

LICENSING AMENDMENT ACT 1984

No. 50 of 1984

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SCHEDULE 1

AMENDMENT OF PRINCIPAL ACT IN RELATION TO PENALTIES



LICENSING AMENDMENT ACT 1984

No. 50 of 1984

AN ACT to amend the Licensing Act 1976.

[Royal Assent 27 June 1984]

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—This Act may be cited as the *Licensing Amendment Act 1984*. Short title.

2—(1) This section and sections 1 and 39 shall commence on the day on which this Act receives the royal assent. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on a day to be fixed by proclamation.

3—In this Act, the *Licensing Act 1976** is referred to as the Principal Act. Principal Act.

* No. 117 of 1976. Amended by Nos. 5 and 94 of 1977, No. 4 of 1979, No. 99 of 1982, and No. 56 of 1983.

Amendment of
section 2 of
Principal Act
(Interpre-
tation).

4—Section 2 of the Principal Act is amended as follows:—

- (a) by omitting the definition of “bar room” and substituting the following definition:—

“bar room” means a place, a room, or part of a room, which is on licensed premises and—

- (a) in which liquor is supplied over a counter to a person, other than the licensee or his servant or agent, for consumption on or off those premises; or

- (b) which is recognized by the Board to be a bar room;

- (b) by omitting the definition of “club” and substituting the following definition:—

“club” means any club, association, society, or similar organization of persons with a common interest, which is governed by a constitution and rules;

- (c) by omitting “Chief Administrator of the State Fire Authority” from the definition of “fire protection officer” and substituting “State Fire Commission”;

- (d) by inserting the following definition after the definition of “senior police officer”:—

“special wine producer’s licence” means such a special wine producer’s licence as is referred to in section 9;

Amendment of
section 9 of
Principal Act
(Types of
licences).

5—Section 9 of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (c) “relate; and” and substituting “relate;”;

- (b) by omitting from paragraph (d) “relate.” and substituting “relate; and”;

- (c) by inserting the following paragraph after paragraph (d):—

- (e) Special wine producers’ licences authorizing, subject to section 11, the sale of wine produced in Tasmania,

6—Section 10 of the Principal Act is amended as follows:—

- (a) by omitting “(1) Except as provided in this section, an ” and substituting “An ”;

Amendment of section 10 of Principal Act (Restrictions on off licences).

- (b) by omitting subsection (2).

7—After section 11 of the Principal Act, the following section is inserted:—

Insertion in Principal Act of new section 11A.

11A—(1) Where premises (in this section referred to as the “relevant premises”) are, or are to be, used for the growing of trees, vines, or other plants the produce from which is to be used in the making of wine on those premises, a special wine producer’s licence may be granted in respect of the relevant premises, a part of those premises, or any premises or part of premises in the vicinity of the relevant premises.

Special wine producers’ licences.

(2) A special wine producer’s licence authorizes the sale or supply of wine which complies with the following conditions:—

- (a) the major part of that wine shall be produced from the fermentation of vegetable material obtained from trees, vines, or other plants grown on the relevant premises or, with the approval of the Board, shall be produced on other premises in respect of which a special wine producer’s licence has been granted;

- (b) at least 80 per cent of that wine shall be produced from fermentation of vegetable material obtained from trees, vines, or other plants grown within Tasmania, whether on the relevant premises or elsewhere.

(3) Notwithstanding subsections (1) and (2), a special wine producer’s licence may be granted subject to any other condition, dealing with any matter related to the business carried on on the relevant premises, that the Board considers appropriate.

8—Section 12 of the Principal Act is amended by omitting subsections (3), (3A), (4), and (5).

Amendment of section 12 of Principal Act (Limited licences).

Amendment of
section 18 of
Principal Act
(Grant of
provisional
certificates).

9—Section 18 of the Principal Act is amended by inserting the following subsection after subsection (3):—

(4) Without prejudice to the foregoing provisions of this section, the Board shall not direct the grant of a provisional certificate specifying a general licence or an on licence unless it is satisfied that the granting of the certificate would meet a reasonable need, having regard to any circumstances that it considers relevant.

Amendment of
section 23 of
Principal Act
(Renewal of
licences).

10—(1) Section 23 of the Principal Act is amended by inserting the following subsection after subsection (2):—

(2A) The Commissioner shall, in April and in May each year, cause to be published in a daily newspaper circulating in the area in which any premises in respect of which any licence or licences under this Act is or are in force a notice specifying that that licence, or those licences, will expire on 30th June in that year, unless renewed or cancelled in accordance with this Act.

(2) Section 23 of the Principal Act is further amended by omitting paragraph (b) of subsection (3) and substituting the following paragraph:—

(b) he has been furnished with a copy of the application.

(3) Section 23 (5) of the Principal Act is amended by omitting “The notice mentioned in subsection (3) (b)” and substituting “A notice referred to in subsection (2A)”.

Amendment of
section 24 of
Principal Act
(Transfer of
licences).

11—Section 24 of the Principal Act is amended by inserting the following subsections after subsection (1):—

(1A) Where a licence is held by a single individual and that individual dies, or where the Commissioner is satisfied that the holder of a licence is unable, or, for good reason, unwilling, to exercise the authority conferred on him by the licence, the Commissioner may, by notice in writing and without the consent of the holder of the licence, transfer that licence to the person named in the notice.

(1B) A notice referred to in subsection (1A) shall be served on the person named in that notice and, where practicable, on the person who held the licence immediately before the transfer was made.

12—After section 24 of the Principal Act, the following sections are inserted:—

Insertion in
Principal Act
of new
sections 24A
and 24B.
Notice of
intended
transfer, &c.

24A—(1) The holder of a licence or provisional certificate under this Act who intends to—

- (a) transfer the ownership of the premises in respect of which his licence or provisional certificate is granted;
- (b) transfer or assign the lease of those premises; or
- (c) dispose of the business conducted on those premises, to another person (in this section called the “transferee”), shall, before effecting such a transfer, assignment, or disposal, give notice in writing of his intention to the Commissioner.

(2) On receipt of a notice referred to in subsection (1) the Commissioner shall forward to the transferee a notice specifying—

- (a) any conditions that are applicable to the licence or provisional certificate;
- (b) any work on the premises that has been ordered to be carried out as the result of an inspection under this Act and that has not been completed at the date on which the notice is forwarded to the transferee; and
- (c) in the case of a provisional certificate, any work on the premises that must be completed before a licence will be granted in respect of those premises.

24B—(1) A person who, not being the holder of the licence which is granted in respect of a licensed establishment, commences to manage the affairs of that establishment shall, within 7 days after the day on which he commences to manage those affairs, and in accordance with section 24, apply for the transfer to him of that licence.

Failure to
apply for
transfer in
certain
circumstances.

(2) A person who fails to comply with subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$400 and, in the case of a continuing offence, a further penalty not exceeding \$10 for each day during which the offence continues.

Amendment of
section 25 of
Principal Act
(Temporary
authorities).

13—(1) Section 25 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

(1) Where—

(a) a licence is held by a single individual and that individual dies; or

(b) the Commissioner is satisfied that—

(i) the holder of a licence is unable, or, for good reason, is unwilling, to exercise the authority conferred on him by the licence; or

(ii) the circumstances justify or require the granting of a temporary authority,
the Commissioner may grant a temporary authority authorizing the person named in the authority to exercise the authority conferred by the licence; and, while that temporary authority remains in force, the licence is deemed to be held by that person.

(2) Section 25 (3) of the Principal Act is amended by inserting “, being a period of not more than 12 months,” after “period”, where first occurring.

(3) Section 25 of the Principal Act is further amended by inserting the following subsection after subsection (3):—

(3A) A temporary authority shall not remain in force for a period of more than 12 months.

Amendment of
section 28 of
Principal Act
(Structural
alteration
of licensed
premises).

14—Section 28 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:—

(1) A licensee shall not make alterations to the premises to which the licence relates unless the proposals for those alterations have been approved in accordance with this section.

(1A) A licensee who intends to make alterations to the premises to which the licence relates shall submit to the Commissioner proposals for those alterations.

15—Section 29 (8) of the Principal Act is amended by inserting “, by notice in writing served on the Commissioner within 14 days after the holding of the inquiry,” after “ may ”.

Amendment of section 29 of Principal Act (Investigation of complaints, &c.).

16—Section 30 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:—

Amendment of section 30 of Principal Act (Review of licence on complaints, &c.).

(4) Where the Commissioner is of opinion that—

(a) the recorded complaints in respect of a licensed establishment, or any of them, are of such substance or number, as to afford grounds on which the licence should be reviewed; or

(b) for any other reason the licence should be reviewed, he shall refer the licence to the Board for review and, if he does so, he shall serve notice in writing on the licensee stating that the licence has been so referred and specifying the complaints or the complaint, or any other reason why the licence has been referred to the Board for review, in a manner sufficient to identify them or it.

17—(1) Section 34 (1) of the Principal Act is amended as follows:—

Amendment of section 34 of Principal Act (Prohibited hours and permitted hours).

(a) by omitting from paragraph (a) “ Sunday;” and substituting “ Sunday, other than one on which Anzac Day occurs;”;

(b) by omitting from paragraph (b) “ or New Year’s Eve ” and substituting “ , New Year’s Eve, or Anzac Day ”.

(2) Section 34 (2) of the Principal Act is amended by omitting “ Act, in respect of any particular licence ” and substituting “ Act and subject to subsection (3), ”.

(3) Section 34 of the Principal Act is further amended by inserting the following subsection after subsection (2):—

(3) Where—

(a) the licensee closes a licensed house within one hour before or after the closing time specified in his current trading hours notice; and

(b) the licensed house has been open for a continuous period of not less than 4 hours immediately before that closure,

that licensee shall be deemed to have complied with section 56.

Amendment of section 35 of Principal Act (Fixing of trading hours for general licences).

18—Section 35 of the Principal Act is amended by inserting the following subsection after subsection (1):—

(1A) Notwithstanding subsection (1), a trading hours notice may specify a day earlier than 7 days after the service of the notice, and, if the Commissioner considers that the circumstances are appropriate and accepts that day, the trading hours specified in the notice shall come into effect on that earlier day.

Insertion in Principal Act of new sections 35A and 35B.

19—After section 35 of the Principal Act, the following sections are inserted:—

Provision of liquor outside specified trading hours in certain circumstances.

35A—(1) Notwithstanding any other provision to the contrary, the licensee of a licensed house may provide liquor within the permitted hours but outside the hours specified in his current trading hours notice—

(a) to a person who is attending a genuine private function in the licensed house to which the public is not invited; and

(b) to a person who is consuming a substantial meal in a dining area within the licensed house,

where the Board, on a written application from the licensee, declares that function, or that dining area, to be a function, or dining area, to which this section applies.

(2) In subsection (1), “substantial meal” means a meal which is served to a seated diner and which is of more substance than food in sandwich or roll form.

Provision of liquor in dining area at certain times and in certain circumstances.

35B—(1) Notwithstanding any other provision to the contrary, the holder of a general licence may open a dining area during the permitted trading hours on a Sunday—

(a) for lunch or dinner or both; and

(b) for not less than 2 hours at a time.

(2) Liquor shall only be served to a person in a dining area which is open as provided for in subsection (1) as an adjunct to a substantial meal.

(3) In subsection (2), “substantial meal” means a meal which is served to a seated diner and which is of more substance than food in sandwich or roll form.

20—(1) Section 42 of the Principal Act is amended by omitting subsections (1), (2), and (3) and substituting the following subsection:—

Amendment of section 42 of Principal Act (Cancellation of permits, and prohibition of issue of permits by police officers).

(1) Where a permit authorizing the sale of liquor is issued in respect of any premises or conveyance and liquor is sold on those premises or that conveyance in breach of the permit regulations or the conditions of that permit, the Commissioner may—

- (a) cancel the permit;
- (b) prohibit the issue by a police officer of any further permit—
 - (i) to the holder of the permit in relation to which a breach has occurred; or
 - (ii) in respect of the premises or conveyance in respect of which the permit in relation to which a breach has occurred was issued; or
- (c) cancel the permit and impose a prohibition referred to in paragraph (b).

(2) Section 42 (4) of the Principal Act is amended by omitting “subsection (2) (b)” and substituting “subsection (1) (b)”.

21—Section 43 of the Principal Act is amended by omitting subsection (7) and substituting the following subsection:—

Amendment of section 43 of Principal Act (Selling liquor without licence or permit).

(7) A person who contravenes a provision of this section is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$400.

22—Section 45 (2) of the Principal Act is amended by omitting “(not being an off licence granted as a special wine producer’s licence under section 12 (3))”.

Amendment of section 45 of Principal Act (Sale, &c., of liquor at off licences).

23—After section 46 of the Principal Act, the following section is inserted:—

Insertion in Principal Act of new section 46A.

46A—(1) A person shall not, on premises in respect of which a special wine producer’s licence is in force, sell or supply—

Sale, &c., of liquor on special wine producer’s premises.

- (a) any liquor other than wine; or

(b) any wine other than wine which complies with the conditions specified in section 11A (2).

Penalty: \$400.

(2) A person shall not, on premises in respect of which a special wine producer's licence is in force—

(a) sell or supply; or

(b) purchase or drink,

any liquor other than in accordance with the conditions and limitations subject to which that licence was granted.

Penalty: \$400.

(3) A responsible person shall not allow or connive at the commission of an offence under subsection (2) at or with respect to a licensed establishment.

Penalty: \$400.

Amendment of
section 47 of
Principal Act
(Sale and
supply of
liquor
outside
trading
hours).

24—(1) Section 47 (1) of the Principal Act is amended as follows:—

(a) by inserting “or purchase” after “consume” in paragraph (b);

(b) by omitting “\$200” and substituting “\$400”.

(2) Section 47 (2) of the Principal Act is amended by omitting “\$200” and substituting “\$400”.

(3) Section 47 (3) of the Principal Act is amended as follows:—

(a) by inserting “, in an area other than a bar room,” after “establishment” in paragraph (b);

(b) by omitting from paragraph (c) “45” and substituting “15”;

(c) by inserting “or the removal by him during those 15 minutes of liquor purchased during permitted hours for consumption off the licensed premises” after “that period” in paragraph (c).

Amendment of
section 48 of
Principal Act
(Closure of
parts of
licensed
houses
outside
permitted
hours).

25—(1) Section 48 (1) of the Principal Act is amended by omitting “45” and substituting “15”.

(2) Section 48 of the Principal Act is further amended by omitting subsection (5) and substituting the following subsection:—

(5) A person who contravenes a provision of this section is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$200.

26—(1) Section 50 (1) of the Principal Act is amended by omitting “ a person who, to his knowledge, is ”.

Amendment of section 50 of Principal Act (Sale, &c., of liquor to young persons).

(2) Section 50 of the Principal Act is further amended by inserting the following subsections after subsection (5):—

(5A) A licensee or his servant or agent may request a person in a licensed establishment who appears to that licensee, servant, or agent to be a young person to prove to the satisfaction of that licensee, servant, or agent that he has attained the age of 18 years.

(5B) A police officer may request a person in a licensed establishment who appears to that officer to be a young person to prove to the satisfaction of that officer that he has attained the age of 18 years.

(5C) A licensee and his servants and agents may, and, if so directed by a police officer, shall, refuse to sell or supply liquor to a person who is unable or unwilling to comply with a request made in pursuance of subsection (5A) or (5B).

(3) Section 50 of the Principal Act is further amended by omitting subsection (6) and substituting the following subsection:—

(6) A person who contravenes or fails to comply with a provision of this section is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$400.

27—Section 51 of the Principal Act is amended by omitting subsection (9) and substituting the following subsection:—

Amendment of section 51 of Principal Act (Admission of young persons to licensed establishments).

(9) A person who contravenes or fails to comply with a provision of this section is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$400.

28—(1) Section 53 (1) of the Principal Act is amended by omitting “ \$100 ” and substituting “ \$200 ”.

Amendment of section 53 of Principal Act (Liquor in, or in the vicinity of, public halls).

(2) Section 53 (4) of the Principal Act is amended by omitting “ This section ” and substituting “ Except as provided in subsection (4A), this section ”.

(3) Section 53 of the Principal Act is further amended by inserting the following subsection after subsection (4):—

(4A) A person shall not, in a public place in the vicinity of the premises on which liquor is authorized by a permit to be sold or supplied, consume within 2 hours after the expiration of that permit any liquor sold or supplied under the authority of that permit.

Penalty: \$200.

(4) Section 53 of the Principal Act is further amended by omitting from subsection (5) “entertainment” and substituting “public dance”.

Amendment of
section 54 of
Principal Act
(Representa-
tives of
licensees
and permit
holders).

29—Section 54 (2) of the Principal Act is amended by omitting “14” and substituting “7”.

Amendment of
section 58 of
Principal Act
(Special
provisions as
to licensed
clubs).

30—(1) Section 58 of the Principal Act is amended by inserting the following subsections after subsection (8):—

(8A) A person shall not publish an advertisement which states or implies that the general public is invited into a licensed club or to a function to be held at a licensed club.

(8B) For the purposes of subsection (8A), “advertisement” includes—

(a) every visual form of advertising, including any accompanying or spoken words or other sounds, whether in a publication or by the exhibition of film, or photographs, or by way of television or in any other way; and

(b) any form of advertising capable of being heard from a radio or any instrument or device for the production of sound.

(2) Section 58 of the Principal Act is further amended by omitting subsection (9) and substituting the following subsections:—

(9) A person who contravenes or fails to comply with a provision of this section is guilty of an offence.

(10) A person who is guilty of an offence under this section is liable on summary conviction to a penalty not exceeding \$400.

31—(1) Section 59 (6) of the Principal Act is amended by omitting “who is drunken, violent, quarrelsome, or disorderly.” and substituting—

Amendment of section 59 of Principal Act (Drunkenness and other undesirable conduct at licensed establishments, &c.).

“who is—

- (a) drunken, violent, quarrelsome, or disorderly;
- (b) objectionable as to his behaviour or person; or
- (c) not dressed in conformity with any reasonable standard of dress required by the licensee in accordance with subsection (6A).”.

(2) Section 59 of the Principal Act is further amended by inserting the following subsection after subsection (6):—

(6A) For the purposes of subsection (6) (c), a licensee may from time to time, by a notice conspicuously displayed at each entrance to any part of his licensed establishment, require a person wishing to enter or remain in that part to conform to a reasonable standard of dress as specified in the notice.

(3) Section 59 of the Principal Act is further amended by omitting subsection (8) and substituting the following subsections:—

(8) A person who, having been required, in the presence of a police officer, by a responsible person or his agent or servant to leave a licensed establishment—

(a) fails to leave the establishment when required to do so by that police officer; or

(b) returns to the establishment during the permitted hours on the day on which he was so required,

is guilty of an offence.

(8A) For the purpose of subsection (8) a day shall be regarded as a period of 24 hours ending at 5 a.m.

(4) Section 59 of the Principal Act is further amended by inserting the following subsection after subsection (9):—

(9A) A police officer who has reason to believe that a person is guilty of an offence under subsection (8) may arrest that person.

(5) Section 59 of the Principal Act is further amended by omitting subsection (11) and substituting the following subsections:—

(11) A person who contravenes a provision of this section is guilty of an offence.

(12) A person who is guilty of an offence under this section is liable on summary conviction to a penalty not exceeding \$200.

Insertion in
Principal Act
of new
sections 64A
and 64B.

Evidence
of family
bar room.

32—After section 64 of the Principal Act, the following sections are inserted:—

64A—In any proceedings for an offence under this Act, an averment in a complaint that a room in a licensed house was a family bar room is, unless the contrary is shown, sufficient evidence that that room was a family bar room.

Evidence
as to
licensee, &c.

64B—In any proceedings for an offence under this Act, an averment in a complaint that a person was the holder of a particular licence under this Act, or was a representative of the holder of that licence appointed in accordance with section 54, is, unless the contrary is shown, sufficient evidence that that person was that holder or that representative.

Amendment of
section 67 of
Principal Act
(Powers of
inspectors).

33—Section 67 (4) of the Principal Act is amended by omitting “liable to a penalty of \$100.” and substituting “is liable on summary conviction to a penalty not exceeding \$200.”.

Amendment of
section 69 of
Principal Act
(Taking of
names, &c.,
by police).

34—(1) Section 69 of the Principal Act is amended by inserting the following subsection after subsection (4):—

(4A) A police officer who, under this section, requires a person to furnish him with his name and the address of his place of abode may also, where that officer believes that the age of the person may be relevant to the commission of an offence under this Act, require that person to furnish him with details of his date of birth.

(2) Section 69 (5) of the Principal Act is amended as follows:—

(a) by omitting “or address”, where twice occurring, and substituting “, address, or age”;

(b) by omitting “liable to a penalty of \$100.” and substituting “is liable on summary conviction to a penalty not exceeding \$200.”.

35—Section 74 (1) of the Principal Act is amended by inserting “ or a special wine producer’s licence ” after “ off licence ”.

Amendment of section 74 of Principal Act (Fees for off licences and special wine producers’ licences).

36—Section 82 of the Principal Act is amended as follows:—

Amendment of section 82 of Principal Act (Annual returns to Commissioner).

(a) by omitting from subsection (1) “ or a club licence ” and substituting “ a club licence, or, where the Commissioner so directs, a special wine producer’s licence ”;

(b) by inserting “ or, where the Commissioner so directs, a special wine producer’s licence ” after “ off licence ” in subsection (2);

(c) by inserting “ or, where the Commissioner so directs, a special wine producer’s licence ” after “ off licence ” in subsection (3).

37—(1) Section 83 (1) of the Principal Act is amended by omitting from subsection (1) “ or a club licence ” and substituting “ a club licence, or, where the Commissioner so directs, a special wine producer’s licence ”.

Amendment of section 83 of Principal Act (Quarterly, &c., returns by holders of general licences, on licences, club licences, or special wine producers’ licences).

(2) Section 83 (2) of the Principal Act is amended as follows:—

(a) by omitting “ or an on licence ” and substituting “ , an on licence, or a special wine producer’s licence ”;

(b) by inserting “ and where the Commissioner so directs, in the case of a special wine producer’s licence ” after “ so transferred ”.

(3) Section 83 (3) of the Principal Act is amended by omitting “ or an on licence ” and substituting “ , an on licence, or, where the Commissioner so directs, a special wine producer’s licence ”.

(4) Section 83 (4) of the Principal Act is amended as follows:—

(a) by omitting “ or an on licence ” and substituting “ , an on licence, or a special wine producer’s licence ”;

(b) by inserting “ and where the Commissioner so directs, in the case of a special wine producer’s licence ” after “ authority ”, where secondly occurring.

38—(1) Section 84 (1) of the Principal Act is amended by inserting “ , or, where the Commissioner so directs, a special wine producer’s licence, ” after “ off licence ”.

Amendment of section 84 of Principal Act (Quarterly returns to Treasurer by holders of off licences).

(2) Section 84 (2) of the Principal Act is amended as follows:—

- (a) by omitting “ or an off licence ” and substituting “, an off licence, or a special wine producer’s licence ”;
- (b) by inserting “ and where the Commissioner so directs, in the case of a special wine producer’s licence ” after “ so transferred ”.

(3) Section 83 (3) of the Principal Act is amended by omitting “ or an off licence ” and substituting “, an off licence, or, where the Commissioner so directs, a special wine producer’s licence,”.

(4) Section 83 (4) of the Principal Act is amended as follows:—

- (a) by omitting “ or an off licence ” and substituting “, an off licence, or a special wine producer’s licence ”;
- (b) by inserting “ and where the Commissioner so directs, in the case of a special wine producer’s licence ” after “ authority ”, where secondly occurring.

Amendment of various provisions of Principal Act in relation to penalties.

39—Each provision of the Principal Act specified in column 1 of Schedule 1 is amended by omitting the amount specified opposite that provision in column 2, wherever occurring, and substituting the corresponding amount specified in column 3.

Savings and transitional.

40—(1) Subject to subsections (2) and (3), a limited off licence in force immediately before the day fixed by proclamation under section 2 (2) in respect of any premises as a special wine producer’s licence continues to have effect as a limited off licence in respect of those premises.

(2) The Board may, by notice in writing served before the day referred to in subsection (1) on the holder of a licence referred to in that subsection, specify the conditions and limitations subject to which that licence may continue to have effect as a special wine producer’s licence.

(3) If, before the day referred to in subsection (1), the holder of a licence referred to in that subsection notifies the Board that he accepts the conditions and limitations specified in a notice served on him under subsection (2), then, on and after the day referred to in subsection (1) that licence continues to have effect as a special wine producer’s licence subject to those conditions and limitations.

SCHEDULE 1

Section 38

AMENDMENT OF PRINCIPAL ACT IN RELATION TO PENALTIES

COLUMN 1 Provision	COLUMN 2 Amount to be omitted	COLUMN 3 Amount to be substituted
Section 44	\$200	\$400
Section 45	\$200	\$400
Section 45 (3)	\$100	\$200
Section 46	\$100	\$200
Section 52	\$200	\$400
Section 55 (1)	\$200	\$400
Section 56 (1)	\$200	\$400
Section 57	\$20	\$40
Section 60	\$200	\$400
Section 87 (1)	\$500	\$1 000
Section 87 (2)	\$2 000	\$4 000
Section 90	\$500	\$1 000
Section 91	\$500	\$1 000

