offences referred to in Section 175 of  
the Licensing Act, 1911, namely [set out particulars of convictions]. Now, there-  
fore, we do hereby declare that the said license of the said . . . is forfeited.

Given under our hands this                      day of                      , 19

Sec. 177.

Western Australia, to wit.

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ in the said State, complaint was made before the Licensing Court of the \_\_\_\_\_ Licensing District, that A.B., being the holder of a \_\_\_\_\_ license for the \_\_\_\_\_ premises situated at \_\_\_\_\_, [here set out the acts which have caused the forfeiture], and the substance of the said complaint having been proved to the satisfaction of the Court, the said Court therefore declares the said license forfeited.

Dated this                      day of                      , 19     .  
(Signature of Chairman or two members of the Court.)

[SEAL.]

*Licensing.*

Sec. 190.

**Twentieth Schedule.***The Licensing Act, 1911.***NOTICE OF APPLICATION FOR THE REGISTRATION OF CLUB.**

To the Licensing Court of the \_\_\_\_\_ Licensing District.  
 I, \_\_\_\_\_, of \_\_\_\_\_, being the secretary of the Club  
 known as the \_\_\_\_\_ Club, hereby give notice that I intend to apply at  
 the next quarterly sitting of the Licensing Court for a certificate of the registra-  
 tion of the said Club.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Secretary.

Sec. 191.

**Twenty-first Schedule.***The Licensing Act, 1911.***NOTICE OF APPLICATION FOR RENEWAL OF REGISTRATION OF  
A CLUB.**

To the Licensing Court of the \_\_\_\_\_ Licensing District.  
 I, \_\_\_\_\_, Secretary of the \_\_\_\_\_ Club, duly registered  
 under the said Act in \_\_\_\_\_, hereby give notice that I intend to apply  
 at the next quarterly sitting of the said Licensing Court for a renewal of such  
 registration.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Sec. 192

**Twenty-second Schedule.***The Licensing Act, 1911.***INSPECTOR'S CERTIFICATE.**

I, \_\_\_\_\_, being an Inspector of Licensed Premises for the  
 Licensing District of \_\_\_\_\_, in the State of Western Australia, hereby  
 certify that I have this day inspected the premises in [describe the situation] and  
 known [or intended to be known] as \_\_\_\_\_, notice of application for a  
 certificate for registration for which [or a renewal of a certificate of registration  
 for which or of removal to which] under the Licensing Act, 1911, has been given.  
 And I hereby certify that the said premises are suitable for the purposes of a club.

I also certify that I have inspected the certified copy of the register of mem-  
 bers of the said club, and having made proper inquiries with respect to the par-  
 ticulars contained therein, find that such particulars are correct.

I further certify that after proper inquiries I find that the provisions of the  
 said Act with respect to such club are fully complied with.

As witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Inspector of Licensed Premises.

Sec. 196.

**Twenty-third Schedule.***The Licensing Act, 1911.***NOTICE OF APPLICATION FOR REMOVAL OF CLUB.**

To the Licensing Court of the \_\_\_\_\_ Licensing District.  
 I, \_\_\_\_\_, Secretary [or as the case may be] of the \_\_\_\_\_ Club,  
 duly registered in premises situated at \_\_\_\_\_, in the said district, hereby  
 give notice that I intend to apply at the next quarterly sitting of the said Licensing  
 Court for a certificate of removal, so that it may apply to the premises [here  
 describe the situation of the new premises].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

**Twenty-fourth Schedule.**

Sec. 199.

*The Licensing Act, 1911.*

**CERTIFICATE OF REGISTRATION OF CLUB.**

Whereas the Licensing District of the District of \_\_\_\_\_, at the  
quarterly sitting held on the \_\_\_\_\_ day of \_\_\_\_\_, authorised the  
issue to the \_\_\_\_\_ Club, under the Licensing Act, 1911, of a certificate  
of registration for the premises situated at \_\_\_\_\_ [describe locality].  
And whereas the sum of £ \_\_\_\_\_ as the fee for such registration has been paid,  
I do hereby certify that the \_\_\_\_\_ Club is duly registered for the said  
premises. This certificate takes effect on the \_\_\_\_\_ day of \_\_\_\_\_, and will  
continue in force until the 31st day of December, 19 \_\_\_\_\_, unless cancelled or sus-  
pended in the meantime.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

**Twenty-fifth Schedule.**

Sec. 201.

*The Licensing Act, 1911.*

**DECLARATION AS TO LIQUOR PURCHASED.**

I, \_\_\_\_\_, of \_\_\_\_\_, being the applicant for the registration  
[or the renewal of the registration] of the club known as \_\_\_\_\_, do  
solemnly and sincerely declare that the gross amount paid or payable for liquor  
purchased for the said club, including any duties thereon, for the twelve months  
ended on the 30th day of September last was \_\_\_\_\_, and  
the net amount paid or payable for liquor purchased for the said club during the  
said period, excluding the duties thereon and the cost of carriage from place to  
place within the State was \_\_\_\_\_.

And I make this solemn declaration by virtue of section one hundred and six  
of "The Evidence Act, 1906."

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Before me

Justice of the Peace.

[Note.—See Regulation in Gazette for 16th March, 1923.]

**Twenty-sixth Schedule.**

Sec. 220.

*The Licensing Act, 1911.*

**CERTIFICATE OF THE RESULT OF ANALYSIS OF LIQUOR.**

I, the undersigned, Public Analyst for the State of Western Australia, do  
hereby certify that I received on the \_\_\_\_\_ day of \_\_\_\_\_, from [name  
and address of person delivering the sample], a sample of [description of liquor]  
for analysis, and that I have analysed the same, and I declare the result of my  
analysis to be as follows:—

- The said sample of liquor was not adulterated;
- or, The said sample of liquor was adulterated by the admixture of water  
to extent of:—
- or, The said sample of liquor was adulterated by the following foreign in-  
gredients, that is to say:—
- or, The said sample was mixed with or contained tobacco, etc.;
- or, The said sample was mixed with or contained a certain matter or in-  
gredient injurious to health, that is to say:—

As witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Public Analyst.