



ANNO DECIMO QUARTO

GEORGII V REGIS.

A.D. 1923.

No. 1604.

An Act to further amend the Licensing Act, 1917, and for other purposes.

[*Assented to, December 6th, 1923.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Licensing Act Amendment Act, 1923." Short titles.

(2) The Licensing Acts, 1917 to 1922, and this Act may be cited together as the "Licensing Acts, 1917 to 1923."

(3) The Licensing Act, 1917, is hereinafter referred to as "the principal Act." No. 1322 of 1917.

2. This Act is incorporated with the other Acts mentioned in section 1, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. (1) Subsection (2) of section 13 of the principal Act is amended by adding thereto the following paragraph:— Amendment of principal Act, s. 13 (2)—

v. not sold or delivered at any place other than at the vineyard or orchard in the occupation of the person selling and delivering the same. Exemption of vigneron.

(2) Any person who, acting as an agent for more than one person, purchases or accepts delivery of any mead, wine, cider, or perry under the provisions of subsection (2) of section 13 of the principal Act shall be liable to a penalty of not more than Twenty Pounds. Persons not to act as agents for more than one principal for purchase of liquor under s. 13 of principal Act.

Licensing Act Amendment Act.—1923.

Amendment of principal Act, s. 80—

Effect of conviction for trifling offence.

4. Subsection (1) of section 80 of the principal Act is amended by adding at the end thereof the following proviso:—

Provided that if the special Magistrate or Justices by whom such person is convicted of any such offence as in this section before mentioned consider such offence is of a trifling nature and in the order of conviction certify accordingly, this section shall not apply in respect of such offence.

Amendment of *ibid.*, s. 87 (2)—

Widow may hold publican's or wine licence in certain cases.

5. Subsection (2) of section 87 of the principal Act is amended—

(a) by striking out the words "who at the time of his death" in the first line of subdivision (b) thereof and by substituting therefor the words "who at any time within the six months preceding his death";

(b) by striking out the words "at the time of his death" in the last line of subdivision (b) thereof and by substituting therefor the words "at any time within the six months preceding his death"; and

(c) by inserting the word "or" at the end of subdivision (b) thereof and by adding thereto the following subdivision—

(c) is at the time of becoming a widow the holder of such a licence or the owner or lessee of premises in respect of which such a licence is current at such time.

Amendment of *ibid.*, s. 129—
Offences in respect of railway licences.

6. Section 129 of the principal Act is amended by inserting after the word "sections" in the first line thereof the passage "187,".

Amendment of *ibid.*, s. 178 (1) and (3)—

Mother of licensee may serve in bar-room.

7. Section 178 of the principal Act is amended—

(a) by inserting the words "or his mother" after the word "step-daughter" in the third line of subsection (1) thereof; and

(b) by inserting the words "or mother" after the word "sister" in the second line of subsection (3) thereof.

Amendment of *ibid.*, s. 182 (2)—
Mother of licensee may act as barmaid.

8. Subsection (2) of section 182 of the principal Act is amended by inserting the words "or mother" after the word "sister" in the second line thereof.

Amendment of *ibid.*, s. 183 (1)—
Mother of licensee may be employed in bar-room after six p.m.

9. Subsection (1) of section 183 of the principal Act is amended by inserting the word "mother" after the word "sister" in the first line thereof.

Amendment of *ibid.*, s. 213 (1)—
Authorised member of Police Force may enter licensed premises.

10. Subsection (1) of section 213 of the principal Act is amended by striking out the word "constable" in the second line thereof and substituting therefor the words "member of the Police Force."

11. Section

Licensing Act Amendment Act.—1923.

11. Section 269 of the principal Act is amended by striking out the number "202" in the third line thereof and substituting therefor the passage "203, 204".

Amendment of
ibid., s. 269—
Offences for which
licence may be
forfeited.

12. Section 279 of the principal Act is amended by adding at the end thereof the following subsection (the preceding part of the said section being read as subsection (1) thereof):—

Amendment of
ibid., s. 279.

(2) Any premises alleged in any complaint under this Act to be licensed premises shall, for all purposes connected with and in all proceedings under or upon such complaint, be deemed to be licensed premises, unless at the hearing of such complaint the Special Magistrate or Justices are satisfied to the contrary.

Premises alleged to
be licensed to be
deemed to be
licensed unless
contrary is shown.

13. Section 281 of the principal Act is amended—

Amendment of
ibid., s. 281.

- (a) by striking out the word "supply" in the first line of subsection (1) thereof;
- (b) by striking out the words "or supply" in the penultimate line of subsection (1) thereof;
- (c) by striking out the words "or supply" in the fifth line of subsection (2) thereof; and
- (d) by inserting after subsection (2) thereof the following subsection:—

(2A) 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, place, or premises, or by his servant or any other person in the licensed or unlicensed house, place, or premises shall be deemed to be *prima facie* evidence of the supply of liquor by the holder of the licence, or by the person delivering the liquor.

Delivery of liquor
to be *prima facie*
evidence of supply.

- (e) by adding to subsection (3) thereof the following proviso:—

Provided that if the said premises are licensed premises this subsection shall not apply unless one or more of such persons is not an excepted person.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

TOM BRIDGES, Governor.