

THE SCHEDULE.

(Section 2.)

FIRST COLUMN. Title of Act.	SECOND COLUMN. Prescribed Authority.
<i>Police Regulation Act 1898</i>	The Commissioner of Police
<i>Tasmanian Government Insurance Act 1919</i>	The Tasmanian Government Insurance Manager
<i>Public Service Act 1923</i>	The Public Service Commissioner
<i>Tourist and Immigration Department Act 1934</i>	The Director, Tasmanian Government Tourist and Immigration Department
<i>Education Act 1932</i>	The Director of Education
<i>Railway Management Act 1935</i>	The General Manager, Tasmanian Government Railways
<i>Transport Act 1938</i>	The Commissioner for Transport
<i>Hydro-Electric Commission Act 1944</i>	The Commissioner of the Hydro-Electric Commission

LICENSING.

11 & 12 GEO. VI. No. 81.

AN ACT to amend the *Licensing Act 1932*.
[19 December, 1947.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1**—(1) This Act may be cited as the *Licensing Act 1947*. Short title and citation.
(2) The *Licensing Act 1932**, as subsequently amended, is in this Act referred to as the Principal Act.

* 23 Geo. V. No. 55. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 843. Subsequently amended by 1 Geo. VI. Nos. 39 and 40, and 7 Geo. VI. No. 38.

2 After section twenty-seven of the Principal Act the following sections are inserted:—

Accommodation in new hotels.

“27A.—(1) Notwithstanding the provisions of section twenty-seven, no hotel licence shall be granted in respect of any house in respect of which no provisional certificate or licence is in force at the date of the commencement of the *Licensing Act 1947* unless that house contains—

- I. If within a city, at least fifty rooms:
- II. If within a town having a population of two thousand persons or more, at least thirty rooms: or
- III. If elsewhere, at least the appropriate number of rooms prescribed in section twenty-seven,

having an average space of not less than one thousand cubic feet.

Provided that, if the court is satisfied that, having regard to the availability of building materials, the provision in any such house of the number of rooms prescribed in paragraph I. or paragraph II. (as the case may require) is not reasonably practicable, it may, upon and subject to the provisions of subsections (4) and (5), grant a hotel licence in respect of that house notwithstanding that, at the time of the hearing of the application for such licence, that house contains a lesser number of rooms than the minimum number of rooms prescribed in paragraph I. or paragraph II. (whichever is applicable).

(2) Of the rooms referred to in subsection (1), the number of rooms hereunder specified shall be furnished to the satisfaction of the court as bedrooms, and shall be available for the accommodation of the public—

- I. In the case of a house in a city, not less than thirty rooms:
- II. In the case of a house in a town having a population of two thousand persons or more, not less than twenty rooms: and
- III. In the case of a house elsewhere not less than the appropriate number of rooms prescribed in section twenty-seven.

(3) For the purposes of this section, a certificate as to the population of any town, signed by the Government Statistician, shall be *primâ facie* proof of the population of that town as at the date specified in the certificate.

(4) No hotel licence shall be granted in respect of any house in pursuance of the proviso to subsection (1) unless the house contains—

- I. If it is within a city, at least twenty rooms: or
- II. If it is elsewhere than within a city, at least the appropriate number of rooms prescribed in section **twenty-seven.**

(5) Every hotel licence granted in respect of any house under the authority of the proviso to subsection (1) of this section shall be subject to the condition that the number of rooms in such house shall, within such time as the court may direct, be increased to the appropriate number of rooms prescribed in that subsection.

(6) Where any hotel licence is granted in respect of any house in pursuance of the proviso to subsection (1) of this section, and the number of rooms therein is not increased as required by subsection (4) within the time specified by the court in that behalf under that subsection, such licence shall, by virtue of the provisions of this subsection and without further authority, be deemed to be absolutely void and of no effect."

3 Section thirty of the Principal Act is repealed and the following section is substituted therefor—

"30. No hotel licence or public-house licence shall be granted in respect of any house unless—

Sanitary accommodation and fire appliances.

- I. Such hotel or public-house is in a good state of repair, maintained in a clean and sanitary condition, and in compliance with the *Public Health Act* 1935 and the *Food and Drugs Act* 1910:
- II. There is available, to persons occupying or using the same, privy and ablutionary accommodation in accordance in every respect with any requirements made by or under any Act relating to public health: and
- III. Such house is provided with fire escapes and appliances for extinguishing fire as may be required by the Fire Brigades Commission of Tasmania. The Court shall be supplied with a certificate from the Fire Brigades Commission as to the efficiency of such escapes and appliances."

4 Section thirty-two of the Principal Act is amended by inserting in subsection (1) after the word "thirty-three" the words "and section fourteen of the *Licensing Act* 1947".

Limitation of number of licences.

5 Section thirty-six of the Principal Act is amended by inserting in sub-paragraph (a) of paragraph III. of subsection (1), after the word "of" (second occurring), the words "paragraphs I. and II. of".

Condition to be fulfilled by applicants.

6 Section seventy-four of the Principal Act is amended by omitting the word "or" after sub-paragraph (a) of paragraph XI., and by adding at the end of that paragraph the following sub-paragraph:—

Grounds for objection.

"or

- (c) The proposed club is not warranted by the needs of the locality in which it is situated."

Hearing of applications and objections thereto.

7 Section seventy-six of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsection:—

“(2) On the hearing of an application for registration the court shall, whether or not an objection has been made on the ground referred to in sub-paragraph (c) of paragraph XI. of section seventy-four, have regard to the question whether the proposed club is warranted by the requirements of the locality in which it is situated.”.

Appointment of inspectors.

8 Section eighty-six of the Principal Act is amended by omitting from subsection (1) the words “, not below the rank of sergeant.”.

9 After section ninety-one of the Principal Act the following section is inserted:—

Lodgers' register book.

“91A.—(1) Every holder of a hotel licence shall keep on his licensed premises a book, to be known as a lodgers' register book, in which shall be entered the name of every person to whom accommodation in such premises is made available (in this section called a ‘lodger’).

(2) Every such register book shall be in the prescribed form, and shall show—

- I. The name and place of residence of each lodger:
- II. The dates on which each lodger arrives at, and departs from, the licensed premises: and
- III. Such other particulars as may be prescribed.

(3) Any police officer shall be entitled, on demand, to inspect the lodgers' register book kept on any licensed premises, and to make any extracts therefrom.

(4) No holder of a hotel licence shall—

- I. Fail to keep on his licensed premises a lodgers' register book as provided by this section:
- II. Fail to make in such register book any entry which he is required by this section to make, or make any such entry which is false or misleading in any material particular: or
- III. Refuse to produce such register for inspection when required by a police officer so to do:

Penalty: Ten pounds.”.

Offences by holders of hotel and public house licences.

10 Section ninety-four of the Principal Act is amended by inserting after the word “years” (last occurring) in paragraph III. of subsection (3) the words “Penalty: Ten pounds.”.

Offences by holders of licences and other persons.

11 Section ninety-seven of the Principal Act is amended by inserting in sub-paragraph (a) of paragraph XVI. of subsection (11), after the word “ninety-four,” the words “or, except for some lawful purpose, be or remain in or on any other part of any licensed premises.”.

12 Section ninety-nine of the Principal Act is amended—

(a) by omitting from subsection (1) the words “or if within the like period he is twice convicted under the provisions of subsection (5) of section ninety-seven;”; and

Forfeiture of licence upon three convictions for certain offences.

(b) by inserting after subsection (1) the following subsection:—

“(1A) If the holder of any hotel or public-house licence is convicted of any contravention of the provisions of subsection (5) of section ninety-seven, whether or not he has previously been convicted of any contravention of those provisions, his licence shall become absolutely void and of no effect.”.

13 Section one hundred of the Principal Act is amended by omitting from paragraph 1. the words “ninety-four, or ninety-seven” and substituting therefor the words “or ninety-four, or of any of the provisions of section ninety-seven (other than subsection (5) thereof)”.

Court may forfeit licence in certain cases.

14 After section one hundred and ten of the Principal Act the following section is inserted:—

“110A. In any proceedings under this Act, an averment in a complaint as to the age of any person shall be deemed to be proved in the absence of proof to the contrary.”.

Averment of age *prima facie* proof.

15 Section thirty-six of the *Gaming Act 1935** is repealed.

Consequential amendment of the *Gaming Act 1935*.

16—(1) Notwithstanding anything contained in section thirty-three of the Principal Act, an application for a provisional certificate may be made in respect of any premises solely on the ground that a licensed house is necessary in the locality in which such premises are situated for the purpose of providing adequate accommodation for tourists and other persons (whether ordinarily resident in this State or not) who desire to travel to, or remain temporarily in, that locality.

Applications for provisional licence to meet needs of tourists. &c.

(2) Every application under this section shall—

(a) show, in addition to the ground referred to in subsection (1), that no application for the removal of any existing licence to the premises specified in the application is then pending; and

(b) contain the particulars prescribed in subsection (3) of section thirty-three of the Principal Act, which shall be verified by affidavit.

* 26 Geo V. No. 31. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 381. Subsequently amended by 4 Geo. VI. No. 29, 6 Geo. VI. No. 42, and 8 & 9 Geo. VI. No. 23.

(3) Upon the hearing of any application under this section in respect of any premises, if the court is satisfied that, having regard to all the circumstances, the needs of tourists and other persons (whether ordinarily resident in this State or not) desiring to travel to, or remain temporarily in, the locality in which the premises are situated are such that a licensed house is necessary or desirable in that locality it may, notwithstanding anything in the Principal Act to the contrary, grant the application.

(4) Subject to the foregoing provisions of this section, the provisions of Parts V. and VI. of the Principal Act shall have effect in respect of every application for a provisional certificate under this section as if the same were an application under section thirty-three of the Principal Act.

HYDRO-ELECTRIC COMMISSION.

11 & 12 GEO. VI. No. 82.

AN ACT to amend the *Hydro-Electric Commission Act 1944*.
[19 December, 1947.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and citation.

1—(1) This Act may be cited as the *Hydro-Electric Commission Act 1947*.

(2) The *Hydro-Electric Commission Act 1944**, as subsequently amended, is in this Act referred to as the Principal Act.

New Part XIV.

2 The Principal Act is amended by inserting after Part XIV. the following Part:—

“PART XIV.

SUPPLY OF ELECTRICAL ENERGY TO ISLANDS.

Supply of electrical energy to islands.

72A.—(1) Section thirty-two shall not apply to any extension of the distribution system of the Commission in respect of any island forming part of this State in any case where such extension is not connected with the Commission's distribution system on the mainland of Tasmania.

* 8 & 9 Geo. VI. No. 22, as amended by 8 & 9 Geo. VI. No. 61 and 10 Geo. VI. Nos. 2 and 23.