

Borrowing by Board.

4 Section fourteen A of the Principal Act is amended by omitting subsection (3).

Advances to farmers and other producers.

5 Section fifteen of the Principal Act is amended by omitting subsection (8).

Borrowing by Treasurer for Rural Credits Department. State Advances Act (Rural Credits) Account.

6 Section thirty-three of the Principal Act is repealed.

7 Section thirty-five of the Principal Act is amended—
(a) by omitting from paragraph I of subsection (3) the word “and”; and
(b) by omitting paragraph II of that subsection.

Second schedule.

8 The second schedule to the Principal Act is repealed.

Additional borrowing by Treasurer for purposes of Principal Act.

9 Section three of the *State Advances Act* 1946 is repealed.

Adaptation of amendments to the reprint of the Principal Act.

10—(1) On and after the date of the reprinting of the Principal Act this Act is to have effect as if from section seven of this Act the symbols “I” and “II” were omitted and the symbols “(a)” and “(b)”, respectively, were substituted therefor, and, on and after that date, the Principal Act, as amended by this Act, shall be construed accordingly.

(2) The Principal Act and this Act are, by force of this subsection, amended to such extent as may be necessary to give effect to the foregoing provisions of this section.

(3) Subject to this section, the provisions of this Act remain in full force and effect as if this section had not been enacted.

(4) In this section “date of reprinting of the Principal Act” means the date of the giving of the certificate printed pursuant to section six of the *Reprint of Statutes Act* 1954 in the volume of reprinted Acts published pursuant to that Act in which the reprint of the Principal Act is included.

LICENSING.

No. 14 of 1962.

AN ACT to amend the *Licensing Act* 1932, and the *Licensing Act* 1952. [10 May 1962.]

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 *Licensing Act* 1962.
(2) The *Licensing Act* 1932, as subsequently amended, is in this Act referred to as the Principal Act.

- 2** Section three of the Principal Act is amended— Interpretation.
- (a) by inserting after the definition of “Registrar” the following definition:—
- “ ‘Servant’, when used in relation to a registered club, includes any person employed by the club or a committee thereof, and any person acting or purporting to act, in or about the premises of the club, in the carrying on of the business or affairs of the club;”;
- (b) by omitting from that subsection the definitions of “Traveller” and “Travellers’ registration book”; and
- (c) by omitting from subsection (2) the word “A” (first occurring) and substituting therefor the words “References in this Act to a traveller shall be construed as references to a person who is a *bona fide* traveller, and a”.
- 3** Section nine of the Principal Act is amended— Vacation of office of members of Licensing Court.
- (a) by adding at the end of paragraph II of subsection (1) the word “or”;
- (b) by omitting from paragraph III of that subsection the word “or” (second occurring); and
- (c) by omitting paragraph IV of that subsection.
- 4** Section forty of the Principal Act is amended by omitting all the words in subsection (2) following the word “it;”. Hearing of application.
- 5** Section sixty-one of the Principal Act is amended by omitting from sub-paragraph (d) of paragraph II of subsection (1) the words “reside and”. Permits to sell pending application.
- 6** Section sixty-five of the Principal Act is amended— Permits for public events.
- (a) by inserting in subsection (2), after the word “and”, the words “shall be”; and
- (b) by adding at the end thereof the words “, unless the court or the chairman thereof for special reasons (as to which it or he is the sole judge) approves of the application being lodged less than fourteen clear days before that date.”.
- 7** Section eighty-four of the Principal Act is amended by adding at the end the following subsection:— Notices prohibiting supply of liquor to certain persons.
- “(3) References in this section to the holder of any licence under this Act in a police district shall be construed as including references to the secretary of any registered club the premises in respect of which it is registered are situated within that district.”.
- 8** Section eighty-nine of the Principal Act is amended— Prohibited hours.
- (a) by inserting in subsection (2), after the word “supply”, the words “of liquor”;

- (b) by inserting in paragraph I of subsection (2), after the word "lodger", the words "for consumption by him on those premises";
- (c) by inserting in paragraph II of that subsection, after the word "therein", the words "for consumption by him on the premises of the club";
- (d) by inserting in paragraph III of that subsection, after the word "twenty-two", the words "for consumption by them in that room";
- (e) by omitting all the words in that subsection following paragraph III and substituting therefor the following paragraph:—
 - "IV Under the authority of a permit granted under this Act in respect of any premises for consumption on those premises."; and
- (f) by inserting in paragraph II of subsection (3), after the word "secretary", the words "or servant".

Travellers' registration book.

Unlawful sale, &c., of liquor.

9 Section ninety-one B of the Principal Act is repealed.

10 Section ninety-two of the Principal Act is amended by adding at the end thereof the following subsection:—

"(2) Where any liquor is sold on any premises in respect of which a licence is in force under this Act by any person other than the holder of that licence that person shall, without prejudice to his being found guilty of any other offence, be deemed to have committed any offence which the holder of that licence would have committed in contravention of this section if that liquor had been sold by him."

Offences by holders of any licences.

11 Section ninety-three of the Principal Act is amended—

- (a) by omitting from subsection (1) the words "being the holder of a licence under this Act," and substituting therefor the words "being a person who is the holder of a licence under this Act in respect of any premises, or the servant or agent of the holder of such a licence, and"; and
- (b) by inserting in subsection (2), after the word "Act," the words "or the servant or agent of the holder of such a licence,".

12 After section ninety-five of the Principal Act the following section is inserted:—

Liability of servants and agents of licensees.

"95A—(1) Where, on any licensed premises or the precincts thereof, any person, who is the servant or agent of the licensee of those premises, does such an act or thing, or permits such an act or thing to occur, or is in such a state or behaves in such a manner that, had he been the licensee, he would have committed an offence under any of the prescribed provisions, that person shall be deemed to have committed that offence.

“(2) For the purposes of subsection (1) of this section, in its application to the servant or agent of a licensee—

- (a) references (however made) in any of the prescribed provisions to licensed premises shall be construed as a reference to the licensed premises of that licensee; and
- (b) references (however made) in any of the prescribed provisions to a licensee or a servant, agent, son, or employee of a licensee shall be construed respectively as references to that licensee or a servant, agent, son, or employee of that licensee.

“(3) In this section ‘the prescribed provisions’ means the following provisions of this Act:—

- (a) Paragraph I of subsection (1), paragraphs I, II, III, and VII of subsection (2), and paragraphs I and III of subsection (3), of section ninety-four; and
- (b) Section ninety-five.”.

13 Section ninety-six of the Principal Act is amended—

- (a) by adding at the end of paragraph I the word “or”;
- (b) by omitting paragraphs II, IIIA, IV, and V; and
- (c) by adding at the end thereof the following subsections:—

“(2) No person shall wilfully make, or wilfully cause or allow to be made, any false entry in the register of members of a club.

Penalty: Ten pounds.

“(3) No person, being the secretary or a servant of a club, shall—

- (a) knowingly sell or supply any liquor to, or knowingly allow any liquor to be sold or supplied to, a person in respect of whom an order or notice under Part XI is in force;
- (b) knowingly permit any riot, affray, tumult, or disturbance to take place on the premises of a club; or
- (c) knowingly permit on the premises of the club any breach of the provisions of this Act.

Penalty: Ten pounds.”.

14 Section ninety-six A of the Principal Act is amended by omitting from subsection (2) the words “of a registered club or the servant or agent of the secretary thereof” and substituting the words “or a servant of a registered club”.

Keeping of main door of club unlocked while bar open.

15 Section ninety-seven of the Principal Act is amended by omitting paragraph IIIA of subsection (11).

Offences by holders of licences and other persons.

Disposal of
liquor seized.

16 Section one hundred and seven of the Principal Act is amended by inserting after subsection (3) the following subsection:—

“(3A) Nothing in this Act prohibits the sale of any liquor in the manner directed by an order made under this section.”.

Presumptions
as to offences
on licensed
premises.

17 Section one hundred and ten of the Principal Act is amended by inserting after subsection (2) the following subsection:—

“(2A) In any proceedings for an offence under this Act against a person as the servant or agent of a licensee that person shall be deemed, at the time at which the offence was committed or alleged to have been committed, to have been the servant or agent of the licensee if that person was acting, or purporting to act, for or on behalf of the licensee or was exercising, or appeared to exercise, any of the authority or functions of the licensee.”.

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

Presumption
as to offences
on whole-
salers'
premises.

“110AA—(1) Where liquor is sold to any person on premises in respect of which a wholesale licence is in force that liquor shall be deemed to have been sold, not only by the person by whom it was in fact sold, but also by the holder of that wholesale licence unless it is shown to the satisfaction of the court before which the proceedings are heard that the liquor was sold without his authority and contrary to his orders or directions.

“(2) The holder of a wholesale licence and any other person may be prosecuted jointly or severally for the same offence that is alleged to have been committed in contravention of this Act by reason of the sale of any liquor on premises in respect of which that licence is in force, but if the holder of that licence would not have been found guilty of that offence if subsection (1) of this section had not been enacted, they shall not both be punished in respect of that offence.”.

Defences.

19 Section one hundred and fourteen of the Principal Act is amended—

- (a) by inserting in paragraph 1, after the word “ninety-three”, the words “against a person as the holder of a licence under this Act”; and
- (b) by inserting after that paragraph the following paragraph:—

“1A Under subsection (2) of section ninety-three against a person as the servant or agent of the holder of a licence—that the defendant did not know, and had no grounds for believing, that any label or sign on the vessel in respect of which he is charged incorrectly indicated the nature of its contents or was calculated to deceive or mislead any person as to the nature or quality of those contents:”.

20 Section twenty-three of the *Licensing Act* 1952 is amended by omitting from subsection (1) the word "ten" and substituting therefor the word "fifteen".

Public-house
licences.

21—(1) On and after the date of the reprinting of the Principal Act the sections of this Act that are specified in the first column of the schedule are to have effect subject to the modifications set out against them respectively in the second column of that schedule, and, on and after that date, the Principal Act, as amended by this Act, shall be construed accordingly.

Adaptation of
amendments
to reprint of
Principal
Act.

(2) The Principal Act and this Act are, by force of this subsection, amended to such extent as may be necessary to give effect to subsection (1) of this section.

(3) Subject to this section, the provisions of this Act remain in full force and effect as if this section had not been enacted.

(4) In this section "date of reprinting of the Principal Act" means the date of the giving of the certificate printed, pursuant to section six of the *Reprint of Statutes Act* 1954, in the volume of reprinted Acts published pursuant to that Act in which the reprint of the Principal Act is included.

THE SCHEDULE.

(Section 21.)

Section.	Modifications.
3	The omission of the symbols "II", "III", and "IV" and the substitution therefor of the symbols "(b)", "(c)", and "(d)" respectively.
5	The omission of the symbols "(d)" and "II" and the substitution therefor of the symbols "(iv)" and "(b)" respectively.
8	In paragraphs (b), (c), (d), and (e) the omission of the symbols "I", "II", "III", and "IV" (wherever occurring) and the substitution therefor, in each case, of the symbols "(a)", "(d)", "(e)", and "(f)" respectively; and In paragraph (f), the omission of the symbol "II" and the substitution therefor of the symbol "(b)".
12	The omission of the symbols "I", "II", "III", and "VII" (wherever occurring) and the substitution therefor, in each case, of the symbols "(a)", "(b)", "(c)", and "(g)" respectively.
13	The omission of the symbols "I", "II", "IIIA", "IV", and "V" and the substitution therefor of the symbols "(a)", "(b)", "(d)", "(e)", and "(f)" respectively.
15	The omission of the symbol "IIIA" and the substitution therefor of the symbol "(c)".
19	The omission of the symbols "I" and "IA" and the substitution therefor of the symbols "(a)" and "(ab)" respectively.