

TASMANIA.

THE LICENSING ACT, 1932.

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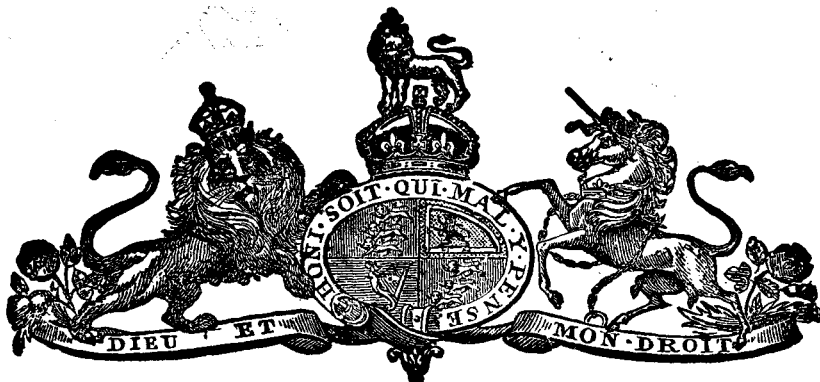
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TASMANIA



1932.

ANNO VICESIMO TERTIO

GEORGII V. REGIS.

No. 55.



AN ACT to consolidate and amend the Law ^{A.D.} **1932.**
 Regulating the Sale of Fermented and
 Spirituous Liquors. [18 *January*, 1933.]

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:—

PART I.

PRELIMINARY.

- 1** This Act may be cited as “The Licensing Act, 1932.” Short title.
- 2** The Acts set forth in the First Schedule are hereby repealed to Repeal.
 the extent therein indicated.
- 3**—In this Act, unless the contrary intention appears— Interpretation.
- “Attorney” means a duly qualified legal practitioner :
 “Bankrupt” means any person in respect of whose estate a sequestration order has been made :
 “Bar” means any room in which liquor is kept and in which, or through an opening in which, liquor is sold directly to customers :

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- “Clerk” means the clerk of the court for the district in which the premises in respect of which the application, proceeding, or matter in relation to which the term is used are situated :
- “Court” means a licensing court constituted under this Act :
- “District” means a licensing district constituted under this Act :
- “Hotel” means a house in respect of which an hotel licence is issued under this Act :
- “Inspector” means an inspector appointed under, or as provided by, this Act :
- “Licensee” means the holder of an hotel, public-house, or railway refreshment-room licence under this Act :
- “Liquor” means ale, beer, and any other malt liquor, and wine, cider, perry, brandy, gin, rum, whisky, and any other spirituous or fermented liquor, and any mixed liquor, part of which is malt liquor or fermented or spirituous liquor ; but does not include any beverage containing less than one-fortieth part by weight of alcohol or other intoxicating spirit or ingredient :
- “Lodger” means a person actually and in good faith lodging in the licensed premises in relation to which the term is used, whether as a customer or as a servant of the licensee or as a member of his household ; and includes a weekly boarder who habitually from day to day takes his meals in the licensed premises so long only, between the hours of noon and two of the clock in the afternoon, and between the hours of six of the clock and eight of the clock in the afternoon, as he is on such premises in good faith for the purpose of obtaining such meals :
- “Owner,” as applied to any house or premises, means the person for the time being in the actual receipt of, or entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise, and includes any person in receipt of, or entitled to receive from the holder of any licence under this Act, the rents and profits of any licensed premises :
- “Prohibited hours” means any time during which the sale or supply of liquor on licensed premises is prohibited as provided by Section Eighty-nine :
- “Public-house” means a house in respect of which a public-house licence is issued under this Act :
- “Ratepayer” means a person whose name is set forth as an owner or occupier in the assessment roll in force in the district in relation to which the term is used :
- “Town” means a town within the meaning of the Police Act, 1905.

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“Traveller” wherever occurring shall mean and be deemed to have reference only to a *bonâ fide* traveller, provided that a person shall not be deemed to be a *bonâ fide* traveller —

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- (a) Unless the place where he lodged during the preceding night is at least seven miles distant from the licensed premises where he demands to be or is supplied with liquor or refreshment, and he shall have travelled at least seven miles on the day of such demand or supply, such distance to be calculated by the shortest practicable route along or over any public highway or thoroughfare or by or across any arm of the sea, inlet, river, or creek between the place of lodging and such licensed premises : or
- (b) If the place where he usually sleeps is distant less than seven miles from such licensed premises, such distance to be calculated as aforesaid.

4—(1) All licences, permissions, and permits in force at the commencement of this Act shall continue in force until the expiration or other sooner determination thereof, and shall be under and subject to the provisions of this Act.

Continuation of existing licences and proceedings.

(2) All orders made and all applications, notices, and certificates properly lodged, given, or granted under any Act hereby repealed shall have effect as if the same were properly made, lodged, given, or granted under this Act.

5 Nothing in this Act shall apply to the sale of liquor—

Application of Act.

- i. In any refreshment-room at the Houses of Parliament by any person with the permission or under the control of the Houses of Parliament :
- ii. As medicine, or for medicinal purposes, by a duly qualified medical practitioner or chemist :
- iii. By a duly authorised auctioneer selling by public auction held in good faith on account of any person licensed to sell liquor :
- iv. By a duly authorised officer selling under the order of any court of law or the process of any such court .

PART II.

LICENSING DISTRICTS AND LICENSING COURTS.

6—(1) Each city and each municipality shall be a licensing district for the purposes of this Act.

Licensing districts.

(2) The names of the respective districts shall consist of the words “The Licensing District of _____,” with the name of the city or municipality, as the case may be, comprising the district, added thereto.

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Constitution of
courts.**7**—(1) For each district there shall be a licensing court.

(2) Every court shall consist of three persons, to be appointed by the Governor from time to time, one of whom shall be the chairman.

(3) The chairman of every court shall be a police magistrate, and shall hold office during the Governor's pleasure.

(4) The members of every court other than the chairman shall be justices residing in the district, and, subject to the provisions of this Act, shall hold office for three years from the date or respective dates of their appointment.

(5) One of such two members as last aforesaid shall be a councillor of the city or municipality constituting the district, and shall be nominated by the municipal council for appointment within such period as the Governor may direct; but in default of such nomination the Governor may appoint any justice residing in the district.

(6) The same person may be appointed chairman of more than one court.

Deputy members
of court.**8**—(1) The Governor may appoint any person qualified as hereinbefore provided to be deputy-chairman or a deputy-member of a court for a period to be specified in such appointment.

(2) Every person so appointed may, during any absence of the chairman or a member of such court from any sitting thereof, or when such chairman or member is incapacitated or unable to act, but not otherwise, exercise all the powers and functions and perform the duties of such chairman or member, as the case may be.

(3) A police magistrate may be appointed deputy-chairman of more than one court.

Vacation of office.

9 If any member other than the chairman of a court—

i. Dies :

ii. Resigns :

iii. Is disqualified under the provisions of Section Ten, or removed from office : or

iv. Ceases to be a justice, or, if nominated by a municipal council, ceases to be a member of such council—

his office shall become vacant.

(2) Whenever the office of any member is vacated as aforesaid, the Governor may appoint some person to fill the vacancy in the same manner as the person so vacating office was appointed, and he shall hold office for the unexpired portion of the period for which the person so vacating office was appointed.

Disqualification
for membership.**10**—(1) No person shall be eligible for appointment, or to hold office as a member of a court, if he is or becomes beneficially interested in the manufacture or sale of liquor, or in any licensed premises, or is the holder of any licence under this Act.

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(2) Membership of a registered club shall not disqualify any person from holding any such office as aforesaid. A.D. 1932.

(3) No member of a court shall take any part in the hearing or determination of any application for any licence, or any transfer thereof, or permission in respect thereof, or for any certificate of registration, in respect of any premises in which he is beneficially interested.

11—(1) If any member of a court is absent from two consecutive sittings thereof, the Governor, within one month from the date of the second of such sittings, by order-in-council, may remove him from office and appoint some other person in his stead. Removal from office.

(2) No such order as aforesaid shall be made if the Minister is satisfied that such absence has been caused by sickness or other reasonable cause.

12 Any member of a court may resign his office by writing under his hand addressed to the Governor. Resignation.

13—(1) Any two members of a court shall form a quorum, and may lawfully exercise the jurisdiction of the court notwithstanding any vacancy in the office of a member thereof. Quorum.

(2) If such two members disagree on any matter the opinion of the chairman, if present, shall prevail; and if the chairman is absent the matter shall be adjourned until the chairman is present, and shall, if he so desires, be re-heard.

14—(1) Every court shall be a court of record.

(2) Subject to the regulations, every court may make rules for the conduct of its business and the enforcement and carrying out of its orders and adjudications. Courts to be courts of record.
Rules.

(3) Every court shall have and use a seal, on which shall be inscribed the title of the court, which shall consist of the words "The Licensing Court for _____," with the name of the city or municipality, as the case may be, added thereto. Seal.

(4) Any member of a court may administer an oath touching any matter or proceeding in such court.

15—(1) The court for a district shall have exclusive jurisdiction to hear and determine, subject to this Act, all applications relating to premises situated within such district for— Jurisdiction of courts.

- i. Hotel licences, public-house licences, packet licences, and railway refreshment-room licences :
- ii. The transfer of any of the said licences :
- iii. Permission to continue to sell liquor under any of the said licences :
- iv. Provisional certificates for hotel licences : and

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v. Registration of clubs to which objections have been lodged and are pending, or which have been referred to the court as provided by this Act.

(2) Every such court shall have power—

- i. To deal with all other matters committed to it by this Act, or which may be necessary for carrying out the provisions thereof :
- ii. In relation to any matter or proceeding within its jurisdiction, to summon before it such witnesses as it may think fit, and the parties affected or likely to be affected by the decision in any such matter or proceeding : and
- iii. To hear and determine any proceeding in respect of any offence against this Act, and shall have in respect thereof all the powers and jurisdiction of, and shall be deemed to be, a court of petty sessions.

(3) Every such court may—

- i. Upon proof of the service of a summons on any such party as aforesaid, proceed in such matter or proceeding in his absence if he has not appeared :
- ii. If it thinks fit, upon the application of any party or otherwise, and upon such terms as to costs or otherwise as it may determine, at any time and from time to time adjourn its business, or the hearing or further hearing of any matter or proceeding before it, to such time and place as the circumstances may in its opinion require : and
- iii. Make such order as to the costs of any matter or proceeding before it as it thinks fit ; and the payment of any such costs may be enforced under the provisions of the Justices Procedure Act in the same manner as costs ordered to be paid under that Act.

10 Geo. V. No. 55.

Punishment for contempt of court.

16—(1) Every court may punish, by fine not exceeding Ten Pounds or by imprisonment for a term of not more than fourteen days, any person—

- i. Required by a summons under this Act to attend as a witness at any licensing court who neglects, without sufficient excuse, to appear and give evidence, or refuses to be sworn or to answer any lawful question : or
- ii. Who, before the court, wilfully interrupts the proceedings of the court, or hinders, obstructs, or assaults any person in attendance before the court, or any officer thereof in the lawful execution of his duty.

(2) No person shall be imprisoned under this section for a longer period than fourteen days.

Right of party to appear by attorney.

17 Every person before a court as a party to any matter or proceeding, or otherwise concerned therein, shall have the right to be represented by his attorney.

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18—(1) The chairman of a court shall have power, subject to the provisions of this Act— A.D. 1932.

- i. To appoint times and places for the sittings of such court :
- ii. To issue or cause to be issued, in relation to any matter or proceeding within the jurisdiction of such court, summonses to witnesses and parties affected or likely to be affected by any decision of the court thereon :
- iii. To issue or cause to be issued warrants of distress or of commitment, and to do all other acts, matters, and things necessary for the enforcing or carrying out of any order or decision of such court : and
- iv. To sign and seal all certificates and other documents required to be issued.

Powers of chairman and members of court.

(2) The powers conferred by this section may be exercised by any two members of the court at any sitting of the court or elsewhere.

19—(1) The clerk of petty sessions for the time being in each district shall be the clerk of the court. Officers of court.

(2) In any case in which a sitting of the court is held at any place other than the city or town in which the municipal offices of the city or municipality constituting the district are situated, the person performing the duties of clerk of petty sessions or police clerk at the place where such sitting is held may perform the duties of the clerk for the purposes of such sitting and of all matters incidental thereto

(3) It shall be the duty of the clerk and of every person performing the duties of a clerk to forward to the Treasurer full particulars of every permission and permit granted under this Act in the district for which such officer is appointed or in which he is so acting, immediately upon such permission or permit being granted.

20—(1) The court for each district shall hold an annual sitting during the month of November or the month of December at such time and place as the chairman shall appoint. Sittings of courts.

(2) Public notice of such appointment shall be published by the clerk in the Gazette and a newspaper at least twenty-one clear days before the day appointed for such sitting. See 6 Ed. VII. No. 12, s. 12.

(3) Sittings of the court for each district, other than the annual sittings aforesaid, shall be held from time to time at such times and places as the chairman shall appoint, and the clerk shall give public notice of every such sitting in a newspaper at least seven clear days before the day appointed therefor.

(4) A sitting of a court may be held at a place outside the district for which such court was appointed.

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PART III.

LICENCES, TRANSFERS, AND PERMISSIONS: EFFECT THEREOF:
FEES FOR LICENCES.Licences which
may be granted.**21**—(1) The following licences may be granted under this Act, namely—

- i. Hotel licences and public-house licences;
- ii. Packet licences :
- iii. Railway refreshment-room licences :
- iv. Wholesale licences :
- v. Importers' licences : and
- vi. Cider licences.

(2) A transfer of any of the licences enumerated in Paragraphs i., ii., and iii. of Subsection (1) hereof may be granted by the court as hereinafter provided.

(3) A permission to continue to sell liquor under any of the last-mentioned licences until the expiration thereof (hereinafter called a "permission") may be granted by the court in any of the cases hereinafter provided.

(4) Any such transfer or permission, when endorsed on such licence as hereinafter provided, shall constitute the person to whom the same is granted the holder of such licence during the currency thereof, or until he shall cease to be such holder in accordance with this Act.

Effect of licence.

22—(1) The several licences above mentioned shall authorise the holders thereof respectively to sell and supply liquor, subject to the provisions of this Act, in and upon the premises in respect of which the same are issued respectively—

- i. In the case of a wholesale licence, in quantities of not less than two gallons actually delivered at any one time :
- ii. In the case of an importer's licence, in bond only, in quantities of not less than one hundred gallons of any one kind of liquor at any one time, or in quantities of not less than twenty packages unbroken since importation at any one time :
- iii. In the case of a cider licence, in quantities of not less than two gallons actually delivered at any one time, and comprising only cider, perry, or wine made from any fruit other than grapes : and
- iv. In all other cases, in any quantity.

(2) Any of the licences mentioned in Paragraphs i. and iv. of Section Twenty-one shall authorise the holder thereof to sell liquor in any bonding warehouse in quantities of not less than two gallons delivered at any one time.

(3) In pursuance of any authority in that behalf duly granted under this Act, the holder of any such licence may sell liquor thereunder during the period and at the times and places respectively specified in such authority.

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(4) A packet licence shall authorise the holder thereof to sell liquor at any time other than during prohibited hours to any person being conveyed as a passenger in the vessel named in such licence, and for consumption by such person while being so conveyed; and to sell liquor to any such person for such purpose at any time while such vessel is actually engaged on a trip of more than eighteen hours' duration. A.D. 1932.

(5) A railway refreshment-room licence shall authorise the holder thereof to sell liquor on the premises therein mentioned during the period extending—

- I. From thirty minutes before the advertised time of arrival of a passenger train until thirty minutes after the departure of such train: or
- II. From thirty minutes before the advertised time of departure of any such train until the departure thereof, in a case where such train has not commenced its journey—

at or from the station where such premises are situate, but during prohibited hours to such persons only as have arrived at, or are about to depart from, such station by such train (in this Act called "railway passengers").

23—(1) Every licence under this Act shall be issued by the Treasurer as hereinafter provided, and may be in the appropriate form set forth in the Second Schedule. Issue, form, and duration of licences.

(2) Every licence issued under this Act shall, unless sooner determined under the provisions of this Act, remain in force until the thirty-first day of December next after the date from which it is expressed to take effect, and no longer.

24—(1) Except as provided in Section Twenty-five, the fees payable in respect of the several licences above mentioned shall be— Fees payable in respect of licences.

- I. For every hotel licence or public-house licence, Twenty-five Pounds:
- II. For every packet licence, Ten Pounds:
- III. For every railway refreshment-room licence, Five Pounds:
- IV. For every cider licence, Five Pounds:
- V. For every wholesale licence, Twenty-five Pounds for each separate store or premises in respect of which the licence is granted:
- VI. For every importer's licence, Ten Pounds.

(2) The fee payable upon a transfer of any such licences or for a permission in respect thereof shall be— Transfer fees.

- I. For every hotel licence or public-house licence, Five Pounds:
- II. For every packet licence, Two Pounds:
- III. For every railway refreshment-room licence, Ten Shillings.

25—(1) In any case in which the court is satisfied that the business and profit therefrom which can be reasonably expected in any house in respect of which a licence is granted will be small in comparison with Reduction of fees in certain cases.

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other licensed houses in the same or an adjacent district, the court may reduce the fee payable in respect of such licence to such sum, not being less than Fifteen Pounds, as it thinks fit.

(2) Every such reduction shall be endorsed on the certificate for such licence, and signed by or on behalf of the court.

(3) No such reduction shall be made in respect of any house which is accessible by any road to any other hotel or public-house situate within three miles thereof.

(4) In cases where licences are granted by the court at any sitting other than the annual sitting, the fees payable in respect thereof shall, where the licence is granted—

- I. In the second quarter of the year, be three-fourths :
- II. In the third quarter of the year, be one-half : and
- III. In the fourth quarter of the year, be one-fourth—

of the annual fee prescribed for such licence by Section Twenty-four.

(5) The fee payable in respect of any wholesale licence or importer's licence issued after the thirtieth day of June in any year shall be one-half the fee prescribed for such licence by Section Twenty-four.

PART IV.

CONDITIONS FOR THE GRANTING OF LICENCES, AND
LIMITATION OF NUMBER OF LICENCES.
Court to grant
licences.

26—(1) Every hotel licence, public-house licence, packet licence, and railway refreshment-room licence, and all transfers thereof and permissions in respect thereof respectively, shall be granted as hereinafter provided by the court for the district in which the premises in respect of which application is made therefor are situated.

(2) For the purposes of this Act a vessel in respect of which application is made for a packet licence shall be deemed to be premises situate in the district where the principal office or place of business of the owner thereof in this State is situate.

Accommodation
in hotels.

27—(1) No hotel licence shall be granted in respect of any house unless the same contains—

- I. If within a city, at least sixteen rooms :
- II. If within a town, at least twelve rooms : or
- III. If elsewhere, at least ten rooms—

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

(2) In computing the number of such rooms as aforesaid no account shall be taken of any room containing less than seven hundred and twenty cubic feet of space.

(3) One-half of such number of rooms in every case shall be furnished to the satisfaction of the court, as bedrooms, and available for the accommodation of the public.

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28 No public-house licence shall be granted in respect of any house unless at the commencement of this Act there is a public-house licence in force in respect of such house.

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Public-house licences.

29 No hotel licence or public-house licence shall be granted in respect of any house situate more than two miles from the limits of any city unless there is available in connection therewith such stabling and garage accommodation, if any, within reasonable distance of the premises as the court shall think fit.

Stabling accommodation.

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

Sanitary accommodation and fire appliances.

- i. There is available to persons occupying or using the same sanitary and bath accommodation in accordance in every respect with any requirements made by or under any Act relating to public health: and
- ii. Such house is provided with such fire-escapes and appliances for extinguishing fire as the court may think necessary.

31—(1) No licence or transfer thereof, or permission in respect thereof, shall be granted by the court to any person who is disqualified under the provisions of this Act from holding a licence.

Licence not to be granted to disqualified person.

(2) No woman under the age of thirty years shall be capable of holding a licence under this Act, except the widow, daughter, or sister, not under the age of twenty-five years, of the deceased licensee.

32—(1) Except as provided by Section Thirty-three, no hotel licence or public-house licence shall be granted if the number of such licences in force in the district will thereby be increased beyond the number in force therein on the first day of January, one thousand nine hundred and seventeen.

Limitation of number of licences.

(2) In calculating such number as last aforesaid, if any such licence had been in force in respect of any house within four months before the time of such commencement, and an application was then pending for a licence in respect of such house, such application and all conditional licences then in force shall be counted as licences in force.

33—(1) An hotel licence may be granted in respect of a house, although the number mentioned in Section Thirty-two may thereby be increased, upon application for a provisional certificate as hereinafter provided.

New licences.

(2) Every such application shall be addressed to the court for the district in which the premises in respect of which application is to be made for a licence are situated, and lodged with the clerk, and shall show—

- i. That the population of the area within a radius of one mile from the said premises has substantially increased since the first day of January, one thousand nine hundred and

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seventeen, and that such increase of population is likely to be permanent, or that the needs of the travelling public are such that a licensed house is necessary in the locality :

- ii. That there are not sufficient licensed houses within such area to meet public requirements: and
- iii. That no application for the removal of any existing licence to the premises therein specified is then pending.

(3) Every such application shall contain a full description of the house in respect of which a licence is sought if the same has then been built, or of the land upon which it is proposed to build the same if otherwise, and the name of the person seeking such licence (herein called "the applicant"), and the statements therein shall be verified by affidavit.

(4) If any such application is refused, no further application in respect of any part of the area to which the rejected application related shall be entertained within three years after such refusal unless the applicant can show that there has been a substantial increase in population within such area since the date of such refusal.

Provisional certificates.

34 No licence shall be granted in respect of any house in respect of which no licence has been held within the twelve months immediately preceding the application for such licence, unless a provisional certificate has been granted therefor as hereinafter provided.

 PART V.

APPLICATIONS FOR LICENCES AND DETERMINATION THEREOF.

Mode of application.

35—(1) Every person who desires to obtain an hotel licence, public-house licence, packet licence, or railway refreshment-room licence (hereinafter called "the said licences"), or a transfer of any of the said licences, or a permission in respect thereof, or a provisional certificate for an hotel licence, shall apply to the court for the district in which the premises in respect of which he so applies are situate.

(2) Every such application shall be in writing, in the appropriate form set forth in the Second Schedule, and shall be signed by the applicant.

(3) Every such application, together with a copy thereof, shall be delivered to the clerk, and if the same is to be heard by the court at its annual sitting or at any sitting for which a time has already been appointed, such delivery shall be not less than fourteen days before the day appointed for such sitting.

Conditions to be fulfilled by applicants.

***36**—(1) The applicant shall—

- i. Give public notice of his application in a newspaper at least seven days before the day appointed for the hearing thereof :

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- ii. Pay to the clerk, in cash or by banker's cheque, the amount of the fee (if any) payable in respect of the subject-matter of his application not later than two days before the hearing thereof: A.D. 1932.
- iii. If the application is for an hotel licence or public-house licence, lodge with the clerk three days before the hearing or within such further time as the court may allow—
- (a) A certificate from a health officer that the premises in respect of which the application is made comply with the requirements of Section Thirty, and a certificate from an inspector that the accommodation thereof complies with the requirements of this Act :
 - (b) If he is not the holder, by direct grant, or by transfer, of any such licence, a testimonial as to his character and fitness to hold the licence for or in respect of which he applies : and
 - (c) When required by this Act or by the court, a plan of the premises as prescribed or ordered :
- iv. If the application is for a railway refreshment-room licence, or a transfer thereof, produce to the court, or deliver to the clerk before the hearing, the consent in writing of the person for the time being having the management and control of the railway-station in respect of which his application is made :
- v. Appear before the court upon the hearing of his application when required by this Act, or notified by the clerk so to do : and
- vi. If the application is for a provisional certificate—
- (a) Lodge with the clerk, together with his application, full and complete plans, showing the precise position of the house or proposed house and the boundaries of the land to be occupied therewith ; and if the house is to be built, completed, or altered, specifications of any building or alteration yet to be done :
 - (b) Give public notice of his application in a newspaper once in each week for three weeks, the last of such notices to be published not less than fourteen nor more than twenty-eight days before the day appointed for the sitting of the court at which the application is to be heard : and
 - (c) Prove to the satisfaction of the court when required that he is entitled to occupy the premises in respect of which he applies, and the terms, if any, upon which he is so entitled :
- Special conditions
in case of provi-
sional certificates.

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vii. If the application is for the transfer of a licence or for a permission, the licence in respect of which the application is made shall be lodged with the clerk three days before the hearing, or within such further time as the court may allow.

(2) There shall be lodged with every application for the transfer of an hotel licence, public-house licence, or railway refreshment-room licence a consent to the granting thereof, signed by the holder of such licence.

Appointment of sittings of courts to hear applications.

37—(1) If an application is lodged for hearing at any sitting of the court for which a time and place have not been appointed, the clerk shall forthwith notify the chairman thereof.

(2) The chairman shall thereupon appoint a time and place for a sitting at which such application can be heard, and the clerk shall give notice thereof to the applicant not less than twenty-one days before the time so appointed.

(3) Such time shall not be less than one month nor more than three months after such notification.

(4) The foregoing provisions of this section shall not apply to any application lodged with the clerk after the thirty-first day of August in any year ; but every such application shall be heard at the annual sitting of the court.

Applicants to appear at hearing in certain cases.

38—(1) Every applicant shall attend before the court personally or by his attorney upon the hearing of his application unless—

- i. He is the holder of a licence for the premises in respect of which his application is made :
- ii. No objection to his application is pending : and
- iii. No summons or notice to attend has been received by him.

(2) The clerk, if directed by any member of the court so to do, shall give to the applicant three days' notice in writing that he is required to attend personally before the court upon the hearing of his application, and every such applicant shall be bound to attend accordingly.

(3) The superintendent or other police officer in charge of the district may give to any applicant seven days' notice in writing to attend before the court and answer any objections specified in such notice, and the applicant shall attend accordingly, and such officer may examine or cross-examine any witnesses called upon the hearing of the application.

Renewal of applications previously rejected.

39 If the application of any person for any of the said licences is rejected by the court, no new application by such person in respect of the same premises shall be heard at any sitting of the court before the annual sitting next after such rejection.

Hearing of applications.

40—(1) The applications to be heard at any sitting of the court shall be heard in such order as the court may determine.

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(2) The court may correct and amend any inaccuracy, irregularity or insufficiency in any application before it; but no application which has been delivered to the clerk after the time prescribed by this Act for the delivery thereof shall be considered by the court. A.D. 1932.

(3) The court may require any applicant to adduce evidence upon oath touching any matter relating to his application upon which it may consider such evidence is necessary.

(4) The court may at any time require any applicant to appear personally before it, whether or not he has previously received any summons or notice to attend, and may adjourn any application for that purpose.

41—(1) In determining whether an application shall be granted or refused the court shall have regard to — Determination of applications.

- i. The character of the applicant and his fitness to hold the licence for which, or for a transfer or permission in respect of which, he applies :
- ii. The sanitary condition and suitability in other respects of the premises in respect of which the application is made, and the question whether the provision for the sanitation of such premises is sufficient in the opinion of the court :
- iii. In the case of applications for hotel licences and public-house licences, the suitability of the locality in which the premises are situated and the necessity for a licensed house in such locality :
- iv. Any petitions which may have been presented for or against the granting thereof as provided by Section Fifty-two: and
- v. Such other matters as the court may think necessary in the circumstances of the particular case.

(2) No application for the transfer of any of the said licences shall be granted unless the court is satisfied that all tax payable in relation to the licence under the Liquor Tax Act, 1932, up to the date on which the transferee gave up possession of the premises, has been paid. 23 Geo. V. No. 28.

42—(1) Every applicant for an hotel licence or public-house licence in respect of premises of which a plan which complies with the provisions of this section has not already been filed shall, three days at least before the day appointed for the hearing of his application, lodge with the clerk a complete and accurate plan of such premises, showing— Plans of licensed houses to be filed.

- i. The boundaries of the premises, including therein all land and buildings occupied and used in connection therewith :
- ii. The exact boundaries of the part of such premises in which the licence is to take effect :
- iii. The nature and extent of any buildings not included in such last-mentioned part, and the means of access between every such building and such part.

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(2) Every such plan shall be filed by the clerk, and, if such licence is granted, shall be retained by him and be kept at all times available for reference; and, in any proceedings under this Act, shall be *prima facie* evidence of the position and arrangement of the buildings shown thereon.

(3) The court may at any time require any applicant to lodge a new plan, with such alterations from or additions to the plan previously filed as the court may direct.

(4) The court may extend the time for the lodging of any such plan, and may for that purpose adjourn the hearing of the application.

(5) Each court may direct, from time to time, a uniform size to which all such plans as aforesaid lodged therewith shall conform.

(6) No structural alteration or addition to any licensed premises shall be made without the approval of the court.

(7) A licensee desiring to make any such alteration or addition shall lodge with the clerk an application in writing for such approval with full and complete plans and specifications of the proposed work, and such application shall be considered by the court at its next sitting or at such other time as the court may determine.

Description of licensed premises.

43—(1) Upon the granting of every application for an hotel licence or public-house licence the court shall enquire into and determine the limits of the house and premises in respect of which such licence is granted, and the expression “licensed premises” hereinafter in this Act used shall in every case have reference to such premises as so determined; and the expression “the precincts,” used in relation to any such premises, shall mean any yard, stable, shed, outhouse, or place of, belonging, or in any way appertaining to, such premises.

(2) Such limits as aforesaid shall be plainly marked by a red line upon the plan of the premises lodged with the clerk as hereinbefore provided, and shall, subject to any alteration which the court may at any time order or permit, define the premises within which the licence shall take effect.

(3) Every certificate and every licence issued in respect of any such premises shall have reference only to the part so marked as aforesaid on such plan.

Certificates for licences, &c.

44 When any of the said licences or a transfer thereof, or a permission in respect thereof, is granted by the court, a certificate in the appropriate form in the Second Schedule shall be issued by the court to the applicant.

List to be forwarded to Treasurer.

45—(1) Except as provided in Subsection (2) hereof, upon the expiration of ten days after the granting of any of the said licences, transfers, or permissions, the clerk shall forthwith forward to the Treasurer a full and complete list of every certificate so issued, showing in each case the name of the licensee, the nature of the licence and the fee

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payable therefor, and the style and situation of the premises in respect of which it is granted; and shall also forward with such list a duplicate of every such certificate, together with all moneys received by him as fees in relation thereto. A.D. 1932.

(2) If notice of appeal against the granting of any such licence, transfer, or permission is lodged within the time aforesaid, the clerk shall omit from such list as aforesaid the particulars of the certificate granted in the matter to which such appeal relates, and shall retain the fee received by him in respect thereof until such appeal is finally determined as hereinafter provided.

(3) If such appeal is determined in favour of the applicant, the clerk shall forthwith forward to the Treasurer a duplicate of the certificate issued to him, together with the fee paid in relation thereto, and, where the certificate is for a transfer or permission, shall also forward the existing licence to which such certificate relates.

46 Where an applicant for any of the said licences, or for a transfer or permission in respect thereof, dies before the hearing of his application, the court, upon application as may be prescribed, and upon being satisfied as to the fitness of the person so applying, may permit the name of the widow or any adult member of the family of the deceased applicant to be substituted for the name of the deceased applicant in the original application, and may deal with the same accordingly. Procedure on death of applicant.

47—(1) On receipt of the duplicate certificate therefor, as provided by Section Forty-five, the Treasurer shall— Treasurer to issue licences, &c.

- i. In the case of a new licence, cause such licence to be issued to the person named in such certificate and according to the tenor thereof:
- ii. In the case of a transfer or permission, endorse upon the existing licence the name of the person to whom the transfer or permission has been granted, and certify him to be the holder of such licence:
- iii. Cause such new licence or such existing licence, as the case may be, to be delivered, or sent by post, to the applicant at the address mentioned in such certificate: and
- iv. Cause particulars of such matter to be published in the Gazette as soon as practicable after the receipt of such certificate by him.

(2) No such transfer or permission as aforesaid shall take effect until such licence has been so endorsed by the Treasurer as aforesaid.

(3) The Treasurer, upon being satisfied by such evidence as he may consider sufficient that any licence under this Act has been lost or destroyed, and upon payment of the prescribed fee therefor, may issue a duplicate of such licence to the holder thereof.

(4) Every such duplicate shall have written or printed on the face of it the word "duplicate" in red letters, and when so issued shall have the same force and effect in all respects as the licence of which it is a duplicate.

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Conditional
licences and
conditions in
respect of provi-
sional certificates.

48—(1) If upon the hearing of an application for an hotel licence or public-house licence the court is of opinion that, although the premises in respect of which such application is made do not fully comply with the requirements of this Act, it is not desirable that such licence should be refused, the court may grant such licence conditionally.

(2) In any such case the court shall, by order, require the licensee to take such steps and to do such acts and things as the court may consider necessary to make such premises comply with such requirements as aforesaid within such time as may be specified in such order.

(3) The certificate issued in respect of any such licence, and every licence so granted, shall each have endorsed upon it in red ink the word "conditional," and the court, upon proof that the conditions have been fulfilled and upon production of the licence, shall endorse on the licence a certificate that the conditions imposed in respect thereof have been fulfilled.

(4) Upon the hearing of an application for a provisional certificate the court may impose such conditions as it may consider reasonable as to the nature of any building to be erected, or any alterations or additions to be made to an existing building in the event of such application being granted, and the applicant shall comply with any such conditions so imposed before an application for a licence in respect of such building is granted.

Effect of
provisional
certificate.

49 A provisional certificate for an hotel licence shall be an authority for the holder thereof, or any other person for the time being entitled to possession of the premises in respect of which the same is granted, to make application for an hotel licence in respect thereof within the time specified in such certificate, or such further time as the Court may allow; and, upon proof of the performance of any conditions imposed by the Court in such certificate, no objection to the granting of such licence upon any ground other than those mentioned in Paragraphs i. to iv. inclusive of Subsection (2) of Section Fifty-three shall be entertained.

Removal of
licences to other
premises.

50—(1) The holder of any of the said licences desiring to remove his business to premises other than those in respect of which his licence was granted shall make application to the court in the same manner and subject to the same conditions as are provided by this Act with respect to an application for such licence.

(2) If such application is made in respect of any house, the consent in writing of the owner of the house mentioned in such licence, and of the owner of the house to which such removal is proposed, shall be endorsed upon, or delivered to the clerk with, the application, unless in either case respectively the applicant is such owner.

(3) Upon the hearing of such application, the court, subject to the provisions of Section Fifty-two, if it thinks the proposed new premises suitable, may authorise such removal.

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(4) Particulars of the premises to which such removal is so authorised shall be endorsed by the Court upon such licence, and thereupon such licence shall take effect in respect of the premises mentioned in such endorsement, and shall cease to have effect in respect of the premises for which it was originally granted.

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(5) No such application in respect of a public-house licence shall be granted unless the house to which the applicant applies for removal complies with the requirements of this Act for an hotel.

(6) If any such application is refused under the provisions of Section Fifty-two, no further application for removal to the same premises shall be entertained within three years after such refusal.

(7) The fee payable in respect of every such removal shall be Five Pounds.

51 If from any cause an application for a licence in respect of any premises has not been finally determined before the existing licence in respect thereof expires, it shall be lawful for the applicant to sell liquor in such premises until such determination as if the application had been granted, and he shall be deemed during such period to be the holder of a licence in respect thereof.

Applicants may sell liquor when licences expire pending determination of application.

PART VI.

PETITIONS AND OBJECTIONS.

52—(1) Any number, not less than five, of the ratepayers resident in the neighbourhood of any house in respect of which an application—

Petitions.

i. For a provisional certificate for a licence: or

ii. For authority to remove his business to other premises in a different neighbourhood, under Section Fifty—

has been lodged, may present a petition to the court for a poll as hereinafter provided.

(2) Every such petition shall be lodged with the clerk not less than five days before the day appointed for the sitting of the court at which such application is to be heard.

(3) Every such petition shall state the grounds upon which the petitioners object to the granting of such application, and such grounds may include, or consist of, an averment of the petitioner's belief that the majority of the ratepayers in the neighbourhood to which the application relates are opposed to granting of a licence or authority, as the case may be, in respect of any house in such neighbourhood.

(4) The court may require evidence on oath verifying the signatures to any such petition, or any facts stated or alleged therein.

(5) On receipt of such petition and a copy thereof the clerk shall forthwith forward such copy to the applicant, who may inspect such petition at the office of the clerk.

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(6) At the hearing of such application, if the petition contains the ground of objection specified in Subsection (3) hereof, the court, either before or after taking evidence upon any other ground of objection therein stated, shall adjourn such hearing and direct the clerk or such other person as the court may think fit to hold a poll of ratepayers resident in the neighbourhood in accordance with the rules set forth in the Third Schedule.

(7) If at such poll a majority of the persons voting thereat vote against the granting of the application, the court shall refuse the same.

(8) For the purposes of this Part the expression "the neighbourhood" shall mean the area comprised within a radius from the front door of the house to which it relates—

- i. If within a city, of two hundred yards: or
- ii. If within a town, of eight hundred yards: or
- iii. If elsewhere, of two miles.

Objections.

53—(1) Any superintendent of police, or any ratepayer residing in the district within which a house in respect of which an application for a licence, or the transfer of a licence, or for a permission, is pending, may lodge an objection to the granting of such licence, transfer, or permission.

(2) Every such objection shall be upon one or more of the following grounds—

- i. That the applicant is of bad fame and character, or of drunken habits:
- ii. That an hotel licence or a public-house licence held by the applicant has within the next preceding twelve months been forfeited under the provisions of this Act:
- iii. That the applicant has been convicted of selling liquor without a licence during the next preceding three years:
- iv. That such house does not comply with the requirements of this Act:
- v. That the granting of a licence is not warranted by the requirements of the neighbourhood in which such house is situated or proposed to be erected—

and shall be in the appropriate form in the Second Schedule.

(3) An objection may be lodged by any of the persons aforesaid against the granting of a provisional certificate in respect of any house or proposed house on the ground mentioned in Paragraph v. of Subsection (2) hereof.

(4) Every such objection shall be lodged with the clerk not less than five days before the day appointed for the sitting of the court at which the application is to be heard, and shall set forth the grounds upon which it is made.

(5) A true copy of every such objection shall be served by the objector upon the applicant not less than five days before such last mentioned day.

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54—(1) The persons, or any one of them, presenting any such petition or lodging such objection as aforesaid may appear at the hearing of the application, and may be represented by counsel, and may adduce evidence in support of such petition or objection, as the case may be, and may examine and cross-examine witnesses called in support of or in opposition to the same respectively.

(2) The court may consider any petition so presented whether any person appears in support thereof or not.

(3) If no person appears in support of any such objection, the court shall proceed in the same manner as if no objection had been lodged.

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Hearing of objections and consideration of petitions.

PART VII.

APPEALS FROM LICENSING COURTS.

55 Except where otherwise expressly provided every person who is aggrieved by any order, decision, or determination of a court under this Act, other than in respect of any offence against this Act, may appeal therefrom to the Supreme Court as hereinafter provided.

Right of appeal.

56—(1) Every such appeal shall be upon some question of law only, and shall be instituted by notice of appeal in the form set forth in the Second Schedule, which shall set forth the grounds upon which the appeal is made.

Mode of appeal.

(2) The appellant shall deliver such notice to the clerk within ten days after the date of such order, decision, or determination, and shall within the like time serve a copy of such notice on every person who appeared or was represented at the hearing of the application or matter in which such order, decision, or determination was made or given, or upon the attorney of such person.

(3) Subject to the provisions of Section Fifty-seven, every such appeal shall be heard by a judge of the Supreme Court.

57—(1) Upon the hearing of any such appeal the judge may—

- i. Remit the same to the court for rehearing, with such directions, if any, as he may think just:
- ii. Allow the appeal, and set aside, reverse, alter, or vary such order, decision, or determination, and make such order thereon as he may think just: or
- iii. Dismiss the appeal—

Powers of judge on appeal.

and may make such order as to the costs of the appeal as he may think fit.

(2) The judge, in any case in which he thinks fit, upon the application of any party thereto, or on his own motion, may refer the appeal for hearing and determination by the Full Court, and such court may exercise the powers conferred by this section upon the judge.

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Hearing of
appeals.

58—(1) Upon receipt of any such notice of appeal the clerk shall forthwith make a record thereof in the records of the court and transmit such notice to the Registrar of the Supreme Court.

(2) Such Registrar shall, as soon as conveniently may be, set down the appeal for hearing at such time and place as a judge may direct, and shall give to each of the parties thereto not less than seven days' notice in writing of the time and place appointed.

(3) Every such hearing and all proceedings in respect of appeals shall be in accordance with such rules as the judges of the Supreme Court may prescribe or as the presiding judge may in each case direct.

Consequences of
appeal.

59—(1) Upon the determination of an appeal the Registrar of the Supreme Court shall forthwith notify the clerk of the result thereof, and transmit to him a copy of any order made thereon.

(2) The clerk shall forthwith notify the chairman thereof, who shall, if need be, forthwith appoint a sitting of the court to give effect to such order, and the court shall, as soon as conveniently may be, take all steps necessary for such purpose.

PART VIII.

PERMISSIONS AND OCCASIONAL PERMITS TO SELL
UNDER LICENCES AND IN CLUBS.When permissions
may be granted.

60—(1) If from any cause any person entitled to the immediate possession of any premises in respect of which any of the said licences has been granted and is in force, is unable to obtain the signature of the holder thereof to a consent to the transfer of such licence, and the same would otherwise lapse or become void, the court, subject to the provisions of this Act, may grant a permission to such person, or his nominee, to sell liquor in such premises during the continuance of such licence.

(2) A permission shall confer upon the person to whom it is granted all the rights and powers of the holder of the licence in respect of the premises mentioned therein and shall render him liable to all the duties and obligations of such holder under this Act; and such person shall be deemed to be the licensee of such premises while such permission remains in force.

(3) No such permission shall be granted unless the Court is satisfied that the person to whom it is to be granted is a fit and proper person to hold the same.

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61—(1) Any member of a court may grant a permit to sell liquor under an existing licence in any case in which —

- i. The holder thereof is about to give up possession of the premises in respect of which such licence was granted :
- ii. The holder thereof has—

- (a) Died ;
- (b) Become bankrupt ;
- (c) Become of unsound mind ; or
- (d) Ceased to reside and carry on business on the licensed premises.

(2) Every application for such permit shall be made within one month from the happening of the event upon which it may be granted, and shall be in writing, in the appropriate form in the Second Schedule, and be lodged with the clerk, and, in the case mentioned in Paragraph i. of Subsection (1) hereof, the consent of such holder if obtainable shall be endorsed thereon.

(3) In the case mentioned in Paragraph i. of Subsection (1) hereof, such permit may be granted to the incoming tenant of such premises.

(4) In the cases mentioned in Paragraph ii. of the said Subsection, such permit may be granted to any adult member of the family of such holder as aforesaid, or to his widow, trustee, executor, receiver, or committee, as the case may require, or to some person appointed for that purpose by any of such persons respectively.

(5) Any member of a court may grant a permit to any person who has lodged, as prescribed, an application for a packet licence in respect of a vessel in respect of which no licence is in force, and has paid the prescribed fee in respect of such application and such permit while in force shall authorise, subject to this Act, the sale of liquor on such vessel.

62—(1) In any case in which—

- i. A licence for the then current year granted in respect of any house or railway refreshment-room has from any cause ceased to have effect before its expiration or become liable to immediate forfeiture :
- ii. No person has applied at the annual sitting of the court for a new licence in respect of such house or room : or
- iii. An application for a licence, transfer, or permission in respect of such house or room has been refused—

whereby in any such case but for the provisions of this section there would cease to be authority for any person to sell liquor in such house or room, any member of the court may grant a permit in respect thereof to the owner of such house or room, or to some person nominated by him for that purpose.

(2) The foregoing provisions of this section shall not apply to any case in which a court has refused a licence in respect of any house upon the ground that such licence is not warranted by the requirements of the neighbourhood in which the same is situated.

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Permits to sell pending application.

Permit to owner or his nominee in certain cases.

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Duration and effect of permits.

63—(1) Every permit granted under the provisions of Section Sixty-one or Section Sixty-two shall have effect from a date to be therein specified, and shall continue in force until—

- i. An application for a licence, transfer, or permission, as the case may require, in respect of the premises to which the permit applies can be made to, and heard by, the court, and such licence, transfer, or permission, if granted, has been issued or endorsed by the Treasurer, as the case may require : or
- ii. An application for a licence, transfer, or permission in respect of such premises has been made and finally refused.

(2) Every such permit shall confer on the person to whom it is granted, during its currency, all the rights and powers of the holder of a licence in respect of the premises for which it is granted, and shall render him liable to all the duties and obligations of such holder ; and such person shall be deemed to be the licensee of such premises while such permit is in force.

Permits during temporary absence of licensees, or rebuilding of premises.

64—(1) In any case in which a licensee intends to be absent for a period exceeding one month from the premises in respect of which his licence was granted, or, being so absent, is unexpectedly detained beyond such period, any member of a court may grant a permit to any fit and proper person to sell liquor under such licence for a time to be named in such permit within the currency of such licence.

(2) The provisions of Subsection (2) of Section Sixty-three shall apply to every such permit.

(3) In any case where licensed premises are destroyed or rendered unfit for the carrying on of the business thereof by fire or other cause, any member of the court of the district in which the same are situated, upon being satisfied that the same are to be rebuilt, repaired, or rehabilitated without delay, may grant to the licensee a permit to carry on his business during the currency of his licence in some part of such premises, or in some house or room, being as near as conveniently may be to such premises, until the same are so rebuilt, repaired, or rehabilitated, and the expression "licensed premises" shall apply to any such house or room while such permit is in force.

Permits for public events.

65—(1) Whenever any public event, including any—

- i. Races, regatta, fair, agricultural show, cricket match, or football match :
- ii. Sale by public auction of livestock, if held more than half a mile by the nearest practicable route from the nearest licensed premises : or
- iii. Public sports, games, or amusements which the Governor may proclaim to be public events for the purposes of this Act—

is about to take place, any member of the court for the district in which such event is to take place may grant to a licensee a permit to sell liquor on the occasion thereof.

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(2) Application for any such permit shall be made in writing and delivered to the clerk four days before the same is granted, and the clerk shall arrange for a member or members of the court to attend at the place where the court usually sits, or at some court of petty sessions in the district, to deal with such application. A.D. 1932.

(3) Upon granting any such permit, such member may impose such conditions and restrictions as he may think necessary.

(4) All such applications in respect of the same public event shall be dealt with by the same member or members of the court, who may in his or their discretion grant more than one permit in respect thereof.

(5) Every such permit shall authorise the person to whom the same is granted to sell liquor under the authority of his licence between the hours of nine of the clock in the forenoon and six of the clock in the afternoon on each day to which it applies on the occasion or occasions, as the case may be, of the public event or events therein specified at the place therein named, and subject to such conditions and restrictions as may be imposed as aforesaid.

(6) If the same managing authority habitually holds or conducts a series of public events at the same place periodically, a permit may be granted in respect of all such events of the same nature so held or conducted by such authority during any specified period not exceeding twelve months.

(7) Every such permit shall cease to have effect immediately upon the person to whom the same is granted ceasing to be a licensee.

(8) If the commencement of any public event in respect of which a permit has been granted as aforesaid is postponed to a date not later than one month after the day on or from which such permit is expressed to take effect, the clerk may make and sign such alterations of the date or dates specified in such permit as may be necessary to make the same applicable to such event, and the same shall thereupon take effect accordingly.

(9) Every such permit shall be signed by the member of the court who grants the same, and shall be issued by the clerk upon payment of the appropriate fee therefor.

(10) The fees payable in respect of such permits shall be—

- i. For every permit granted in respect of one public event, Five Shillings for each day in respect of which the same is to take effect : and
- ii. For every permit covering a period exceeding three months, Five Pounds.

(11) A permit under this section shall not authorise the sale of liquor in any place under the control of the council of any city or municipality except with the consent of such council.

66—(1) In any case in which any genuine club, association, or society proposes to give or hold a banquet, dinner, social gathering, or other similar function in any licensed premises or the premises of a

Permits for social gatherings in hotels and clubs.

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registered club, any member of the court for the district in which such premises are situated may grant to the licensee of such licensed premises, or to the secretary of the club, a permit in respect of such function.

(2) Every such permit shall specify the particular part, if any, of the premises to which the effect thereof is to be limited, the date and nature of the function, and the hour, not being later than midnight, to which it shall remain in force, and shall be signed by the member granting it, and issued by the clerk on the payment of a fee of Five Shillings.

(3) Every such permit, while in force, shall authorise—

- i. The sale of liquor by such licensee or club as the case may be, to all persons present at and taking part in the function in respect of which it is granted :
- ii. The consumption of liquor by such persons in the premises specified therein : and
- iii. The presence of such persons on the licensed premises mentioned therein, and the permitting of their ingress and egress thereto and therefrom and the opening of all doors necessary therefor.

(4) Permits under this section shall not be granted in respect of more than twelve such functions in the same premises in any one year, and every such permit shall be in respect of one night only.

PART IX.

LICENCES GRANTED BY THE TREASURER.

Wholesale and
importers'
licences.

67—(1) Upon receipt of an application in writing in the appropriate form in the Second Schedule, and of the fee payable in respect thereof, the Treasurer may grant and issue to the applicant a cider licence, wholesale licence, or importer's licence in the prescribed form.

(2) Every such application shall set forth the place of residence of the applicant, and in case of a wholesale licence shall state the situation and description of the premises in respect of which the licence is applied for.

(3) The Treasurer shall refer every such application to the Commissioner of Police, who shall thereupon satisfy himself—

- i. That the applicant or, in case he is not resident in this State, his representative, is a fit and proper person to be the holder of the licence for which he has applied :

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and in the case of an application for a wholesale licence—

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- II. That the premises mentioned in the application are suitable for the purpose: and
- III. That the granting of such licence is warranted by the requirements of the residents in the locality where the premises mentioned in the application are situated—

and shall report thereon to the Treasurer, who may in his discretion grant or refuse any such application.

(4) If the applicant for any such licence is not resident in this State, the application shall set forth the name and address of his representative in this State, who shall be subject to the approval of the Treasurer.

(5) Such name and address shall be endorsed on the licence granted to such applicant, who, with the approval of the Treasurer, and upon having the necessary alteration endorsed on his licence, may from time to time appoint some other person as his representative.

(6) Every such representative shall be responsible for the observance of the provisions of this Act in the same manner as if he were the holder of such licence.

(7) The holder of any such licence, with the approval of the Treasurer, and upon having the necessary alteration endorsed on his licence, may change the premises in respect of which such licence has effect, and thereupon such licence shall apply only in respect of the premises to which it has been so changed.

68—(1) The Treasurer, upon application in writing from any adult member of the family, or any executor, administrator, trustee, committee, or receiver, of the holder of any such licence who has—

Permit to sell under existing licence.

- i. Died :
- II. Become bankrupt, or assigned his estate in trust for his creditors :
- III. Become of unsound mind : or
- IV. Quitted this State permanently or indefinitely—

and upon being satisfied that the applicant is entitled thereto, may endorse on such licence permission for the applicant, or some person nominated by him and approved by the Treasurer, to sell liquor under such licence during its currency, and thereupon the person to whom such permit is granted shall be deemed to be the holder of such licence.

(2) In every case in which any of the events mentioned in Paragraphs i. to iv. inclusive of Subsection (1) hereof shall occur, the licence therein mentioned shall become void and of no effect, unless within twenty-eight days after such event occurs a permit is obtained as therein provided, and every sale of liquor purporting to be made under the authority thereof after such period shall be illegal.

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PART X.

REGISTRATION OF CLUBS.

Clubs which may
be registered.

69—(1) Every genuine body, association, or company consisting of persons associated in good faith for social, literary, political, sporting, athletic, or other lawful purposes, and having as one of its objects the provision of accommodation for the members thereof and their guests in premises suitable for that purpose, may be registered under this Act as hereinafter provided, upon compliance with the conditions hereinafter set forth.

Effects of
registration.

(2) A certificate of registration shall, while in force, entitle the club to which it is granted to sell liquor in the premises mentioned therein to the members of such club, but to no other persons, without being the holder of a licence under this Act, but subject to the provisions of this Part.

(3) Any such certificate in force at the commencement of this Act, issued under any Act hereby repealed, shall be deemed to have been issued under this Act.

Conditions for
registration.

70 Every such club, before being entitled to be so registered, and at all times while so registered, shall comply with all and every of the following conditions:—

- i. The club must have at least forty members if the premises in respect of which a registration is sought or obtained are situated within ten miles from the principal post-office in any city, and at least thirty members if such premises are situated elsewhere:
- ii. Such premises must be suitable for the purposes of the club:
- iii. Such premises must be provided and maintained from the funds of the club, and must be occupied in good faith by the club for the purposes aforesaid:
- iv. No person shall be entitled under the rules or articles of the club to derive or participate in any profit, advantage, or benefit from the club other than for goods supplied or services rendered in the ordinary course of business or employment, which is not shared equally by all members thereof:
- v. The club must have a responsible executive officer, who shall be called the secretary and who shall reside not more than twelve miles from the club premises:
- vi. A full and complete list of the names and addresses of all members of the club must be posted, and kept posted, as hereinafter provided in some conspicuous part of the club premises:
- vii. The business and affairs of the club must be under the management and control of a committee elected for not less than twelve months by the general body of members; and

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viii. The rules of the club must provide that—

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- (a) The committee shall hold periodical meetings, and shall keep full and correct minutes of all its resolutions and proceedings in a book to be kept for that purpose :
- (b) No person shall become a member of the club unless elected by the general body of the members or by a committee elected by them :
- (c) No person shall become a member of the club unless he has been duly nominated as may be required by the rules at least fourteen days before election, and a notice of such nomination, giving his name, address, and occupation, has been posted in a conspicuous place in the club premises, and kept so posted, for at least seven days before election :
- (d) The secretary or other person having the conduct of every such election shall keep a record of every person voting thereat :
- (e) Every member shall pay quarterly, half-yearly, or yearly in advance a subscription of not less than Twenty-one Shillings for every year :
- (f) Correct accounts and books shall be kept showing the financial affairs of the club and the particulars usually shown in books of account of a like nature :
- (g) No visitor shall be supplied with liquor on the club premises unless in the company, and at the expense, of a member :
- (h) No person shall be allowed to become an honorary or temporary member of the club, or be relieved of the payment of the regular subscription, unless he possesses certain qualifications defined in the rules, and complies with the conditions prescribed therein :
- (i) No liquor shall be sold or supplied for consumption elsewhere than on the premises of the club, unless such liquor is removed from such premises by the member purchasing the same :
- (j) No payment of the salary or emolument of any officer or servant of the club shall be made by way of commission upon or allowance from the club's receipts from the sale of liquor :
- (k) No person under the age of twenty-one years shall be a member; but the rules of a club formed primarily for athletic purposes need not make, nor such club observe, this provision :

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- (l) No person under the age of twenty-one years shall be supplied with liquor by the club or on its premises: and
- (m) No person under the age of twenty-one years shall be allowed to serve in any bar in the club premises or to be employed by the club except as a waiter, billiard-marker, or messenger.

Applications for registration and renewal thereof.

71—(1) Every application for the registration of a club, or for the renewal of a certificate of such registration, shall be in writing, in the appropriate form in the Second Schedule, and shall be signed in duplicate by the secretary of the club, and delivered to the clerk.

(2) With every such application the applicant shall deliver to the clerk—

- I. Two printed copies of all the rules of the club:
- II. A list of the names and addresses of all persons who at the date of such application are genuinely members of the club: and
- III. A statutory declaration by the secretary that such copies and list are correct and complete—

unless, if the application is for renewal of a certificate of registration, the rules of the club have not been altered since copies thereof were previously delivered as aforesaid, in which case such declaration shall state such fact, and such further copies need not be so delivered.

(3) If any such application is for registration the applicant shall give public notice thereof in a newspaper once in each week for not less than two weeks, the last publication of such notice being not less than eight days before the application is granted by the clerk or heard as hereinafter provided.

(4) Upon receipt of any such application the clerk shall forward one of such duplicates thereof as aforesaid to an inspector, who shall forthwith inspect the premises mentioned therein and the list of members posted on such premises, and inquire into the correctness of the particulars in such application and report thereon to the clerk.

(5) Except as provided by Subsection (6) hereof, every application for the renewal of a certificate of registration shall be delivered to the clerk at least fourteen clear days before the day appointed for the annual sitting of the court to which it is made, and if objected to, shall be heard at that sitting.

(6) The court, or any member thereof, on being satisfied that the failure to deliver any such application as provided by Subsection (5) hereof has been due to accident or inadvertence, may allow the same to be delivered at a later date; and every application so delivered shall be advertised as provided in the case of an application for registration.

Power to clerk to grant certificate in certain cases.

72—(1) If no objection to the granting of any application under Section Seventy-one has been duly lodged as hereinafter provided, the clerk, upon the expiration of fourteen days after receiving the same, and

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upon payment to him of the fee payable in respect thereof, shall grant such application, unless he considers that such application is not in compliance with this Part, in which case he may refer the same to the court as if an objection had been lodged, and shall inform the applicant accordingly. A.D. 1932.

(2) If any such objection is so lodged, or if the clerk so determines, the clerk shall bring such application before the court at its first sitting after the expiration of such fourteen days as aforesaid, and such application and such objection thereto, if any, shall be heard and determined by the court.

(3) If no sitting of the court at which the same can be heard has been appointed when any such objection is received, or when the clerk determines that such application shall be referred to the court, the clerk shall notify the chairman, who shall appoint a time and place for a sitting of the court to hear the same.

73 An objection may be lodged as hereinafter provided against the granting of any application under the provisions of Section Seventy-one by— Who may object.

- i. An inspector :
- ii. The council of the city or municipality within which the premises in respect of which the application is made are situated : or
- iii. Any ratepayer residing, or person holding freehold or leasehold property, within one mile of such premises.

74 Any such objection may be upon one or more of the following grounds:— Grounds for objection.

- i. That the premises in respect of which such application is made are unsuitable :
- ii. That the application made by the club, or the rules of the club, or any of them, are in any respect specified in such objection not in conformity with this Part :
- iii. That the club has ceased to exist, or that the number of members is less than forty or thirty, as the case may be, according to the locality in which the premises are situated :
- iv. That it is not conducted in good faith as a club, or that it is kept, or habitually used, for any unlawful purpose, or mainly for the supply of liquor :
- v. That there is frequent drunkenness on the club premises, or that persons in a state of intoxication are seen leaving the club premises after midnight, or are frequently seen leaving the club premises in such state at any other time, or that the club is conducted in a disorderly manner :
- vi. That illegal sales of liquor have taken place on the club premises :

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- vii. That persons who are not members are habitually and improperly admitted to the club premises merely for the purpose of obtaining liquor :
- viii. That the supply of liquor by the club, or on the club premises, is not under the control of the members or the committee appointed by the members :
- ix. That any of the rules of the club is habitually broken :
- x. That any other specified provision of this Part has not been complied with :
- xi. In the case only of an application for registration—
 - (a) That the club is unnecessary because there is within ten miles of the proposed club premises a registered club having the same or similar objects : or
 - (b) That the proposed club has not the prescribed number of members exclusive of persons who are members of a similar club already registered and situate within ten miles of the proposed club.

Mode of objection.

75—(1) Every such objection shall be in the appropriate form in the Second Schedule, and shall set forth specifically the grounds upon which it is made, and shall be signed—

i. If made by a council, by the mayor or warden, as the case may be, or the person for the time being performing the duties of such office : and

ii. In any other case by the person making it—

and if not made by a council or an inspector, the signature thereto shall be witnessed by a justice or a member of the police force.

(2) Every such objection shall be lodged in duplicate with the clerk within ten days after the application against which it is made is received by the clerk, who shall forthwith cause one of such duplicates to be served on, or sent by registered post to, the applicant.

Hearing of applications and objections thereto.

76—(1) The court shall hear and determine all applications and the objections thereto brought before it under this Part, and may grant or refuse any such application.

(2) On the hearing of an application for registration, the court may determine whether the proposed club is warranted by the requirements of the locality in which it is situated.

(3) When any such application is refused the chairman if present, or one of the members sitting at such court if the chairman is absent, shall in open court pronounce the decision of the court, and state the grounds of such refusal ; and every such decision, with the grounds thereof, shall be recorded in the records of the court.

Change of premises.

77—(1) If any registered club proposes to quit the premises mentioned in its certificate of registration and permanently to remove to other premises, the secretary shall lodge with the clerk an application for an approval of such removal in the appropriate form in the Second Schedule.

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(2) Any such application may be lodged at any time, and shall be dealt with in the same manner as an application for renewal of a certificate of registration. A.D. 1932.

(3) An objection may be lodged by any of the persons enumerated in Section Seventy-three against any such application on the ground only that the premises to which the club proposes to remove are unsuitable.

(4) If no objection to such application is lodged within the prescribed time, or if the court dismisses all objections so lodged, the clerk shall endorse on the certificate of registration of such club the approval of the court for such removal.

(5) Any registered club, upon giving to the clerk notice in writing of its intention so to do, may remove from the premises mentioned in its certificate of registration to other premises specified in such notice for any period not extending beyond the currency of such certificate, if from any cause such first mentioned premises are destroyed, or are about to be rebuilt, repaired, or altered, and are or will thereby be rendered temporarily unfit for the purposes of the club.

78—(1) Upon the granting of any application for registration or renewal thereof under this Part a certificate of registration in the appropriate form in the Second Schedule shall be issued by the clerk to the applicant. Issue of certificates.

(2) Every such certificate may be signed and sealed by the clerk on behalf of the court, and shall remain in force from the date on which it is expressed to take effect until the thirty-first day of December then next following, unless sooner determined under the provisions of this Part.

79 There shall be payable to the clerk in respect of—

- i. Every certificate of registration, whether original or renewed, a fee of Four Pounds for the first thirty members of the club, and a further sum of One Pound for every additional thirty members or fraction thereof :
- ii. Every certificate of removal, a fee of Ten Shillings.

Fees payable for certificates.

80—(1) If an inspector shall make complaint upon oath to the chairman of the court for the district in which the premises of any registered club are situated that such club is habitually contravening or has contravened any of the provisions of this Part, such chairman, upon being satisfied that such alleged contravention would warrant the cancellation of the registration of such club, may issue a summons to the secretary thereof to show cause why such registration should not be cancelled upon the grounds to be stated in such summons. Cancellation of registration.

(2) Every such summons shall be served ten days at least before the return day thereof upon such secretary, or if there is no such secretary, or he cannot be found, the same may be served by affixing a copy thereof upon a conspicuous part of the front of the club premises, and in such case the summons may be directed to the secretary of such club without naming him.

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(3) The matter of any such complaint shall be heard and determined by the court, and upon such hearing the court may—

- I. Cancel the certificate of registration of such club :
- II. Suspend such certificate, until any specified provision of this Part is complied with by such club : or
- III. Dismiss such complaint.

(4) Upon cancellation as aforesaid such certificate shall become void, and upon suspension the same shall cease to have effect during the period of such suspension, and thereupon such club shall cease, permanently or for such period, as the case may be, to be a registered club.

Register of members to be kept.

81—(1) The secretary of every club shall at all times keep a register of the members thereof.

(2) Every such register shall—

- I. Set forth the name in full and the address and occupation of every such member and the date to which his subscription has been paid :
- II. Be corrected and brought up to date once in every year if the subscriptions are payable annually, or twice in every year in every other case : and
- III. Be available at all times for inspection by any person authorised under this Act to inspect the same.

Applications and objections to be open for inspection.

82 All applications under this Part, and all objections thereto, shall be open for inspection by any person at all reasonable times at the office of the clerk until the same have been granted or finally heard and determined, as the case may be.

PART XI

PROHIBITION ORDERS AND NOTICES.

Power to issue orders.

83—(1) Any member of a court, upon proof upon oath that any person is habitually drinking liquor to excess, and thereby—

- I. Materially wasting or lessening his estate :
- II. Greatly injuring his health : or
- III. Endangering or interrupting the peace and happiness of his relations—

may issue an order prohibiting any person holding a licence under this Act, to whose knowledge such order shall have come, from selling or supplying any liquor to such person during a period to be specified in such order.

(2) Every such order may be made to cover a period not exceeding one year, and may be renewed in any case in which a member of the court is of opinion that such person has not reformed.

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(3) A copy of every such order shall be served on every licensee carrying on business within the district of such court. A.D. 1932.

(4) Where any person has, within six months, been three times convicted of an offence under Section Thirteen of the Police Act, 1905 (whether such convictions shall be in respect of the same or different kinds of offences), a police magistrate or any two or more justices may make a prohibition order against him without the necessity of formal application being made for the issue of the same.

84—(1) The husband, wife, parent, or any other relative of or above the age of twenty-one years of any person having the habit of drinking liquor to excess may apply in writing to the Commissioner of Police, or to the superintendent of police for the police district in which such person resides, for a notice as hereinafter provided. Power to Commissioner or Superintendent of Police to issue notice to holders of licences.

(2) Such Commissioner or superintendent may thereupon give to the holder of any licence under this Act in such district a notice in writing under his hand prohibiting the sale or supply of liquor to such person for a period of one year from the date of such notice.

85 A copy of every order made, or notice issued, under the foregoing provisions of this Part shall be served forthwith on the person in respect of whom the same is so made or issued. Person affected to be served with copy of order, &c.

PART XII.

INSPECTION AND SUPERVISION OF LICENSED PREMISES AND CLUBS.

86—(1) The Governor may from time to time appoint such officers of the police force, not below the rank of sergeant, as he may think fit as inspectors under this Act. Appointment of inspectors.

(2) Any such person appointed as an inspector under any Act hereby repealed, and holding such office at the commencement of this Act, shall be deemed to have been appointed under this Act.

(3) There shall be one inspector at least for each district.

87 Every such inspector shall—

- i. From time to time inspect all licensed premises and registered clubs in the district for which he is appointed at least once in each year, and otherwise as occasion may require :
- ii. Inspect and report to the chairman of the court upon any licensed premises and registered club when directed by the court or the chairman so to do :
- iii. Inquire into, and report to the court upon, all testimonials referred to him by the clerk :

Duties of inspectors.

Licensing.

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Power to
members of a
court to issue
orders.

Powers of
inspectors and
members of
courts.

- iv. Attend at the annual sittings of the court, and report to the court upon the conduct of all licensed premises and registered clubs during the preceding twelve months :
- v. When so directed by the court, carry out and give effect to all orders and directions of the court, and report to the court upon any matter referred to him by it :
- vi. Lodge objections to applications in all cases in which in his opinion the same are warranted by the circumstances : and
- vii. Exercise generally the powers conferred upon him by this Act for giving effect to its provisions.

88—(1) Every such inspector may—

- i. At any time by day or night demand admittance to, and may enter and inspect, any licensed premises or the precincts thereof, or the premises of any registered club, for the purpose of ascertaining whether the provisions of this Act are being or have been contravened ; and, if such admittance is wilfully refused, or if he has reasonable grounds for believing it is necessary so to do, may break and enter any such premises or any part thereof :
- ii. At all reasonable times enter any licensed premises, and examine the state of repair, accommodation, sanitary condition, and cleanliness thereof, and the stabling accommodation, if any, required in connection therewith :
- iii. Give notice in writing to the licensee to remedy any defect in any of the matters mentioned in Paragraph ii. hereof which urgently requires to be remedied :
- iv. Take all such steps, and do all such acts, matters, and things as may be directed by the court, or as may be necessary for carrying out his duties under this Act :
- v. At any reasonable time during ordinary business hours take samples of all or any liquors sold or kept for sale in any licensed premises :
- vi. Demand from any person found in any licensed premises during prohibited hours the name and address and occupation of such person : and
- vii. Arrest without warrant any such person as last aforesaid who refuses on demand to give his name, address, or occupation, and detain such person to be dealt with according to law.

(2) Any member of the police force not below the rank of sergeant, or who is authorised generally or specially by a member of a court or by the Commissioner or a superintendent of police, to enforce the provisions of this Act, may exercise the powers conferred on an inspector by Paragraph i. and Paragraph vii. of Subsection (1) hereof.

(3) Any member of a court may once in each year inspect any licensed premises within the district for which such court was appointed.

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PART XIII.

PROHIBITED HOURS : DUTIES OF LICENSEES AND OTHERS.

89—(1) The sale or supply of liquor—

Prohibited hours.

- i. Between the hours of six of the clock in the afternoon of every day and six of the clock in the next following forenoon :
- ii. Between the hours of six of the clock in the forenoon and half-past twelve of the clock in the afternoon of Anzac Day : and
- iii. At any time on Sunday, Christmas Day, and Good Friday—
is prohibited except as hereinafter provided.

(2) Such prohibition shall not apply to any sale or supply —

- i. In any licensed premises to a traveller or lodger :
- ii. In any registered club to a member thereof who is boarding and lodging therein :
- iii. To railway passengers in any railway refreshment-room during the times mentioned in Subsection (5) of Section Twenty-two : or
- iv. Under the authority of any permit duly granted under this Act—

if in any of the said cases the liquor sold is for consumption by any such person on such premises.

90 Every licensee shall—

Duties of licensees.

- i. Keep and manage his licensed premises and his business therein in a quiet and peaceable manner and at all times maintain and preserve good order therein :
- ii. Aid and assist any inspector or member of the police force, if lawfully called upon so to do, in his licensed premises :
- iii. Provide, and at all times keep and maintain on his licensed premises, proper and sufficient bath-rooms to the satisfaction of the court and in compliance with the requirements of the law relating to public health :
- iv. Provide and at all times keep and maintain on his licensed premises proper and sufficient sanitary appliances, including closets and urinals, in compliance in all respects with any requirements under the laws relating to public health ; and at all times other than during prohibited hours keep at least one closet and one urinal available for the general public : and
- v. Keep his licensed premises free from offensive or unwholesome matters and in a clean and wholesome state and condition.

Penalty : Ten Pounds.

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Duties of holders
of hotel and
public-house
licences.

91 Every holder of an hotel licence or a public-house licence shall—

- i. Keep his licensed premises closed at all times during prohibited hours, other than between the hours of six and ten of the clock in the afternoon of a week day, and prevent any outer door thereof being opened during such hours, except so far as it may be necessary to open the same—
 - (a) For permitting ingress or egress thereto and therefrom to any traveller or lodger : or
 - (b) For giving effect to any permit duly granted under authority of this Act :
- ii. Keep every bar-room and place where liquor is kept for sale or is stored, and every door, window, slide, and other aperture, thereof, through or by which liquor can be obtained therefrom, shut and locked at all times during prohibited hours, except so far as may be necessary for the purpose of supplying liquor therefrom to any person to whom he may lawfully sell the same during such hours :
- iii. Clear his licensed premises of all persons other than travellers and lodgers at ten of the clock in the afternoon of every week day :
- iv. Prevent any person, not being a traveller, or lodger, or an officer authorised by this Act so to do, from entering, or remaining in, his licensed premises at any time during prohibited hours, other than between the hours of six and ten of the clock in the afternoon of a week-day :
- v. Immediately upon such licence being granted or transferred to him, cause his name in full, or his initials and surname, to be legibly painted on a conspicuous part of the front of his licensed premises, together with the words "Licensed as an Hotel" or "Licensed as a Public-house," as the case may be ; and keep the same so painted while he continues to be such holder :
- vi. If his licensed premises are elsewhere than in a city, keep a good and sufficient light constantly burning upon the front of such premises during every night from one hour after sunset until sunrise :
- vii. If required to provide stabling or garage accommodation at or in connection with his licensed premises, receive and provide for the horse or vehicle of any traveller, whether such traveller stay at his house or not, unless all such stabling or garage accommodation is engaged :
- viii. Prevent any riot, affray, tumult, nuisance, disorder, or disturbance taking place or continuing within his licensed premises or the precincts thereof :
- ix. Prevent any music, dancing, or the exercise of any game of chance in any bar or in any room having access to any bar :

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- x. Prevent any intoxicated person, not being a traveller or lodger, from entering or remaining in his licensed premises or the precincts thereof, unless such entry or remaining is necessary for such person's safety : A.D. 1932.
- xi. Prevent prostitutes and persons of known bad character from remaining within his licensed premises or the precincts thereof :
- xii. Prevent any immoral, disorderly, indecent, or improper conduct in his licensed premises or the precincts thereof : and
- xiii. Prevent any cock-fighting, dog-fighting, boxing, or wrestling in his licensed premises or the precincts thereof.

Penalty : Ten Pounds.

PART XIV.

OFFENCES AND PENALTIES.

92 Except as hereinbefore specially provided—

- i. No person, other than the holder of a licence for that purpose under this Act, or his agent or servant for him and on his behalf, shall sell liquor to any person; or shall deliver to any person any liquor so sold :

Penalty: For a first offence—Minimum : Twenty Pounds ; Maximum : Fifty Pounds. For any subsequent offence—Minimum : One hundred Pounds ; Maximum : Two hundred Pounds.

- ii. No person being the holder of a licence under this Act shall sell liquor—

- (a) To any person .
 (b) In any quantity : or
 (c) At any time or place—

other than as authorised by, and according to the tenor of, such licence.

Penalty : Ten Pounds.

Unlawful sale of liquor—
 Unlicensed persons.

By licence-holders.

93—(1) No person being the holder of a licence under this Act, to whose knowledge an order or notice made or issued under the provisions of Part XI. is in force in respect of any person, shall—

- i. Sell or supply liquor to such person :
 ii. Permit liquor to be supplied to such person in or from the premises of such holder : or
 iii. Knowingly permit such person to enter or remain in such premises.

Penalty : Under Paragraph i. or Paragraph ii. : Minimum : Ten Pounds ; Maximum : Fifty Pounds, and for a second or subsequent offence—Minimum : Twenty-five Pounds ; Maximum : One hundred Pounds. Under Paragraph iii. : Twenty-five Pounds.

Offences by holders of any licences.

Selling to prohibited persons.

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Using false
labels.

(2) No person, being the holder of a licence under this Act, shall use or permit to be used upon any bottle or other vessel in which liquor is kept or offered for sale any sign or label which does not correctly indicate the true nature of the contents of such vessel, or which is calculated to deceive or mislead any person as to the nature or quality of such contents.

Penalty : Twenty-five Pounds.

Offences by
holders of hotel
and public-house
licences.

94—(1) No person being the holder of an hotel licence or a public-house licence shall—

- i. Refuse admittance at any time to his licensed premises to the Commissioner of Police or any person authorised by or under the provisions of this Act to demand the same, or wilfully delay such admittance :
- ii. Abandon the occupation of his licensed premises as his usual place of residence : or
- iii. Allow any person not under his authority and control to manage or conduct the business of his licensed premises, or virtually become, or appear to the public to be, the keeper of such premises.

Penalty : Fifty Pounds.

(2) No person being the holder of either of such licences as aforesaid shall—

- i. Sell or supply liquor, or permit liquor to be sold or supplied—
 - (a) To any person under the age of twenty-one years :
 - (b) To any intoxicated person :
 - (c) To any member of the police force while in uniform : or
 - (d) During prohibited hours to any person other than a traveller or lodger, except under an authority granted under this Act :
- ii. Be drunk in his licensed premises or the precincts thereof :
- iii. Permit drunkenness in his licensed premises or the precincts thereof :
- iv. Employ any person to sell liquor, except as a servant under his immediate superintendence and control :
- v. Employ any female to sell liquor in, or to assist in or about, any bar, or in or about the sale of liquor in his licensed premises—
 - (a) For an aggregate period in any week exceeding fifty-four hours, exclusive of times allowed for meals : or
 - (b) During prohibited hours, except for the purpose of supplying travellers or lodgers : or
- vi. Be absent from his licensed premises for a longer period than one month at any one time without obtaining, or procuring some person to obtain, a permit authorising some person to sell liquor therein under his licence during his absence.

Penalty : Ten Pounds.

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(3) No person being the holder of either of such licences as aforesaid shall— A.D. 1932.

- i. Permit any person not being the licensee or his servant or agent to be in any bar during prohibited hours :
Penalty : Five Pounds :
- ii. Employ or allow any female under the age of twenty-one years to sell, supply, or serve liquor in any bar in his licensed premises :
Penalty : Five Pounds :
- iii. Permit any person under the age of eighteen years to be or remain in such bar.
Penalty : Two Pounds.

95—(1) No person being the holder of a railway refreshment-room licence or packet licence shall at any time sell liquor to any person other than those to whom such licence authorises him to sell the same. Offences by holders of other licences.

Penalty : Ten Pounds.

(2) No person being the holder of a railway refreshment-room licence shall permit any person other than himself or his servants to be or remain in any room to which such licence relates at any time during which he is not authorised to sell liquor to railway passengers.

Penalty : Ten Pounds.

96 No person being the secretary of a registered club shall—

- i. Contravene any of the provisions of Section Eighty-one :
- ii. Wilfully make any false entry in any register of members :
- iii. Knowingly lodge with the clerk any application under this Act which is false in any material particular :
- iv. Knowingly permit any riot, affray, tumult, disorder, or disturbance, taking place on the premises of such club : or
- v. Knowingly permit in the premises of such club any breach of the provisions of this Act relating thereto.

Penalty : Ten Pounds.

Offences by secretaries of registered clubs.

97—(1) No person shall—

- i. Sell or keep for sale, or have in his possession or in his premises, any liquor that is adulterated or mixed with any deleterious ingredient, or that is other than good and wholesome : or
- ii. Have in his possession or in his premises any deleterious ingredient for the purpose of adulterating any liquor.
Penalty : Minimum : Fifty Pounds ; Maximum : Two hundred Pounds.

Offences by holders of licences and other persons.
Adulterated liquor.

(2) No person—

- i. Being a maltster, brewer, distiller, importer of liquor for sale, or dealer in liquor :
- ii. Having any interest as a partner with any such person as is mentioned in Paragraph 1. hereof :

Interested persons adjudicating.

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iii. Being a shareholder in any company carrying on the business of manufacturing or selling liquor : or

iv. Being directly or indirectly interested, beneficially or as a trustee, or agent, in any licensed premises, or premises in respect of which an application for a licence is pending—

shall sit or act as a justice in the district in which any such business is carried on or such premises are situated, in, or in relation to, any case, proceeding, or matter under this Act.

Penalty : Fifty Pounds.

Police being interested in premises, &c.

(3) No person being a member of the police force shall have or hold, directly or indirectly, any interest in any licence issued under this Act, or in any premises in respect of which any such licence is in force, or in any business carried on in such premises.

Penalty : Fifty Pounds.

Payment of wages, &c., in liquor.

(4) No person being a master or employer of labour or services of any kind shall—

i. Directly or indirectly agree with any person serving or employed by him that the whole or any portion of any salary, wages, or emolument due, or to accrue due, to such servant or employee shall be paid or discharged by the supply or delivery to or for such servant or employee of any liquor : or

ii. Pay or discharge any such liability to any such servant or employee in manner aforesaid.

Penalty : Fifty Pounds.

Betting on licensed premises.

(5) No person shall—

i. Use any part of any licensed premises for the purpose of betting or carry on betting therein : or

ii. Being the licensee in respect thereof, permit any part of such premises to be so used by any person, or permit any person to carry on betting therein.

Penalty : For a first offence, Fifty Pounds; for any subsequent offence, One hundred Pounds.

Sale, &c., of liquor to half-castes.

(6) No person shall—

i. Sell, supply, or give, or offer to sell, supply, or give, to any resident of the reserve as defined by the Cape Barren Island Reserve Act, 1912: or

ii. Solicit from any such person any order for, or agreement to purchase—

any liquor.

Penalty : Fifty Pounds.

(7) No person shall—

i. Procure for, or supply to, any person :

ii. Permit any person to receive or consume : or

iii. Consume—

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any liquor during prohibited hours in any public eating-house or restaurant at which meals are ordinarily supplied to the public, or in any premises or place used for the purposes of such eating-house or restaurant, except in pursuance of an authority granted under this Act; but this provision shall not apply in relation to the consumption of liquor on any such premises by the occupier thereof or his family or servants.

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Penalty : Ten Pounds.

(8) No person, other than the licensee in respect thereof, shall in any licensed premises pay or cause to be paid to any person any salary, wages, emoluments, or moneys for or on account of any work done or services performed by such last mentioned person for him or under his order or direction.

Paying wages,
&c., in licensed
premises.

Penalty : Five Pounds.

(9) Except as hereinbefore specially provided, no person shall purchase, obtain, consume, or be found drinking any liquor during prohibited hours in any licensed premises or the precincts thereof or in the premises of a registered club unless he is a lodger or, in the case of licensed premises, a traveller.

Offences in
licensed premises.

Penalty : Minimum : One Pound ; Maximum : Ten Pounds.

(10) No person on any licensed premises, other than the licensee or his servant or agent, shall be in any bar or place where liquor is kept for sale or is stored, during prohibited hours.

Penalty : Minimum : One Pound ; Maximum : Ten Pounds.

(11) No person shall—

- i. Contravene the provisions of Subsection (3) of Section Ten.

Other offences in
respect of licensed
premises.

Penalty : Fifty Pounds :

- ii. Defile, pollute, or, by writing or drawing any obscene thing, deface any urinal or closet, or any approach thereto, in any licensed premises.

Penalty : Ten Pounds :

- iii. Falsely represent himself to be a traveller, or a railway passenger, with intent thereby to induce any person to contravene this Act.

Penalty : Ten Pounds :

- iv. Purchase, obtain, or consume in any railway refreshment-room during prohibited hours any liquor unless he is the licensee thereof or a servant of such licensee or a railway passenger.

Penalty : Five Pounds :

- v. Purchase, obtain, or consume any liquor in or from any vessel, in respect of which a packet licence is in force, unless he is a passenger being carried on such vessel.

Penalty : Five Pounds :

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- vi. Keep or carry on any shop or store for the sale by retail of any goods or merchandise if such shop or store has any direct communication with any licensed premises.

Penalty : Ten Pounds for every day on which a breach is committed :

- vii. Be in any licensed premises or the precincts thereof during the hours when the licensed premises should be closed to the public unless authorised or excused under this Act.

Penalty : Five Pounds :

- viii. Procure or attempt to procure in or from any licensed premises any liquor for any intoxicated person, or aid, abet, or assist any such person in obtaining liquor.

Penalty : Five Pounds :

- ix. Carry away any liquor in any vessel from any licensed premises during prohibited hours.

Penalty : Two Pounds :

- x. Knowing that an order or notice, under the provisions of Part XI., is in force in respect of any person, accompany such person into any licensed premises, or in any way procure liquor for him, or invite or assist him to procure the same.

Penalty : Ten Pounds :

- xi. Send any person under the age of eighteen years to any licensed premises for the purpose of obtaining any liquor.

Penalty : Five Pounds :

- xii. Being a person having a right or duty to admit persons to any licensed premises, or the premises of a registered club, refuse or delay admittance to such premises to any officer authorised to demand the same.

Penalty : Minimum : Two Pounds ; Maximum : Ten Pounds :

- xiii. Refuse to give his true name, address, and occupation, when the same are lawfully demanded, or give any false name, address, or occupation in answer to any such demand.

Penalty : Ten Pounds :

- xiv. Being a person in respect of whom an order or notice under the provisions of Part XI. is in force to his knowledge—

(a) Purchase or procure any liquor :

(b) Enter any licensed premises or loiter in the vicinity thereof for the purpose of obtaining liquor : or

(c) Be found under the influence of liquor.

Penalty : Ten Pounds : or

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xv. In any licensed premises or the premises of any registered club, sell or deliver liquor to any person under such circumstances that, if such sale or delivery had been made by a licensee in his licensed premises, the same would have constituted a contravention of this Act. A.D. 1932.

Penalty : Ten Pounds.

98—(1) No person shall—

- i. Bring into :
- ii. Supply to any person in : or
- iii. Have in his possession or under his control in or in the vicinity of—

Liquor in public halls.

any public hall any liquor while any dance is being, or is about to be, held in such hall, or within one hour after the conclusion of such dance unless he is authorised so to do under this Act.

Penalty : For a first offence : Five Pounds. For a second or subsequent offence : Minimum : Five Pounds ; Maximum : Twenty-five Pounds.

(2) For the purposes of this section liquor shall be deemed to be in the vicinity of a public hall if it is shown that such liquor was in the possession or control of any person attending or proceeding to attend, or who had attended, any such dance as aforesaid, or was consumed, or intended for consumption, by any person so attending.

(3) The provisions of Subsection (1) hereof shall not apply to any prescribed entertainment or function at which the consumption of liquor may be permitted as prescribed and shall not prevent the use of liquor for the purpose of preparing any prescribed beverage or food containing not more than the prescribed percentage of alcohol, prepared and supplied by or on behalf of the persons controlling any entertainment for refreshment of persons attending the same ; nor to any liquor in licensed premises or in any dwelling-house.

(4) For the purposes of this section the expression " public hall " shall include any building licensed under the Places of Public Entertainment Act, 1917, and also include any building where any public entertainment is held or any entertainment to which admission is obtained upon payment of subscriptions, either in money or by way of supplying refreshments and whether upon general or individual invitation, or otherwise, but so long only as such building is being used for the purpose of such entertainment.

8 Geo. V. No. 49.

PART XV.

FORFEITURE OF LICENCES AND DISQUALIFICATION OF LICENSEES.

99—(1) If the holder of any hotel licence or public-house licence is convicted of any contravention of any of the provisions of—

1. Paragraph 1. or Paragraph 11. of Section Ninety :

Forfeiture of licence upon three convictions for certain offences.

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- ii. Subsection (1) of Section Ninety-four: or
- iii. Subsection (1) of Section Ninety-seven—

and within two years thereafter is twice convicted of the same or any other offence under any of the said provisions; or if within the like period he is twice convicted under the provisions of Subsection (5) of Section Ninety-seven; his licence shall become absolutely void and of no effect.

Disqualification of licensee.

(2) Every licensee whose licence is so forfeited shall be disqualified for a period of two years after the date of such forfeiture from holding any licence under this Act.

Power to court to forfeit licences in certain cases.

100 If the holder of any hotel licence or public-house licence is convicted of any offence under any of the provisions of—

- i. Paragraph i. or Paragraph ii of Section Ninety, or Sections Ninety-one, Ninety-three, Ninety four, or Ninety-seven, having, within a period of five years preceding such conviction, been twice convicted of the same or any other offence under any of those provisions: or
- ii. Subsection (1) of Section Ninety-four or of Subsection (1) of Section Ninety-seven having, at any time previously, been convicted of the same or any other offence under any of those provisions—

the court upon proof of such convictions, if in its opinion the circumstances require it, may by order declare such licence forfeited.

Forfeiture of licences on application by inspector.

101—(1) An inspector may at any time apply to the court of the district in which any licensed premises are situated for an order that the licence in respect of such premises shall be forfeited.

(2) Every such application shall be in writing in the appropriate form in the Second Schedule, and shall—

- i. Be signed by the applicant and be lodged with the clerk: and
- ii. Set forth the grounds upon which the same is made.

(3) A true copy of such application shall be served on the licensee of the premises therein mentioned or, if such service cannot be effected, shall be posted on the front of such premises at least fourteen days before the hearing thereof.

(4) If no time and place have been appointed for a sitting of the court at which such application can be heard, the chairman shall appoint a time and place therefor as soon as conveniently may be.

(5) If upon the hearing of any such application the court, after hearing the evidence adduced by or on behalf of the applicant and of the licensee, if he shall appear and adduce evidence, is of opinion that the licensee since such licence was granted has so managed such premises or so conducted his business therein or has so contravened the provisions of this Act, that such licence should be forfeited, the court may, by order, declare the same forfeited, and in any other case may refuse such application.

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102—(1) In any case in which a court has made an order imposing conditions upon the licensee in respect of any licensed premises as provided by Section Forty-eight—

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Forfeiture for non-performance of conditions.

i. If such licensee does not prove to the satisfaction of the court within a time to be specified therefor in such order, or within such further time as the court may allow for that purpose, that he has complied with such order, such licence shall become void and cease to have effect upon the expiration of fourteen days from such specified time or extended time, as the case may be :

ii. Upon the expiration of such time or extended time as aforesaid, the clerk shall, in the case last mentioned, forthwith publish in the Gazette a notice setting forth that the conditions attached to such licence have not been complied with and the date upon which the same will become void, and shall forward a copy of such notice to the Treasurer.

(2) The chairman, at any time and from time to time, before the expiration of any period previously allowed, may grant to the licensee such further time as he may think fit and as may be necessary to enable the licensee to present such proof as aforesaid to the court.

103—(1) In any case in which the holder of any hotel licence or public-house licence is convicted of any of the offences mentioned in this Part by a court of petty sessions, the clerk of petty sessions or police clerk thereof shall forthwith transmit particulars of such conviction to the clerk of the licensing court for the district in which such licensee's premises are situated, or, if he holds both such offices, shall record the same as herein provided.

Procedure for giving effect to this Part.

(2) The clerk of every court shall keep a record of all such convictions, and shall report to the chairman every case in which a licence has become liable to forfeiture under the provisions of Section One hundred.

(3) If the holder of such licence is then before the court the question of such forfeiture shall be considered and determined forthwith or otherwise, as the court may think fit, and in any other case the chairman may refer such matter to the court at such sitting as he may think fit, and the clerk shall notify the licensee thereof accordingly.

104 When any such forfeiture is consequent upon any such conviction as aforesaid, or upon an order of the court, the same shall take effect upon the expiration of the time allowed by law for appealing against such conviction or order, as the case may be, or, in case of such appeal, upon such conviction or order being upheld on such appeal.

When forfeiture takes effect.

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PART XVI.

PROCEDURE AND EVIDENCE.

Search warrants.

105—(1) Any inspector or any police officer who is in charge of a police-station, or who is not below the rank of sergeant, who has reasonable ground for believing—

- i. That liquor is sold, or kept for sale, in any house, premises, or place in respect of which no licence or authority for that purpose under this Act is in force :
- ii. That any licensee is selling liquor in his licensed premises in contravention of this Act :
- iii. That in any premises used as an eating-house or restaurant liquor is consumed in contravention of this Act :
- iv. That in the premises of any registered club the provisions of this Act are contravened, and that such contravention would warrant the cancellation of the registration of such club : or
- v. That in any public hall any person has in his possession liquor—

may, with such assistants as he may deem necessary, enter at any time such house, premises, or place, and search the same.

(2) Any such police officer may, in respect of such house, premises, or place—

- i. If necessary, break open the doors or other means of access to the same and every part thereof, and any vessels reasonably suspected to contain liquor :
- ii. In any case under Paragraph i. of Subsection (1) hereof, seize all liquor and any drinking-vessels or containers which appear to him to have been recently used for the consumption of liquor, found in such house, premises, or place :
- iii. In the case of any club, whether registered or not, seize all registers of members, minute-books, and other books, papers, and documents relating to the business of such club : and
- iv. In any licensed premises during prohibited hours, or in any other premises at any time, demand and take the names and addresses of all persons found therein.

(3) All liquor and other property so seized may be detained, and may, if the same or anything contained therein is relevant thereto, be used in evidence in any proceedings against any person in respect of any contravention of this Act in such house, premises, or place at or before the time of such seizure.

(4) Upon receiving information on oath that any police officer has reasonable ground for believing any of the matters mentioned in Paragraphs i., ii., iii., iv., and v. of Subsection (1) hereof, any justice, by

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search warrant in the prescribed form, may authorise such police officer to exercise in respect of the premises specified in such warrant the like powers as are conferred by this section upon the officers therein specified. A.D. 1932.

106 Any police officer who finds any person taking or carrying away liquor from any licensed premises during prohibited hours may seize and take possession of such liquor. to be dealt with as hereinafter provided. Seizure of liquor without warrant.

107—(1) In any case in which liquor or other property has been seized under the authority of this Act, the person seizing the same shall forthwith take, or cause to be taken, proceedings under this Act against the owner or apparent owner thereof, or, if the owner is not known to him, against the person apparently responsible for any contravention of this Act in respect of which it was so seized; and if no such person can be found, shall apply to a member of the court for the district in which such seizure was made for an order as to the disposal thereof. Disposal of liquor seized.

(2) The tribunal before which any such proceedings are heard, or such member as aforesaid, as the case may be, shall have power to order that such liquor or property shall be confiscated and disposed of in such manner as such order may direct, unless the owner thereof shall prove to the satisfaction of such tribunal or member that no contravention of this Act has taken place in relation thereto.

(3) No such order as aforesaid shall be made until all reasonable steps have been taken to give the owner of such liquor or property an opportunity to be heard in opposition thereto, and upon proof that there has been no such contravention as aforesaid, or, if in the opinion of such tribunal or member, as the case may be, any such contravention has not been such as to warrant the confiscation thereof, such liquor or property shall be returned to the owner thereof.

(4) The proceeds of all liquor or other property sold under the authority of this section shall be paid into the Consolidated Revenue.

108—(1) Any inspector may, at any time during the ordinary hours of business therein, enter any premises in respect of which a licence under this Act is in force, and may, upon payment of the current retail price therefor, demand and take a sample or samples of any liquor found therein. Power to take samples.

(2) Any such sample may be less in quantity than the person holding such licence could lawfully sell to any other person, and such holder is hereby authorised to sell the same to such inspector.

(3) Every such sample and a duplicate thereof shall be securely sealed by such inspector with a seal to be provided by him for that purpose, and in the presence of such holder or of the person in charge of such premises, and, if such holder or person so requests, with the seal of such holder also; and one of such duplicate samples shall be left with such holder.

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(4) The other of such duplicate samples shall be submitted intact to the Government Analyst for analysis, and the report of such analyst thereon certified under the hand of such analyst, shall be evidence in any proceedings under this Act against such holder in respect of any such liquor as to the contents and ingredients of such sample.

Proof of sale of liquor.

109—(1) In any proceedings under this Act against any person in relation to any sale of liquor, proof that any delivery of liquor to any person took place shall be sufficient evidence until the contrary is proved that the same was sold to such person, and it shall not be necessary to prove that any money or other consideration passed, or was given or received, in respect of any such transaction.

(2) In any proceedings against any person not being the holder of a licence under this Act, or his servant or agent, for selling liquor, proof that drinking vessels, bottles, decanters, or other vessels commonly used for containing liquor were found in the premises where the offence is alleged to have been committed, and that the same had been recently used, shall be sufficient evidence until the contrary is shown that liquor has been sold by the defendant in contravention of this Act.

(3) In any proceedings under this Act against any person in relation to any sale of liquor, proof that liquor was bartered or exchanged shall be deemed to be proof of the sale thereof.

(4) If any person being a retailer of any goods other than liquor, and not being the holder of a licence under this Act, gives away, delivers, or supplies liquor to any person by way of bonus or inducement to such person to deal with him, or upon any other pretext, he shall be deemed to have sold such liquor in contravention of this Act.

(5) If the holder of an importer's licence or wholesale licence sells or delivers to any person liquor in a quantity authorised by his licence upon any understanding or arrangement—

- i. That part thereof shall be returned to him, whereby such person retains less than two gallons of such liquor : or
- ii. That less than two gallons of such liquor shall be delivered at one time and the balance thereof at some future time or times—

he shall be deemed to have contravened the provisions of Paragraph ii. of Section Ninety-two.

(6) In any proceedings under this Act in relation to any sale of liquor during prohibited hours, proof that at any relevant time—

- i. Any bar-room : or
- ii. Any door, window, slide, shutter, or other aperture through or by means of which liquor could be obtained or supplied from any bar-room—

was opened or unlocked shall be evidence until the contrary is shown that the same was open or unlocked, as the case may be, for the purpose of contravening this Act.

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(7) In any proceedings under Paragraph II. of Section Ninety-one, **A.D. 1932.**
 proof that at any relevant time any artificial light was in any bar-room or place where liquor is kept for sale, or stored, shall be evidence that such artificial light was used in contravening this Act unless it is proved to the satisfaction of the Court that the same was used only for the purpose of supplying liquor to a traveller or lodger and was not used for a longer time than was necessary for that purpose.

(8) In any such proceedings as last aforesaid any liquid found at any relevant time being supplied to, or consumed by, any person, or in circumstances which suggest that the same was intended to be supplied to, or consumed by, such person shall be presumed, until the contrary is shown, to have been liquor.

110—(1) Any contravention of this Act committed in any licensed premises by any person exercising in such premises any authority, or acting, or purporting to act, for or on behalf of the licensee, or with his permission performing any of his functions, shall be deemed to have been committed by the licensee, as well as by such person as aforesaid, unless it is shown to the satisfaction of the Court that such contravention was committed without the authority, and contrary to the orders or directions, of such licensee. **Presumption as to offences in licensed premises.**

(2) In any such case the licensee and such person as aforesaid may be prosecuted jointly or severally, but shall not both be punished in respect to the one offence. **Joint or several proceedings.**

(3) In any proceedings in respect of offences under this Act, proof that any person was a traveller or a lodger, if relevant to the issue therein, shall be upon the defendant. **Onus of proof in certain cases.**

111—(1) In any proceedings in respect of offences against this Act in relation to any sale, delivery, keeping, or consumption of liquor, it shall be sufficient to describe the same simply as liquor, and it shall not be necessary to allege or prove— **Description as to liquor, &c.**

- i. That any particular kind, nor, except in cases where the quantity is material, any particular quantity, of liquor was sold, delivered, kept, or consumed, as the case may be: or
- ii. That any such liquor was sold or delivered to, nor, except where such proceedings are against the consumer, consumed by, any particular person.

(2) In any case in which quantity is material, it shall be sufficient to allege and prove the sale or supply of a quantity of liquor less than the quantity specified in the provision alleged to have been contravened.

(3) In any prosecution for an offence against any of the provisions of this Act, any liquid shall be deemed to be liquor unless the contrary be proved.

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(4) In any such proceedings as aforesaid an allegation in the complaint that—

i. Any person—

(a) Is : or

(b) Is not—

the holder of a licence under this Act, or the secretary of a registered club : or

ii. Any premises are—

(a) Licensed premises : or

(b) The premises of a registered club—

as the case may be, shall be deemed to be proved until the contrary is shown.

Convictions under repealed Acts.

112 Where by this Act any previous conviction affects the punishment of, or consequences to, a person convicted under this Act, any conviction under a provision of any Act hereby repealed shall be deemed to be a conviction under the corresponding provision, if any, of this Act.

Several offences by the same person.

113—(1) In any proceedings in respect of offences against this Act, any number of offences committed by the same person may be included in the same complaint.

(2) Every such complaint, and every summons issued thereon, shall specify the time when, and the place where, each such offence is alleged to have been committed.

Defences.

114 In any proceedings in respect of offences against this Act it shall be a defence to prove, as regards proceedings—

i. Under Subsection (2) of Section Ninety-three—that no sign or label on any vessel in respect of which the defendant is charged, and no part of the contents thereof, had been altered, interfered with, or changed in any respect since such vessel was purchased by him, and that he did not know the same to be falsely labelled:

ii. For any offence depending upon the age of any person other than the defendant—that such person was apparently above the age in question, unless the defendant knew or ought to have known that such person was not in fact above such age :

iii. In respect of selling or supplying liquor during prohibited hours—that the defendant in good faith and on reasonable grounds believed the person to whom such liquor was sold or supplied to be a traveller :

iv. Under Paragraph 1. of Subsection (1) of Section Ninety-seven—that the liquor in respect of which such proceedings were instituted was contained in the same vessel or vessels in which it had been when purchased by the defendant, and

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that none of such vessels had been opened by him and that he was not aware, and had no reason to believe, that such liquor was unwholesome or adulterated : **A.D. 1932.**

- v. In respect of any offence under Subsection (6) of Section Ninety-seven—that the defendant did not know, and could not be expected from his appearance to know, that the person in relation to whom such proceedings were taken was a half-caste :
- vi. Against a child under the age of sixteen in respect of an offence under Paragraph ix. of Subsection (11) of Section Ninety-seven—that the defendant was ordered or requested by some other person to do the act alleged.
- vii. Under Section Ninety-eight—for being in possession of liquor in the vicinity of a public hall, that the defendant was not attending, or proceeding to attend, and had not attended, any entertainment thereat on that day and was not in communication with any person so attending or proceeding to attend.

115 No proceeding shall be taken in respect of any offence against this Act unless the same is commenced within sixty days after such offence was committed. **Limitation of time for proceedings.**

116—(1) All proceedings in respect of offences against this Act shall be taken, heard, and determined, and all penalties recovered and enforced, in accordance with the provisions of the Justices Procedure Act, 1919. **Mode of procedure. 10 Geo.V. No. 55.**

(2) Every such proceeding shall be heard and determined by the court for the district in which the offence is alleged to have been committed or by a police magistrate or any two or more justices.

117 The justices hearing any complaint under this Act may dismiss such complaint if in their opinion the same is frivolous or vexatious, and such dismissal shall be a bar to any further or other proceedings against the defendant in respect of the same matter. **Dismissal of frivolous or vexatious proceedings.**

118 No conviction or order under this Act shall be vacated, quashed, or set aside for want of form, or be impeached or affected by reason of any defect, mistake, or omission therein, if the proceeding or matter to which such form relates be sufficient in substance and effect. **Defects of form.**

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PART XVII.

LOCAL OPTION POLLS.

Local option
polls to be held
periodically.

119—(1) Subject to the provisions of Subsection (8) hereof, a vote of the electors in each city and municipality respectively, in which there are more licensed houses than one, shall be taken as herein provided once in every four years in the City of Hobart and once in every three years elsewhere, and shall be called a local option poll.

(2) The first of such polls shall be held—

- i. In the City of Launceston in the year one thousand nine hundred and thirty-five :
- ii. In every municipality, other than a city, in the year one thousand nine hundred and thirty-three :
- iii. In the City of Hobart in the year one thousand nine hundred and thirty-six.

(3) Every such poll shall be taken in each city or municipality, as the case may be, on the day on which the ordinary election of aldermen or councillors for such city or municipality is held, or, where in any year no such election is necessary, on the day on which the same would have been held if an election had been necessary.

(4) Every person entitled to vote at such election shall be entitled to vote at such poll, but shall have one vote only for the purposes of such poll.

(5) At every such poll there shall be submitted to the electors two alternative resolutions as follows—

- i. That the number of licensed houses in the district continue :
- ii. That the number of licensed houses in the district be reduced—

and the first of such resolutions shall be called Resolution A, and the second Resolution B.

(6) The voting-paper for every such poll shall be in the Form XV. in the Second Schedule, and each elector shall vote by making a cross in the square set opposite the resolution for which he intends to vote.

(7) If in any district in any year in which a local option poll is to be held as aforesaid no municipal election is held, such poll shall be taken as may be prescribed on the day appointed for the holding of municipal elections in such district.

(8) No such poll shall be taken in any city or municipality unless one month, at least, before the day prescribed for taking the same a petition for the taking thereof signed by not less than one-twentieth of the municipal electors of such city or municipality is lodged with the mayor or warden, as the case may be, of such city or municipality.

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(9) At every such poll a resolution shall be deemed to be carried if a majority of the persons voting at such poll cast valid votes for that resolution and such majority comprises not less than one-fourth of the persons entitled to vote at such poll.

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Resolution
when deemed to
be carried.

120—(1) Every local option poll shall be taken in accordance with the provisions in force for the time being in the district in which it is taken regulating the holding of municipal elections therein so far as such provisions are applicable and except in so far as the same are or may be modified by or under this Act.

Procedure.

(2) For the purposes of such polls the Chief Electoral Officer, at all necessary times, shall cause an adequate supply of voting papers to be prepared and forwarded to the town clerk of the city or council clerk of the municipality, as the case may be, and shall give fourteen days' notice of the poll in the Gazette and in such newspapers as he may think necessary.

(3) Wherever practicable the persons charged with the holding of the election in the district shall take and count the votes for the local option poll as may be prescribed, but, where there is no returning officer for the whole of any district or where in any part of a district no election is held, a returning officer and presiding officers, respectively, shall be appointed as prescribed.

(4) The poll shall be taken at the time and places appointed for voting at the municipal election then being held, and, if in any district there is no such election then being held, the poll shall be taken at such time and places as may be prescribed.

(5) At every such poll a voting paper shall be invalid if the voter has voted thereon for more than one resolution, or if the voting-paper does not bear the signature, initials, or signature stamp of the returning officer.

(6) The expenses of taking the poll shall be paid by the Treasurer out of moneys to be provided by Parliament for that purpose, upon the certificate of the Chief Electoral Officer, but such payment shall not include any sum for the services of officers or the provision of polling booths where the poll is taken concurrently with an election in the district or ward concerned.

(7) Subject to the express provisions of this Act, all matters of procedure relating to a poll may be varied as prescribed.

121—(1) If in any district Resolution B is carried as hereinbefore provided at the local option poll, the number of licensed houses in that district shall be reduced in accordance with the provisions hereinafter contained, and in any other case the poll shall have no effect.

Effect of resolu-
tion and proced-
ure thereon.

(2) Where Resolution B is carried at a poll in any district, the licensing court shall give effect thereto in accordance with the following provisions—

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- i. Reduction in the number of hotel and public-house licences then in force in the district may be made within the limits indicated in the table set out herein, namely—

| Where the number of existing licences— | The reduction may be by— |
|--|------------------------------|
| Does not exceed four | Not more than one licence |
| Exceeds twelve and is less than twenty four..... | Not less than two licences |
| Exceeds twenty-three and is less than thirty six | Not less than three licences |
| Exceeds thirty-five | Not less than four licences |

but in no case shall such reduction exceed one-fourth of the number of such licences then in force :

- ii. The court shall have regard to the requirements and convenience of the public, the accommodation provided by the respective premises, the nature and fitness of the locality in which each house is situated, and the nature of the trade upon which each house is mainly dependent, with a view to determining, as between any two licensed houses, which is the more suitable to be retained in the particular locality :
- iii. Where, in the opinion of the court, any two houses equally serve the requirements and convenience of the public, the court may give preference to that house which in its opinion is the better conducted and managed, or to the house the licensee of which has the better record in respect of observance of the provisions of this Act :
- iv. Before making an order that any licensed premises shall be delicensed, the court shall call upon the licensee thereof to show cause against the making of such order, and shall hear and consider any evidence which he may adduce for that purpose :
- v. Subject to the foregoing provisions the court shall have power in its discretion to determine how many and which licensed premises shall be delicensed :
- vi. There shall be no appeal from any determination of the court under this section except as to any question of law.
- (3) Where the court makes an order for the delicensing of any premises under this section, the same shall take effect from the first day of January next after the making thereof, and no application for the renewal of the licence then in force in respect of such premises shall be considered or granted.
- (4) The lessee of any premises so delicensed may serve on the lessor thereof a notice, in writing, requiring such lessor to submit to arbitra-

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tion the determination of the amount of rent justly payable by such lessee in respect of the delicensed premises during the unexpired portion of the term of his lease. A.D. 1932.
—

(5) In the absence of agreement between the lessor and lessee as to the amount of such rent or for the cancellation of the lease of the delicensed premises, such notice as aforesaid shall have the effect of a submission to arbitration by two arbitrators, one to be appointed by each party, under and in accordance with the Arbitration Act, 1892, and the lessor shall be bound thereby.

(6) Where the premises are sub-let, the sub-lessee shall have the like right in respect of his immediate lessor as is hereby conferred on the original lessee.

(7) The rent determined as provided by this section shall be accepted by the lessor in lieu of and in satisfaction for the rent reserved by the lease of the delicensed premises during the currency of such lease.

PART XVIII.

MISCELLANEOUS PROVISIONS.

122—(1) Every hotel and every public-house shall be deemed to be a common inn, and the licensee thereof to be an innkeeper. Hotels and public-houses to be inns.

(2) A licensee shall not be bound to sell or supply liquor during prohibited hours to any person claiming to be a traveller nor to permit such person to enter his premises if such licensee has any reasonable doubt as to such person's status in that respect. Supplying, &c.,
travellers.

(3) In any such case the licensee, if he elects to treat such person as a traveller, may demand from him his full name and address and the address at which he lodged during the preceding night, and may refuse to receive him if he fails to comply with such demand.

123 If any person lodging in any licensed premises shall lose any goods or chattels, the licensee of such premises shall not be held responsible therefor to any greater extent than the sum of Twenty Pounds, unless the same have been lodged with such licensee and a receipt obtained therefor. Limitation of
liability of
licensees for
luggage, &c.

124—(1) Subject to the conditions hereinafter contained, every licensee may sell by public auction any goods or chattels deposited with him by any person at, or left by any person in, his licensed premises or the precincts thereof if such person is indebted to him for board or lodging, or for the keep or care of any horses or other animals kept by him or left in his care. Power to licensees
to sell lodgers'
goods in certain
cases.

Licensing.

A.D. 1932.

(2) The power of sale conferred by this section shall not be exercised—

- i. For or in respect of any debt incurred in respect of any matter or thing other than those above mentioned :
- ii. Until such goods or chattels have been in the custody or possession of such licensee for a period of at least six weeks, and the debt in respect of which it is exercised, or some part thereof, has been owing for a like period :
- iii. Until such licensee has submitted to a member of the court for the district in which his licensed premises are situated a detailed statement of such debt, and has made a statutory declaration that the charges made by him therein are just and fair, and that such debt is justly and truly due to him from such person : and
- iv. Until such licensee shall have given public notice of such intended sale in a newspaper, specifying the time and place thereof, and containing a short description of such goods and chattels, and, if the same is known to him, the name of the person so indebted to him—

and shall not apply to any goods or chattels belonging to any ratepayer resident in this State, and left or deposited with such licensee or in his premises by such ratepayer.

(3) The balance, if any, remaining from the proceeds arising from any such sale, after payment thereof of all just costs, charges, and expenses of and incidental to such sale, and the amount of such debt, shall be paid to the Treasurer.

(4) If any person shall apply to the Treasurer for such balance within twelve months after such sale, and shall satisfy him that he is justly entitled thereto, the same shall be paid to such person, and in all other cases the same shall be paid into the Consolidated Revenue.

(5) Any person so indebted as aforesaid may at any time before any such sale redeem any such goods or chattels upon payment of his debt and any such costs, charges, and expenses as aforesaid already incurred.

Recovery of wages, &c., paid in liquor.

125 Any person to whom any debt for any salary, wages, or emolument has been liquidated in contravention of the provisions of Subsection (4) of Section Ninety-seven shall be entitled to receive, and may sue for, and recover from the person contravening such provisions, the whole or any part of such debt which has been so liquidated.

Power to licensee to exclude undesirable persons.

126—(1) It shall be lawful for a licensee and his servants at any time to refuse to admit into his licensed premises or any part thereof or the precincts thereof or to eject from such premises or precincts any person—

- i. Who is intoxicated, or is behaving in a violent, quarrelsome, or disorderly manner :
- ii. Who is using obscene, profane, or disgusting language : or
- iii. Whose presence therein would subject such licensee to a penalty under this Act.

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(2) All police officers shall assist any such licensee or his servant in the exercise of the powers conferred by this section when reasonably required so to do. A.D. 1932.

127 No licensee shall recover from any person in any legal proceedings any debt or demand, nor shall any item of account be allowed in any such proceedings, for or in respect of any liquor supplied by such licensee to or for such person, unless— Debts for liquor not to be recoverable in certain cases.

- i. The liquor so supplied at any one time was supplied in good faith to the value of Twenty Shillings : or
- ii. A written order for such liquor was freely and voluntarily given by such person before such supply—

notwithstanding that such debt, demand, or item has been secured or agreed to be paid.

128—(1) No goods or chattels the property of any person who is lodging as a customer in any licensed premises, or is otherwise resorting thereto as a customer in the ordinary course, shall be subject to be distrained or seized for rent of such premises, or otherwise in respect of any debt or claim against the licensee, or otherwise in relation to such premises. Lodgers' goods exempt from distress.

(2) If any such distraint or seizure as aforesaid is made or levied in contravention of this section, any two justices, upon complaint being made under the Justices Procedure Act, 1919, may order the goods or chattels so distrained or seized to be returned to the owner thereof forthwith.

129—(1) All fees received in respect of licences, permits, and permissions, and the granting or renewal of certificates of registration, shall, except as hereinafter provided, be paid into the Consolidated Revenue. Application and appropriation of fees.

(2) A fee paid by any person in relation to any application which is refused shall be refunded to him.

(3) In any case in which an application for a licence in respect of any premises is not finally determined before the existing licence in respect thereof expires, the fees paid in relation to such application shall be retained by the clerk until such determination, and if such application is finally refused a proportion of such fee, calculated on the basis of Two Pounds One Shilling and Eight Pence for each month during which the applicant has sold liquor under the provisions of Section Fifty-one, shall be retained and forwarded to the Treasurer to be paid into the Consolidated Revenue, and the balance shall be refunded to such applicant.

130—(1) The Governor may from time to time make regulations in respect of all matters necessary to be prescribed, or which may be desirable for giving effect to the provisions of this Act. Regulations.

Licensing.

A.D. 1932.

(2) Any such regulation may prescribe the fees to be payable in respect of any matters under this Act, for which no fee is provided by this Act, and may fix and regulate the payment of fees and expenses by licensees in respect of certificates by health officers.

(3) Any such regulation may prescribe a penalty not exceeding Ten Pounds for any breach thereof.

Section 2.

THE FIRST SCHEDULE.

| Regnal Year and Number of Act. | Short Title of Act. | Extent of Repeal. |
|--------------------------------|--|-------------------|
| 2 Ed. VII. No. 32 | The Licensing Act, 1902 | The whole Act |
| 8 Ed. VII. No. 39 | The Licensing Act, 1908 | The whole Act |
| 6 Geo. V. No. 6 | The Licensing Act, 1915 | The whole Act |
| 6 Geo. V. No. 53 | The Closing Time for the Sale and Supply of Liquor on Licensed Premises Referendum Act, 1915 | The whole Act |
| 6 Geo. V. No. 61 | The Licensing Act, 1916 | The whole Act |
| 7 Geo. V. No. 19 | The Licensing Act (No. 2), 1916 | The whole Act |
| 8 Geo. V. No. 25 | The Licensing Act, 1917 | The whole Act |
| 10 Geo. V. No. 12 | The Licensing Act Amendment Act, 1919 | The whole Act |
| 15 Geo. V. No. 73 | The Licensing Act, 1925 | The whole Act |
| 22 Geo. V. No. 42 | The Licensing Act, 1931 | The whole Act |
| 20 Geo. V. No. 70 | The Anzac Day Observance Act, 1929 | Section 4 |

Section 23.

THE SECOND SCHEDULE.

(I.)

LICENCES.**A.—HOTEL, PUBLIC-HOUSE, OR RAILWAY REFRESHMENT-ROOM LICENCE.***The Licensing Act, 1932.*

WHEREAS I have received a certificate duly issued by the Licensing Court for the District of [*here state name of district*] certifying that a [*here state nature of licence*] licence has been granted by the said Court to [*here state name, address, and occupation of licensee*] in respect of [*here state description, situation, and title (if any) of house or room*], and that the fee in respect thereof has been paid; I do hereby declare the said [*here state name of licensee*] to be the holder of a [*here state nature of licence*] in respect of the said house [*or room*], subject to the provisions of the Licensing Act, 1932, from the day 19 [*date from which licence is to take effect.*]

Given under my hand this day of

19
J.A.L.
Treasurer.

B.—PACKET LICENCE.*The Licensing Act, 1932.*

[*As in Form A down to the words "certifying that" and proceed*] a packet licence has been granted by the said Court to [*here state name, address, and occupation of licensee*] in respect of the vessel known as the [*here state description and name of vessel*], trading in and from the Port of [*here state place of licensee's head office; and proceed as in Form A substituting "vessel" for "house."*]

Licensing.

C.—WHOLESALE LICENCE OR IMPORTER'S LICENCE.

A.D. 1932.

The Licensing Act, 1932.

WHEREAS [*here state name, address, and occupation of licensee*] has applied to me in writing for a wholesale licence [*or importer's licence*] in respect of the premises [*here state situation and description of premises, if a wholesale licence; and if otherwise, omit the words "in respect of"*] and has paid the fee in respect thereof; I do hereby grant to the said [*here state name of licensee*] a wholesale [*or importer's*] licence [*if a wholesale licence add "in respect of the said premises"*] subject to the provisions of the Licensing Act, 1932.

Given under my hand this day of 19 .
J.A.L.
Treasurer.

(II.)

APPLICATIONS TO THE COURT FOR A LICENCE, PROVISIONAL CERTIFICATE, TRANSFER, OR PERMISSION. Section 35.

The Licensing Act, 1932.

To the Licensing Court for the

District of [*here state name of District*].

I [*here state name, address, and occupation of applicant*] do hereby apply for a [*proceed in the several cases indicated as under—*]

- (a) (In case of an hotel or public-house licence):
 hotel [*or public-house*] licence in respect of the premises situate at [*here state situation of premises*] and known [*or "intended to be known"*] by the sign of [*here state designation of house*]:
- (b) (In case of a provisional certificate):
 provisional certificate for an hotel licence in respect of the house situated at [*here state fully the situation and description of the house and premises if house completed; or if not omit "situated at" and substitute "proposed to be built (or altered) in accordance with plans and specifications lodged herewith on premises," and add full description of premises*]:
- (c) (In case of a railway refreshment-room licence):
 railway refreshment-room licence in respect of the railway refreshment-room at the railway station [*here state name of place*] belonging to the Minister for Railways [*or as the case may be*]:
- (d) (In the case of a packet licence):
 packet licence in respect of the [*here state description and name of vessel*] trading in and from the port of [*here state place of licensee's head office*]:
- (e) (In the case of a transfer):
 transfer of the [*here state nature of licence*] licence held by [*here state name of present holder*] in respect of [*here state designation and situation of house, room, or vessel*]:
- (f) (In case of a permission):
 permission in respect of the [*here state nature of licence*] lately held by [*here state name of late holder and nature of the event upon which application is made; and proceed as in case (a)*]—

[*and conclude in each case*]

Dated this day of 19
A.B
Applicant,

Licensing.

A.D. 1932.

Section 44.

(III.)

CERTIFICATE OF THE GRANTING BY THE COURT OF A
LICENCE, TRANSFER, OR PERMISSION; AND PROVISIONAL
CERTIFICATE.

A.—CERTIFICATE FOR LICENCE, TRANSFER, OR PERMISSION.

The Licensing Act, 1932.

In the Licensing Court for the
District of [*here state name of District*].

I
WE hereby certify that at a sitting of the above Court held at [*here state place of sitting*] on the _____ day of _____ 19 ____ a

[*proceed in the several cases indicated, as under*]

(a) (In case of a licence):

. . . . [*here state nature of licence*] licence in respect of [*here state designation and situation of house, room, or vessel*] was granted to [*here state name, address, and occupation of licensee*]:

(b) (In the case of a transfer):

. . . . transfer of the [*here state nature of licence*] licence held by [*here state name of former holder*] was granted to [*here state name, address, and occupation of transferee*]:

(c) (In case of a permission):

. . . . permission in respect of the [*here state nature of licence*] licence lately held by [*here state name of former holder*] was granted to [*here state name, address, and occupation of permittee*]:

[*and proceed in each case*]—

to take effect from the _____ day of _____ 19 ____
subject to the provisions of the Licensing Act, 1932, and that the fee payable in
respect thereof has been duly paid.

Dated this _____ day of _____ 19 ____ .

A.B.
Chairman of the Court.
or
C.D.
E.F.
Members of the Court.

(Seal of the Court.)

NOTE.—Licence cannot be issued until Certificate is produced to the Treasurer.

B.—PROVISIONAL CERTIFICATE.

The Licensing Act, 1932.

In the Licensing Court for
the District of [*here state name of District*].

I
WE hereby certify that at a sitting of the above Court held at [*here state place of sitting*] on the _____ day of _____ 19 ____, on the application of [*here state name, address, and occupation of applicant*] authority was granted by the Court to the said [*here state name of applicant*] or other person for the time being entitled to the possession thereof, to apply within [*here state time within which application is to be made*] for an hotel licence in respect of [*here state description and situation of premises*] upon the following conditions [*here state conditions imposed (if any)*].

Dated this _____ day of _____ 19 ____

A.B.
Chairman of the Court
or
C.D.
E.F.
Members of the Court,

(Seal of the Court.)

Licensing.

(IV.)

A.D. 1932.

OBJECTION TO APPLICATION FOR LICENCE, &c., OR FOR
REGISTRATION OR RE-REGISTRATION OF CLUB.Section 53 (2).
Section 75.*The Licensing Act, 1932.*In the Licensing Court
for the District of [*here state name of District*].I [*here state name and address of objector*] hereby object to the granting of an application lodged by [*here state name of applicant*] for a [*here state nature of application*] in respect of [*here state situation and description of premises*] upon the following grounds:—[*Here state fully grounds of objection.*]

Dated this day of 19 .

A.B.
Objector.To the Clerk of the said Court
and to the Applicant.

(V.)

NOTICE OF APPEAL.

Section 56.

The Licensing Act, 1932.

In the Supreme Court of Tasmania :

IN THE MATTER of an application by [*here state name of applicant*] for a [*here state nature of application and description and situation of premises affected*].

And

IN THE MATTER of the Licensing Act, 1932.

I [*here state name of appellant and in what capacity he is a party*] hereby give notice that I intend to appeal to a Judge of this Honourable Court against [*here specify the order, decision, or determination to be appealed against*] made [*or given*] by the Licensing Court of the District of [*here state name of District*] in the above matter on the day of 19 ., upon the following grounds:—[*Here state grounds of appeal.*]

Dated this day of 19 .

Appellant
or
Attorney for the Appellant.To the Clerk of the
Licensing Court for the District of
and to[*Here set out names of the persons on whom notice is to be served.*]

(VI.)

APPLICATION TO TREASURER FOR LICENCE.

Section 67.

The Licensing Act, 1932.

To

The Honourable the Treasurer.

I [*here state name, address, and occupation of applicant*] hereby apply for a wholesale [*or importer's*] licence under the above Act [*and if a wholesale licence proceed*] in respect of the premises situated at [*here state fully situation of premises*] and occupied by me [*or as the case may be*] as [*here state nature of business on premises*].Dated this day of 19 .
Applicant.NOTE—If the applicant is not resident in this State, add at foot of application
“My representative in Tasmania in respect of such licence will be [*here state name, address, and occupation of representative*].”

Licensing.

A.D. 1932.

(VII.)

Section 71.

APPLICATION FOR REGISTRATION OF A CLUB OR FOR RENEWAL THEREOF.

The Licensing Act, 1932.

To

The Licensing Court for the
District of [*here state name of District*].I [*here state name and address of secretary*] being the secretary of the [*here state name of club and address of its premises*] do hereby apply for a certificate [*or for a renewal of the certificate*] of registration of the said club under the above Act.Dated this day of 19 .
Secretary.

Section 77.

(VIII.)

APPLICATION BY CLUB FOR REMOVAL TO OTHER PREMISES.

*The Licensing Act, 1932.*I [*here state name of Secretary*] being the Secretary of the [*here state name of club*] do hereby apply for the approval of the Court for the removal of the business of the Club to [*here state description and situation of premises removal to which is sought*].Dated this day of 19
A.B.

Secretary.

To

The Clerk of the
Licensing Court for the
District of [*here state name of District*].

(IX.)

Section 78.

CERTIFICATE OF REGISTRATION OR RENEWAL OF REGISTRATION OF CLUB.

*The Licensing Act, 1932.*In the Licensing Court
for the District of [*here state name of District*].I [*here state name of Clerk*] Clerk of the above Court, do hereby certify that the [*here state name of club*] has been registered [*or has renewed its registration*] in respect of the premises [*here state description and situation of premises*] up to the thirty-first day of December next, and that the fee payable in respect thereof has been duly paid.

Dated this day of 19 .

On behalf of the Court,

(Seal of the Court.)

A.B.
Clerk of the Court.

Licensing.

A.D. 1932.

(X.)

APPLICATION FOR PERMIT.

Sections 61-66.

The Licensing Act, 1932.

In the Licensing Court
for the District of [*here state name of District*].

I [*here state name of applicant and capacity in which he applies*] hereby apply under the provisions of Section [*here state section authorising the particular application*] for a permit authorising [*here state name of person who is to exercise the authority to be granted*] to sell liquor [*here state nature and extent of authority to be granted and the licence and premises, or the place and occasion, as the case may be, to which it is to apply*].

Dated this day of 19 .

A.B.
Applicant.

To
The Clerk of the Court.

NOTE.—The consent of the outgoing tenant, if any, where obtainable is to be endorsed on the application.

(XI.)

PERMITS TO SELL.

A.—(Under Section 61 or Section 62.)

The Licensing Act, 1932.

In the Licensing Court
for the District of [*here state name of District*].

AUTHORITY is hereby given to [*here state name, address, and occupation of permittee*] to sell liquor under the [*here state nature of licence*] licence now [*or lately*] held by [*here state name of licensee*] in respect of the premises situate at [*here state situation and designation of premises*] from the day of 19 ., subject to the provisions of the Licensing Act, 1932.

This permit will continue in force as provided by Section 63 of the said Act and no longer.

Dated this day of 19 .

A.B.
A Member of the Court.

Licensing.

A.D. 1932.

B.—(Under Section 64.)

The Licensing Act, 1932.

In the Licensing Court
for the District of [*here state name of District*].

AUTHORITY is hereby given to [*here state name, address, and occupation of permittee*] to sell liquor under the [*here state nature of licence*] licence held by [*here state name of licensee; or, if under Subsection (3) insert: him*] in respect of the premises situate at [*here state situation and designation of premises*] from the day of _____ 19 _____ until the _____ day of _____ 19 _____ [*or, if under Subsection (3) omit the words "until the, &c.," and insert: at*] and in the premises (*describing them*) until his said licensed premises have been rebuilt, repaired, or rehabilitated (*as the case may be*) subject to the provisions of the Licensing Act, 1932.

Dated this _____ day of _____ 19 _____

A.B.

A Member of the Court.

C.—(Under Section 65.)

The Licensing Act, 1932.

In the [*here insert heading as above*].

AUTHORITY is hereby granted to [*here state names of licensee and his licensed premises*] to sell liquor at [*here state place and the particular premises or part thereof where permit is to take effect*] upon the occasion of [*here state event for which permit granted; or if for a series of events proceed*]: any [*stating nature of event*] held or conducted by [*here state name of managing authority*] thereat from the day of _____ 19 _____ for a period of [*here state period*] subject to the provisions of the Licensing Act, 1932, and subject to the following conditions and restrictions:—

[*Here state conditions, &c. (if any.)*]

Dated this _____ day of _____ 19 _____

A.B.

A Member of the Court.

D.—(Under Section 66.)

The Licensing Act, 1932.

In the [*here insert heading as above*].

AUTHORITY is hereby given to the [*here state name of licensee or secretary of the club and designation of the licensed premises or club where function is to be held*] for the sale of liquor on such licensed premises [*or club*] between the hours of [*here state hours during which permit is to have effect*] on the _____ day of _____ 19 _____, on the occasion of banquet [*or as the case may be*] to be held or given therein by [*here state name of club, association, or society holding function*] to persons present at and taking part in such function as aforesaid, subject to the provisions of the Licensing Act, 1932.

Dated this _____ day of _____ 19 _____

A.B.

A Member of the Court.

Licensing.

A.D. 1932.

(XII.)

A.—PROHIBITION ORDER.

Section 83.

The Licensing Act, 1932.

In the Licensing Court

for the District of [*here state name of District*].

WHEREAS it has been proved to me upon oath that [*here state name, address, and occupation of person against whom order is to be made*] is habitually drinking liquor to excess and thereby [*here state particular effect alleged*]; I do hereby order that no person holding a licence under the Licensing Act, 1932, to whose knowledge this order shall come, shall sell or supply liquor to the said [*here state name of person aforesaid*] for a period of [*here state period*] from the date hereof.

Dated this day of 19 .

A.B.

A Member of the Court.

B.—PROHIBITION NOTICE.

The Licensing Act, 1932.

I [*here state name of Commissioner or Superintendent*] Commissioner of Police for the State of Tasmania [*or Superintendent of Police for the Police District of (here state name of Police District)*] do hereby give you notice that you must not sell or supply liquor to [*here state name, address, and occupation of person in respect of whom notice is given*] for or during the period of one year from the date hereof.

Dated this day of 19 .

A.B.

Commissioner [*or Superintendent*] of Police.The Licensee of [*here state name of licensed house*].

(XIII.)

APPLICATION FOR FORFEITURE OF LICENCE.

Section 101.

The Licensing Act, 1932.

To

The Licensing Court for the

District of [*here state name of District*].

I [*here state name of Inspector*] a Licensing Inspector in and for the said district, hereby apply for an order that the [*here state nature of licence*] licence held by [*here state name of licensee*] in respect of the [*here state designation and situation of premises*] shall be forfeited upon the following grounds:—

[*Here state full particulars of the grounds of application*].

Dated this day of 19 .

A.B.

Inspector.

Licensing.

A.D. 1932.

(XIV.)

SEARCH WARRANT.

The Licensing Act, 1932.

Section 105.

WHEREAS it has been made to appear to me by information upon oath that :—

[Here state grounds upon which narrant is applied for, specifying precisely the premises in respect of which it is required.]

These are therefore to command you in His Majesty's name forthwith, with proper assistance, to enter the said premises and to search the same, and to *[here state the particular powers applicable in the circumstances of the case]* and to detain any liquor or other property seized under the authority hereof to be dealt with according to law.

Given under my hand this day of 19

A.B.

A Member of the Licensing
Court for the District of
[here state name of District].
[or if under Subsection (4)]

A.B.

J.P.

To

[here state name and title of officer].

(XV.)

The Licensing Act, 1932.

Section 119.

LOCAL OPTION VOTING PAPER.

| | |
|--|---|
| | <p>A. I vote that the number of licences in this district continue.</p> |
| | <p>B. I vote that the number of Licences in this district be reduced.</p> |

Directions

You must vote by placing a cross thus, **x**, in the square opposite the resolution for which you wish to vote. If you make any mark on the voting-paper other than one **x** as above it will be invalid.

THE THIRD SCHEDULE.

RULES FOR CONDUCTING POLL UNDER SECTION 52.

1. Upon the court making an order under Section 52 for the taking of a poll, the clerk or other person directed to take same shall give seven days' public notice thereof forthwith, and such notice shall be published twice in a newspaper.
2. The clerk or such other person as aforesaid shall be the returning officer for the purposes of the poll.
3. The returning officer shall compile a roll of the persons whose names are on the assessment roll in force for the time being in respect of properties situate within the neighbourhood within which the premises in relation to which the poll is to be taken are situate, and such roll shall be the voters' roll for such poll.
4. Every person whose name is on such roll and resides within the neighbourhood shall be entitled to vote at such poll and no other person shall vote thereat.
5. Every voter shall have one vote only.

Licensing.

6. The poll shall be held at the office of the clerk, and shall be open from eight of the clock in the forenoon until seven of the clock in the afternoon of the day appointed by the court for taking the poll. A.D. 1932.

7. The returning officer shall cause to be prepared and printed a sufficient number of voting-papers in the form hereunder written--

Licensing District of

VOTING PAPER.

Are you for, or against, the granting of the application of
for—

A provisional certificate in respect of:

Authority to remove his hotel business to*
premises situated at † ?

* As the case may be—the alternative not required to be struck out and initialled by the returning officer.

† Insert here detailed address of premises.

| | |
|---------|--|
| FOR | |
| AGAINST | |

Directions.

If you wish to vote for the granting of the application place a cross, thus, **x**, in the square opposite the word "For"; if you wish to vote against the granting of the application place the cross in the square opposite the word "Against."

If you make any mark other than one **x** on the voting paper it will be invalid.

8. Every ballot-paper shall bear the signature or initials of the returning officer on the back thereof.

9. The applicant in respect of whose application, and the persons (or any one of them) on whose petition the poll is taken, may appoint one scrutineer respectively.

10. On the close of the poll the returning officer, in the presence of such scrutineers as may attend, shall count the votes cast and shall report to the chairman of the court the result of the poll forthwith.

11. The returning officer at each count shall reject all voting-papers which in his opinion are invalid, and in so doing shall be guided by the provisions of the Electoral Act, 1907, so far as the same are applicable.

