



LICENSING.

No. 58 of 1973.

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AN ACT to amend the *Licensing Act 1932*.

[20 November 1973.]

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 1973*.

Short title and
citation.

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

Licensing
Court.

2 Section seven of the Principal Act is amended by omitting subsections (2) and (3) and substituting therefor the following subsections:—

“(2) The court shall consist of three persons appointed by the Governor, one of whom shall be—

(a) a practitioner within the meaning of the *Legal Practitioners Act 1959*;

(b) a magistrate appointed or deemed to have been appointed under the *Magistrates Act 1969*; or

(c) a person who has at any time been a magistrate referred to in paragraph (b) of this subsection or a police magistrate, who shall be the chairman.

“(3) Subject to this Act, each member of the court shall hold office for the term of five years or such lesser period as may be specified in the instrument of his appointment.”.

Licences which
may be granted.

3 Section twenty-one of the Principal Act is amended by inserting after paragraph (b) of subsection (1) the following paragraph:—
“(ba) Aircraft licences;”.

Effect of
licences.

4 Section twenty-two of the Principal Act is amended by inserting after subsection (4) the following subsection:—

“(4A) An aircraft licence authorizes the holder thereof to sell liquor to any person of or above the age of eighteen years being conveyed as a passenger in the aircraft named in the licence, or in any aircraft being temporarily used in substitution for that aircraft, for consumption by the person, or any other passenger of or above that age, while being so conveyed.”.

Fees payable
in respect of
licences.

5 Section twenty-four of the Principal Act is amended—

(a) by inserting, after paragraph (b) of subsection (1), the following paragraph:—

“(ba) for every aircraft licence, twenty dollars;”;

(b) by inserting in subsection (1A), after the symbol “(b),”, the symbol “(ba),”;

(c) by inserting in paragraph (a) of that subsection, after the word “vessel,”, the words “or (in the case of an aircraft licence) the aircraft,”;

(d) by inserting in subsection (2B), after the words “packet licence”, the words “or an aircraft licence”;

- (e) by inserting in paragraph (a) of that subsection, after the word “vessel”, the words “or aircraft (as the case may be)”;
- (f) by inserting in paragraph (d) of subsection (2D), after the words “packet licence”, the words “or an aircraft licence”; and
- (g) by inserting, in that paragraph, after the word “vessel” the words “or aircraft (as the case may be)”.

6 Section twenty-four A of the Principal Act is amended by omitting, from subsection (8), the words “or vessel” and substituting therefor the words “, vessel, or aircraft”.

Court to fix percentage fee.

7 Section twenty-six of the Principal Act is amended—

Court to grant licences.

- (a) by inserting in subsection (1), after the words “packet licence,”, the words “aircraft licence,”;
- (b) by inserting in subsection (2), after the word “vessel”, the words “or aircraft”; and
- (c) by inserting in that subsection, after the words “packet licence”, the words “or an aircraft licence (as the case may be)”.

8 Section thirty-five of the Principal Act is amended—

Mode of application.

- (a) by inserting in subsection (1), after the words “packet licence,”, the words “aircraft licence,”;
- (b) by omitting, from subsection (5), the words “or vessel” (twice occurring) and substituting therefor, in each case, the words “, vessel, or aircraft”; and
- (c) by omitting, from paragraph (a) of subsection (6), the words “or vessel” and substituting therefor the words “, vessel, or aircraft”.

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

Prohibited hours.

- (a) by omitting, from the end of paragraph (b) of subsection (3), the word “and”; and
- (b) by inserting, after that paragraph, the following paragraph and word:—
 - “(ba) in relation to an aircraft in respect of which an aircraft licence is in force, are the hours during which passengers are actually being conveyed in the aircraft; and”.

Offences by
holders of other
licences.

10 Section ninety-five of the Principal Act is amended by omitting, from subsection (1), the words “or packet licence,” and substituting therefor the words “, packet licence, or aircraft licence,”.

Offences by
holders of
licences and
other persons.

11 Section ninety-seven of the Principal Act is amended, by inserting, after paragraph (e) of subsection (11), the following paragraph:—

“(ea) purchase, obtain, or consume any liquor in or from any aircraft, in respect of which an aircraft licence is in force, unless he is a passenger being carried in the aircraft.

Penalty: Ten dollars;”.