

LICENSING.

No. 27 of 1963.

AN ACT to amend the *Licensing Act 1932*. [18 September 1963.]

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 1963*. Short title, citation, and commencement.

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

(3) Subject to subsections (2), (3), (4), and (5) of section ten, this Act shall commence on a date to be fixed by proclamation.

2 Section twenty-one of the Principal Act is amended— Licences that may be granted.

(a) by omitting from paragraph (e) of subsection (1) the word “and”; and

(b) by adding at the end of that subsection the following paragraph:—

(g) Wine licences.”

“; and

3 Section twenty-two of the Principal Act is amended by inserting after subsection (2) the following subsection:— Effect of licences.

“(2A) A wine licence does not authorize the sale of any liquor other than wine made in the State from grapes grown by the holder of the licence or from grapes acquired by him and does not authorize the sale of that wine to persons who are not authorized to sell liquor under this Act.”

4 Section twenty-four of the Principal Act is amended by inserting after paragraph (e) of subsection (1) the following paragraph:— Fees payable in respect of licences.

“(ea) for every wine licence, ten pounds;”.

5 Section twenty-five of the Principal Act is amended by inserting in subsection (5), after the word “licence” (first occurring), the words “, wine licence,”. Reduction of fees in certain cases.

6 Section thirty-six of the Principal Act is amended by inserting in sub-paragraph (ii) of paragraph (f) of subsection (1), after the word “three”, the word “consecutive”. Conditions to be fulfilled by applicants for licences.

Meal permits . **7** Section sixty-four A of the Principal Act is amended—

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

“(1A) Notwithstanding anything in the second schedule, an application for a permit under this section shall be in the prescribed form and shall contain particulars of the type, nature, or description of the meal that it is proposed to provide for persons who are supplied with liquor in pursuance of the permit.”;

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

“(2A) There may be specified in a permit granted under this section in respect of any licensed house or registered club the type, nature, or description of meals with which liquor may be supplied in pursuance of that permit.”; and

(c) by adding at the end thereof the following subsections:—

“(6) Where on a complaint made by an inspector the court is satisfied that at any time at which the sale and supply of liquor on any premises is authorized by a permit under this section there has not been readily available to persons resorting to those premises meals of a type, nature, or description specified in the permit, the court may revoke the permit or suspend its operation for such period as it may determine.

“(7) Where the court revokes a permit under subsection (6) of this section it may also disqualify the person to whom the permit was granted from being granted a further permit under this section for such period as the court may determine.”.

Wholesale
licences, &c.

8 Section sixty-seven of the Principal Act is amended—

(a) by inserting in subsection (1), after the word “licence,” (first occurring), the words “wine licence,”;

(b) by inserting in subsection (2), after the word “licence” (first occurring), the words “or a wine licence”;

(c) by inserting after subsection (3) the following subsection:—

“(3A) Paragraph (b) of subsection (3) of this section does not apply to an application for a wine licence.”.

9 Section seventy A of the Principal Act is amended— Provisional
registration
of clubs.

- (a) by adding at the end of subsection (2) the words “at least fourteen days before the day appointed for the sitting of the court at which the application is to be heard.”;
- (b) by inserting in subsection (4), after the word “three”, the word “consecutive”; and
- (c) by inserting in that subsection, after the word “days”, the words “or more than thirty-six days”.

10—(1) Section seventy-four of the Principal Act is amended— Grounds for
objection.

- (a) by omitting from paragraph (c) all the words following the word “members” and substituting therefor the words “of the club is less than the number it is required to have pursuant to paragraph (a) of section seventy.”;
- (b) by inserting after paragraph (g) the following paragraph:—
 - “(ga) That functions have been given or held on the premises of the club that are not reasonably incidental to the carrying out of the purposes or objects for which the club is established.”;
- (c) by omitting from paragraph (k) the words “for registration or”;
- (d) by omitting sub-paragraph (i) of paragraph (k) and substituting therefor the following sub-paragraph:—
 - “(i) that the registration of the club is unnecessary because, within ten miles of the premises in respect of which registration is sought, there are premises in respect of which another club, having the same or similar objects, is already registered.”;
- (e) by omitting from sub-paragraph (ii) of that paragraph the word “proposed” (twice occurring); and
- (f) by omitting from sub-paragraph (iii) of that paragraph the words “the proposed” and substituting therefor the words “that the registration of the”.

(2) Subject to the following provisions of this section paragraphs (d), (e), and (f) of subsection (1) of this section commence on the date on which the Governor gives his assent to this Act.

(3) In relation to an application for a provisional certificate of registration that has been made to the court before the date on which the Governor gives his assent to this Act, and upon which the court has not, before that date, made a determination granting or refusing the application, the Principal Act has effect as if the amendments made to that Act by paragraphs (d), (e), and (f) of subsection (1) of this section had been so made before that application was made to the court and before any public notice of the intention to make that application had been made as required by the Principal Act.

(4) For the purposes of subsection (3) of this section the court shall be deemed to have made a determination on an application notwithstanding that any right of appeal has been or may be exercised in respect thereof and notwithstanding any decision made on such an appeal.

(5) When any objection has been lodged with the Registrar under the Principal Act in respect of such an application as is referred to in subsection (3) of this section the court or the chairman thereof may grant leave for the amendment of that objection if it or he considers it just so to do having regard to the provisions of subsection (3) of this section, and, on leave being so granted, the objection may be amended accordingly.

11 After section seventy-four of the Principal Act the following section is inserted:—

Objections by
holders of
hotel licences.

“74A The holder of a hotel licence may lodge an objection to the grant of a provisional certificate of registration in respect of a club on the grounds that it is reasonably to be anticipated that the registration of the club would have an unduly adverse effect on the business carried on on the premises to which the licence relates or on the capacity of the holder of the licence to provide on those premises the services and facilities that, under this Act, he is required so to provide or that he would reasonably be expected so to provide.”.

Hearing of
applications.

12 Section seventy-six of the Principal Act is amended—

- (a) by inserting in subsection (2), after the word “for”, the words “a provisional certificate of”;
- (b) by omitting from that subsection the word “proposed” and substituting therefor the words “registration of the”; and
- (c) by inserting after subsection (2A) the following subsections:—

“(2AB) Without prejudice to the generality of the foregoing provisions of this section, on the hearing of an application under this Part, the court may (whether an objection to the granting of the application has been lodged as provided

in this Part or not) refuse to grant the application if it considers that, although the club has the number of members required by paragraph (a) of section seventy, the number of its members is not, having regard to the objects of the club, the situation of its premises, and all the circumstances of the case, sufficient to warrant the granting of the application.

“(2AC) Where the court refuses to grant an application on the grounds specified in subsection (2AB) of this section it shall fix the number of members that the club is required to have before it is entitled to be granted a provisional certificate of registration, and where a number is so fixed paragraph (a) of section seventy has effect in relation to that club as if that number were substituted for the number specified in that paragraph in relation to that club.

“(2AD) Without prejudice to the generality of the foregoing provisions of this section the court, where an objection is made under section seventy-four A to the grant of a provisional certificate of registration, may refuse to grant the application for the certificate if it is satisfied that the grounds of the objection have been substantiated.”.

13 Section eighty of the Principal Act is amended by omitting from subsection (1) the words “, such chairman, upon being satisfied that such alleged contravention” and substituting therefor the words “or that such functions are referred to in paragraph (ga) of section seventy-four have been given or held on the premises of the club, the chairman, if he is satisfied that the alleged contravention or the giving or holding of those functions”.

Cancellation
of registra-
tion.

14 Section eighty-eight of the Principal Act is amended—

Powers of
inspectors and
members.

- (a) by inserting in paragraph (b) of subsection (1), after the word “premises”, the words “or the premises of a registered club”;
- (b) by inserting in paragraph (c) of that subsection, after the word “licensee”, the words “or the secretary of the registered club”;
- (c) by inserting in paragraph (e) of that subsection, after the word “premises”, the words “or the premises of a registered club”;
- (d) by omitting from paragraph (f) of that subsection the word “and” occurring at the end thereof;
- (e) by inserting after that paragraph the following paragraph:—

“(fa) demand from any person found consuming, or in possession of, liquor on the premises of a registered club during prohibited hours, his name and address and his occupation; and”;

(f) by omitting from paragraph (g) of that subsection the words “any such person as last aforesaid who refuses on demand” and substituting therefor the words “any person who, on a demand being made to him under paragraph (f) or paragraph (fa) of this subsection, refuses”; and

(g) by adding at the end of subsection (3) the words “or the premises of a registered club.”.

Prohibited hours.

15 Section eighty-nine of the Principal Act is amended—

(a) by inserting after paragraph (d) of subsection (2) the following paragraph:—

“(da) by a person holding a wholesale licence or a wine licence acting in the course of a business carried on in pursuance of that licence, or any person acting as his agent or servant in the carrying on of that business;” and

(b) by inserting in subsection (3), after the word “person” (second occurring), the words “(other than a lodger)”.

16 After section ninety-four of the Principal Act the following section is inserted:—

Offences by holders of wholesale licences.

“94A—(1) Except as may otherwise be authorized by a permit under this section, no person, being the holder of a wholesale licence, shall sell, supply, or deliver liquor to any person at any time—

(a) on a Saturday or a Sunday, or on Christmas Day, Good Friday, or Anzac Day; or

(b) on any other day before the hour of eight of the clock in the forenoon or after the hour of six of the clock in the afternoon.

Penalty: Fifty pounds.

“(2) Subject to subsection (3) of this section, the court, on the application of the holder of a wholesale licence, may grant him a permit authorizing him, during such hours and on such days as may be specified in the permit and in compliance with such conditions or restrictions as may be so specified, to sell liquor or to deliver liquor sold by him.

“(3) The court shall not grant a permit under this section unless it is satisfied that, having regard to the season of the year at which the days specified in the permit occur or to the happening of a special event or occasion, the carrying on of the business of the holder of the licence would be unduly hampered if the permit were not granted, and that the granting of the permit would, in all the circumstances, be in the public interest.

“(4) The court may revoke or vary a permit granted under this section.

“(5) A fee of one pound is payable in respect of a permit granted under this section and in respect of any variation made in such a permit on the application of the holder of the wholesale licence to which it relates.”.

17 Section ninety-seven of the Principal Act is amended— Offences by holders of licences and other persons

(a) by inserting after subsection (5) the following subsection:—

“(6) In subsection (5) of this section ‘betting’ has the same meaning as it has for the purposes of the *Racing and Gaming Act 1952*.”; and

(b) by inserting in paragraph (i) of subsection (11), after the word “premises”, the words “or the premises of any registered club”.

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

“102A—(1) If the holder of a wholesale licence is convicted of an offence under paragraph (c) of subsection (1) of section ninety-two the court may, if in its opinion the circumstances require it, by order declare the licence to be forfeited or by order declare that its operation is to be suspended until such date as may be specified in the order. Forfeiture and suspension of wholesalers' licences.

“(2) Where the court under this section declares a wholesale licence to be forfeited it may also disqualify the licensee from holding a wholesale licence either indefinitely or for such period as may be specified in the order.”.

19 Section one hundred and three of the Principal Act is amended— Procedure for giving effect to Part XV.

(a) by inserting in subsection (1), after the word “sessions,” (first occurring), the words “or in which the holder of a wholesale licence is convicted of an offence under paragraph (c) of subsection (1) of section ninety-two by such a court,”;

(b) by inserting in subsection (1A), after the word “licence” (second occurring), the words “or any wholesale licence”; and

(c) by inserting in subsection (2), after the word "hundred", the words "or section one hundred and two A".

Seizure of
liquor
without
warrant.

20 Section one hundred and six of the Principal Act is amended by inserting, after the word "premises", the words " , or the premises of a registered club,".

Description
as to
liquor, &c.

21 Section one hundred and eleven of the Principal Act is amended by omitting from paragraph (a) of subsection (1) the words "that any particular kind, or, except in cases where the quantity is material," and substituting therefor the words "except where the matter is material, that any particular kind, or".

Amendments
to *Liquor Tax*
Act 1932.

22 The *Liquor Tax Act 1932* is amended—

- (a) by inserting in the definition of "retailer of liquor" in section three, after the words "wholesale licence", the words " , a wine licence,"; and
- (b) by inserting in subsection (1) of section fourteen, after the words "wholesale licence", the words " , wine licence,".

DANGEROUS DRUGS.

No. 28 of 1963.

AN ACT to amend the *Dangerous Drugs Act 1959*
and the *Police Offences Act 1935.*

[18 September 1963.]

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 *Dangerous Drugs Act 1963.*

(2) The *Dangerous Drugs Act 1959*, as subsequently amended, is in this Act referred to as the Principal Act.

Powers of
inspectors.

2 Section ten of the Principal Act is amended by adding at the end thereof the following subsections:—

"(2) Where an inspector who is a police officer has reasonable grounds for believing that an offence has been committed under this Act on any premises that he is empowered to enter under subsection (1) of this section, or in respect of any opium, raw narcotic, or dangerous drug found or kept on