



ANNO VICESIMO TERTIO

**ELIZABETHAE II REGINAE**

A.D. 1974

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**No. 110 of 1974**

An Act to amend the Licensing Act, 1967-1974.

[Assented to 5th December, 1974]

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 (No. 2), 1974". Short titles.

(2) The Licensing Act, 1967-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Licensing Act, 1967-1974".

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

2a. Section 16 of the principal Act is amended—

(a) by striking out the second and third sentences and the proviso;  
and

(b) by inserting after the present contents thereof as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) The Trust shall be exempt from the obligations imposed by the following provisions of this Act:—

(a) subsection (5) of section 19;

(b) section 168;

and

(c) any other provision from which the court thinks fit to exempt the Trust.

Amendment of principal Act, s. 16—  
Leigh Creek Coal Field.

3. Section 19 of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (1) and inserting in lieu thereof the following paragraphs:—

Amendment of principal Act, s. 19—  
Publican's licence.

(a) upon a Monday, Tuesday, Wednesday or Thursday (not being Christmas Day) between the hours of five o'clock in the morning and ten o'clock in the evening;

(ab) upon a Friday (not being Christmas Day or Good Friday) or a Saturday (not being Christmas Day) between the hours of five o'clock in the morning and twelve o'clock midnight;;

(b) by striking out paragraph (c) of subsection (1) and inserting in lieu thereof the following paragraph:—

(c) from the termination of a period during which the licensee is authorized to sell and dispose of liquor under paragraph (a) or paragraph (ab) of this subsection until half past one o'clock in the following morning provided that the liquor is supplied for consumption by persons taking *bona fide* meals in such areas of the licensed premises as are fixed by the court, with or ancillary to those meals;;

(c) by striking out from paragraphs (a) and (b) of subsection (1a) the passage "paragraph (a) or (b)" wherever it occurs and inserting in lieu thereof the passage "paragraph (a), (ab) or (b)" in each case;

(d) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) The court may, upon the grant or renewal of a full publican's licence, having regard to the needs of the public, exempt the holder of the licence from the obligation under section 168 of this Act to supply lodging and, while such an exemption is in force, a *bona fide* lodger upon the licensed premises shall not be an excepted person for the purposes of section 158 of this Act.

and

(e) by inserting after subsection (4) the following subsection:—

(5) The holder of a full publican's licence is obliged to keep his licensed premises open to the public for the sale of liquor on every day (except Sunday, Christmas Day and Good Friday)—

(a) between the hours of eleven o'clock in the morning and ten o'clock in the evening;

or

(b) for some other continuous period of not less than eleven hours fixed by the court (within the limits fixed by paragraphs (a) and (ab) of subsection (1) of this section) upon the application of the holder of the licence,

and, if he fails to do so, he shall be guilty of an offence.

Amendment of  
principal Act,  
s. 21—  
Wholesale  
storekeeper's  
licence.

4. Section 21 of the principal Act is amended by striking out from subsection (1) the passage "six o'clock in the evening" and inserting in lieu thereof the passage "eight o'clock in the evening".

5. Section 22 of the principal Act is amended by striking out subsections (2) and (3) and inserting in lieu thereof the following subsections:—

Amendment of principal Act, s. 22—  
Retail storekeeper's licence.

(2) Subject to subsection (3) and subsection (3a) of this section, a retail storekeeper's licence shall not be granted in respect of any premises, or removed to any premises, unless the court is satisfied that the public demand for liquor cannot be met by other existing facilities for the supply of liquor in the locality in which the applicant proposes to carry on business in pursuance of the licence.

(3) Subsection (2) of this section does not apply to the removal of a retail storekeeper's licence to premises situated not more than five hundred metres from the premises from which it is removed.

(3a) Where an application for the removal of a retail storekeeper's licence was lodged with the court before the commencement of the Licensing Act Amendment Act (No. 2), 1974, and had not been determined at the date of the commencement of that amending Act, the application shall be determined according to the provisions of this Act as in force immediately before the commencement of that amending Act.

6. Section 24 of the principal Act is amended by striking out from subsection (1) the passage "six o'clock in the evening" and inserting in lieu thereof the passage "eight o'clock in the evening".

Amendment of principal Act, s. 24—  
Brewer's Australian ale licence.

7. Section 25 of the principal Act is amended by striking out from subsection (1) the passage "six o'clock in the evening" and inserting in lieu thereof the passage "eight o'clock in the evening".

Amendment of principal Act, s. 25—  
Distiller's storekeeper's licence.

8. Section 26 of the principal Act is amended by striking out from subsection (1) the passage "six o'clock in the evening" and inserting in lieu thereof the passage "eight o'clock in the evening".

Amendment of principal Act, s. 26—  
Vigneron's licence.

9. Section 27 of the principal Act is amended by inserting after subsection (3) the following subsection:—

Amendment of principal Act, s. 27—  
Club licence.

(3a) Where the court grants a licence under this section after the commencement of the Licensing Act Amendment Act (No. 2), 1974—

(a) the court shall impose a condition under paragraph (b) of subsection (3) of this section;

and

(b) the court shall not revoke any condition so imposed,

unless the licensee proves that it is unreasonable that such a condition should be imposed or should continue in force.

10. Section 57 of the principal Act is amended by inserting after paragraph (a) of subsection (1) the following paragraph:—

Amendment of principal Act, s. 57—  
Objections to removal of licence.

(ab) That the needs of the public that are being, or are capable of being, met at the premises to which the licence presently relates would be unduly prejudiced by the removal of the licence;

Amendment of  
principal Act,  
s. 63a—  
Outdoors  
permit.

11. Section 65a of the principal Act is amended by striking out from subsection (1) the passage "or a restaurant licence" and inserting in lieu thereof the passage "a restaurant licence or a wine licence".

Amendment of  
principal Act,  
s. 66—  
Permits.

12. Section 66 of the principal Act is amended—

(a) by striking out from subsection (3) the passage "and to the Commissioner of Police";

(b) by striking out from subsection (5) the passage "On receipt of a notice under subsection (3) of this section, the Commissioner of Police may make a written report to the clerk" and inserting in lieu thereof the passage "The Commissioner of Police may at the request of the Superintendent of Licensed Premises make a written report to the Superintendent";

and

(c) by striking out from subsection (5) the passage "and the clerk shall, before the hearing of the application, refer any such report to the court" and inserting in lieu thereof the passage "and the Superintendent may refer any such report to the court".

Amendment of  
principal Act,  
s. 67—  
Club permits.

13. Section 67 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "fifty dollars" and inserting in lieu thereof the passage "one hundred dollars";

and

(b) by striking out from subsection (11) the passage "fifteen thousand dollars" and inserting in lieu thereof the passage "twenty-five thousand dollars".

Amendment of  
principal Act,  
s. 72—  
Permits for  
auctioneers.

14. Section 72 of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (1) and inserting in lieu thereof the following paragraph:—

(a) on behalf of another person who holds a licence or permit to sell the liquor;;

and

(b) by inserting after subsection (2) the following subsections:—

(3) Subject to subsection (4) of this section, a permit granted under paragraph (a) of subsection (1) of this section authorizing a licensed auctioneer to sell liquor or offer liquor for sale by auction on behalf of another person who holds a licence or permit to sell the liquor—

(a) must require that the liquor be sold or offered for sale on the premises to which the licence or permit relates;

and

(b) must be subject to suitable terms and conditions determined by the court having regard to the terms and conditions of the relevant licence or permit.

(4) Where a permit is granted under this section authorizing a licensed auctioneer to sell liquor or offer liquor for sale by auction on behalf of the holder of a vigneron's licence or a distiller's storekeeper's licence the permit—

(a) must be subject (in addition to conditions otherwise imposed under this Act) to the conditions prescribed by the rules of court;

and

(b) may allow the liquor to be sold or offered for sale upon premises (whether licensed or not) specified in the permit.

15. Section 82 of the principal Act is amended by inserting after subsection (3b) the following subsection:—

Amendment of principal Act, s. 82—  
Holding of licences by companies.

(3c) An application for approval in respect of the change of a manager under this section must be accompanied by the fee prescribed by the rules of court.

16. Section 97 of the principal Act is amended by inserting after subsection (4) the following subsection:—

Amendment of principal Act, s. 97—  
Manager.

(5) An application for approval under subsection (4) of this section must be accompanied by the fee prescribed by the rules of court.

17. Section 118 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 118—  
Duty to display names, etc.

(2) The holder of a full publican's licence shall cause a notice setting forth—

(a) the hours during which he is required to keep his premises open for the supply of liquor to the public;

and

(b) any restriction to which his licence may be subject,

to be exhibited on some prominent part of his licensed premises so as to be conspicuous to, and easily legible by, members of the public who may pass the premises on foot.

18. The following section is enacted and inserted in the principal Act after section 118:—

Enactment of s. 118a of principal Act—

118a. (1) The holder of a club licence or a permit under section 67 of this Act shall cause a notice setting forth the hours during which the sale of liquor is authorized by the licence or permit to be exhibited in prominent letters and figures on some conspicuous part of the premises to which the licence or permit relates.

Holder of club licence or permit must display authorized trading hours.

(2) Where a person fails to comply with subsection (1) of this section, he shall be guilty of an offence.

Amendment of  
principal Act,  
s. 168—  
Duty to supply  
food and  
lodging.

**19.** Section 168 of the principal Act is amended by striking out the third proviso to subsection (1).

Enactment  
of s. 202a  
of principal  
Act—

**20.** The following section is enacted and inserted in the principal Act immediately after section 202 thereof:—

Licences to  
be kept upon  
licensed  
premises.

202a. (1) Subject to subsection (2) of this section a licence or a club permit shall be kept upon the premises to which the licence or permit relates.

(2) A licence or permit to which this section applies may be removed from the premises to which it relates for perusal by—

- (a) a court or an officer of a court;
- (b) the Superintendent of Licensed Premises;
- or
- (c) a member of the police force.

(3) Where a licence or permit is not kept upon premises in accordance with this section, the holder of the licence or permit shall be guilty of an offence.

(4) In this section—

“club permit” means a permit under section 67 of this Act.

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

M. L. OLIPHANT, Governor