

and those drains, connections, pipes, and works are constructed or laid in such a position and in such a manner and of such materials as may be approved by the council.

Penalty: Fifty pounds.

“(2) No person shall erect or construct, or commence to erect or construct, or carry on with the erection or construction of, any house or building in the area unless the approval of the council has been obtained, for the purposes of subsection (1) of this section, to any drains, connections, pipes, or works which it is proposed to construct or lay in connection with that house or building in order to comply with that subsection.

Penalty: Fifty pounds and a daily penalty of twenty pounds.

“(3) No person shall construct or lay, or make any alteration to, any drain, or any pipe or other work used or intended to be used for the drainage of a house or building into a sewer, except with the approval of the council.

Penalty: Fifty pounds.

“(4) Where any house or building has been erected or constructed, or any drain, pipe, or other work has been constructed, laid, or altered in contravention of this section, the council may cause such works to be carried out as it may consider necessary to remedy the contravention, and may recover the expense of so doing from the owner of the premises concerned.”.

**3** Section twenty-nine of the Principal Act is amended by inserting in subsection (1), after the word “council,” (second occurring), the words “or in consequence of any contravention of this Act,”. Recovery of costs.

## LICENSING.

### No. 88 of 1958.

AN ACT to amend the *Licensing Act* 1932 and the *Licensing Act* 1947. [21 January 1959.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—(1) This Act may be cited as the *Licensing Act* 1958. Short title and citation.  
(2) The *Licensing Act* 1932, as subsequently amended, is in this Act referred to as the Principal Act.

**2** Section three of the Principal Act is amended—

(a) by omitting from the definition of “Bar” the words “, or through an opening in which,”;

Interpretation.

- (b) by omitting from the definition of "Clerk" the word "the" (first occurring) and substituting therefor the word "a";
- (c) by inserting after the definition of "Ratepayer" the following definition:—
  - " 'Registrar' means the Registrar of the court:";
- (d) by omitting the definition of "Traveller" and substituting therefor the following definitions:—
  - " 'Traveller' means a person who—
    - I Is a *bona fide* traveller within the meaning of that expression in this Act: and
    - II Has signed the travellers' registration book as required by section ninety-one B:
  - " 'Travellers' registration book' means the travellers' registration book required by section ninety-one B to be kept by licensees:
  - " 'Visitor' means a person in good faith coming to or remaining on any premises for the purposes of—
    - I Having a meal or refreshment other than liquor: or
    - II Visiting the licensee or his spouse on the premises."; and
- (e) by adding at the end of that section the following subsection:—
  - "(2) A person shall not be deemed to be a *bona fide* traveller within the meaning of that expression in this Act—
    - I Unless—
      - (a) The place where he lodged during the preceding night is at least seven miles distant (calculated by the nearest practicable route) from the licensed premises where he demands to be or is supplied with a meal or with liquor: and
      - (b) Immediately before the time of his arrival at those licensed premises, he has travelled from a place that is at least seven miles distant (calculated by the nearest practicable route) from those premises: or
    - II If the place where he usually sleeps is distant less than seven miles from such licensed premises, such distance to be calculated as aforesaid."

**3** Section seven of the Principal Act is amended—Licensing  
Court.

- (a) by omitting subsections (2) and (3) and substituting therefor the following subsections:—

“(2) The court shall consist of three persons appointed by the Governor, and one of those persons shall be a police magistrate and shall be the chairman of the court.

“(3) Subject to this Act, the members of the court shall hold office for the term of five years.”;

- (b) by omitting from subsection (4) the words “police magistrate” and substituting therefor the words “practitioner (within the meaning of the *Legal Practitioners Act* 1896)”; and

- (c) by re-numbering subsections (4) and (5) thereof (being the subsections respectively relating to the non-application of the *Public Service Act* 1923 to members of the court and to the remuneration of members thereof) as subsections (6) and (7) respectively.

**4** Section eight of the Principal Act is repealed and the following sections are substituted therefor:—

“8—(1) The Governor may, under and in accordance with the provisions of the *Public Service Act* 1923, appoint a Registrar of the court and such other officers of the court as he thinks necessary for the purposes of this Act, or may direct that the duties of the Registrar or any other officer of the court shall be performed by some officer of the Public Service in conjunction with his other duties as an officer of the Public Service.

Registrar of  
the court  
and officers  
thereof.

(2) No direction shall be given under subsection (1) of this section in the case of an officer to whom the provisions of the *Public Service Act* 1923 apply except on the recommendation of the Public Service Commissioner.

(3) The person holding office at the commencement of this section as clerk of the court shall be deemed to be the Registrar of the court and to have been appointed as such under this section.

“8A—(1) There shall be a clerk of the court for each district.

Clerks of the  
court.

- (2) For the purposes of subsection (1) of this section—

- I The Registrar shall be the clerk of the court for the district consisting of the city of Hobart:
- II The clerk of petty sessions at Launceston shall be the clerk of the court for the district consisting of the city of Launceston: and
- III The council clerk of each municipality shall be the clerk of the court for the district consisting of that municipality.

(3) In the exercise and performance of his functions and duties as a clerk of the court under this Act a council clerk is subject to, and shall comply with, the directions of the chairman of the court.”.

Disqualifica-  
tion for mem-  
bership.

**5** Section ten of the Principal Act is amended by omitting from subsection (3) the words “, or for any certificate of registration.”.

Removal of  
members of  
the court.

**6** Section eleven of the Principal Act is amended by adding at the end of subsection (1) the words “, or if the member is absent, without leave of the Minister, from three or more consecutive sittings of the court.”.

Jurisdiction  
of the court.

**7** Section fifteen of the Principal Act is amended—

- (a) by omitting the word “and” at the end of paragraph IV of subsection (1); and
- (b) by adding at the end of that subsection the following paragraphs:—

“:

“VI Permits under this Act: and

“VII Under section one hundred and one, for the forfeiture of licences.”.

Powers of  
court with  
respect to  
minimum  
standards, &c.

**8** Section fifteen A of the Principal Act is amended by inserting in paragraph II of subsection (1), after the word “persons”, the words “holding licences under this Act or”.

**9** Section nineteen of the Principal Act is repealed and the following section is substituted therefor:—

Filing of  
documents,  
&c.

“19—(1) Subject to subsection (2) of this section, where by or under this Act it is provided that any application, notice, plan, or other document shall be filed or lodged with, or furnished to, the Registrar it is a sufficient compliance with that provision if the application, notice, plan, or document is filed or lodged with, or furnished to the clerk of the court for the district in which the licensed premises, or the premises of the club, to which it relates are situated or proposed to be situated, within the time prescribed in that behalf by or under this Act.

“(2) All applications, notices, plans, and other documents filed or lodged with, or furnished to, the Registrar or a clerk of the court under this Act shall be filed, lodged, or furnished in duplicate.

“(3) Where any application, notice, plan, or other document has been filed or lodged with, or furnished to—

I The Registrar, he shall, forthwith after the receipt thereof, forward one copy to the clerk of the court for the relevant district: or

II A clerk of the court, he shall forthwith after the receipt thereof, mark thereon the date and time of the receipt thereof and forward one copy to the Registrar, and, when the matter to which the application, notice, plan, or other document relates has been finally determined by the court, the clerk shall also forward the other copy thereof to the Registrar.

“(4) Where, by or under this Act, it is provided that any money is required to be paid to, or lodged or deposited with, the Registrar it is a sufficient compliance with that requirement if the money is, within the time prescribed in that behalf by or under this Act, paid to, or lodged or deposited with, the clerk of the court for the relevant district.

“(5) Upon receipt of any money paid to, or lodged or deposited with, him under subsection (4) of this section, the clerk shall forthwith forward that money to the Registrar.”.

**10** Section twenty of the Principal Act is amended—

*Sittings of court.*

- (a) by omitting subsection (1) and substituting therefor the following subsection:—

“(1) The court shall hold an annual sitting for each district during the month of April, or the month of May, or the month of June, at such time and place as the chairman of the court may fix in that behalf.”; and

- (b) by omitting from subsection (3) the word “seven” and substituting therefor the word “twenty-one”.

**11** Section twenty-two of the Principal Act is amended by omitting subsection (5) and substituting therefor the following subsection:—

*Effect of licences.*

“(5) A railway refreshment-room licence authorizes the holder thereof to sell liquor on the premises therein mentioned during such hours and on such days only as the court may, in each case, determine and as may be specified in the licence, but during prohibited hours only to such persons (in this Act referred to as ‘railway passengers’) as have arrived by train at, or are about to depart by train from, the railway station on or in the vicinity of which those premises are situated.”.

**12** Section twenty-three of the Principal Act is amended—

*Issue, form, and duration of licences.*

- (a) by omitting from subsection (1) the word “Treasurer” and substituting therefor the word “court”; and

- (b) by omitting subsection (2) and substituting therefor the following subsection:—

“(2) Every licence under this Act—

1 If granted at the annual sittings of the court—

- (a) Takes effect on the first day of July next after it is granted: and

- (b) Unless sooner surrendered or otherwise determined under the provisions of this Act,

continues in force until the thirtieth day of June next after it takes effect, and no longer: or

II If granted at a sitting of the court other than the annual sitting—

(a) Takes effect on the day specified in that behalf in the licence: and

(b) Unless sooner surrendered or otherwise determined under the provisions of this Act, continues in force until the thirtieth day of June next after it takes effect, and no longer.”.

Fees payable  
in respect of  
licences.

**13** Section twenty-four of the Principal Act is amended—

(a) by adding at the end of subsection (1) the following word and paragraph:—

“: and

“VII For every provisional certificate in respect of a hotel or public-house, twenty-five pounds.”;

(b) by omitting from subsection (3) all the words after the word “year” (second occurring);

(c) by omitting from subsection (4) the words “Treasurer may accept” and substituting therefor the words “court may permit”; and

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

“(5) Upon a wholesale licence ceasing to have effect, the person who was the holder of that licence is liable to pay to the Treasurer, to the credit of the Consolidated Revenue, a fee, to be known as a surrender fee.

“(6) A surrender fee shall consist of an amount equal to four pounds ten shillings per centum of the gross amount (including any duties thereon) paid or payable by the person who was the holder of the wholesale licence for all liquor that, during the period that commenced on the first day of July in the year preceding the year in which the licence ceased to have effect and ended on the day on which the licence ceased to have effect, was sold or disposed of by him to persons other than persons authorized under this Act to sell liquor, less the sum of—

I Twenty-five pounds, if the licence was in respect of premises at one place only:

II Forty pounds, if the licence was in respect of premises at two different places: or

III Fifty pounds, if the licence was in respect of premises at more than two different places.

“(7) Upon a wholesale licence ceasing to have effect the person who was the holder thereof shall forthwith furnish to the collector of liquor tax appointed under the *Liquor Tax Act 1932*, a return showing the liquor sold by him during the period that commenced on the first day of July in the year preceding the year in which the licence ceased to have effect and ending on the day on which the licence ceased to have effect.

“(8) A person to whom the provisions of subsection (7) of this section apply and who fails to comply with those provisions is liable to a penalty of twenty-five pounds.

“(9) For the purposes of this section, a wholesale licence shall be deemed to cease to have effect—

I If it is surrendered or otherwise determined under the provisions of this Act, on the day on which the surrender or determination takes effect: or

II If it expires and no further licence is granted to the holder thereof, on the day on which it expires.”

**14** Section twenty-seven of the Principal Act is amended by omitting therefrom the word “No” and substituting therefor the words “Except as provided in section twenty-seven B, no”. Accommodation in hotels.

**15** Section twenty-seven A of the Principal Act is amended— Accommodation in new hotels.

(a) by inserting in subsection (1), after the word “shall”, the words “, except as provided by section twenty-seven B,”; and

(b) by omitting the proviso to that subsection and by omitting subsections (4), (5), and (6).

**16** After section twenty-seven A of the Principal Act the following section is inserted:—

“27B—(1) Notwithstanding anything in section twenty-seven or in section twenty-seven A, where the court is satisfied that— Power to dispense with certain requirements.

I A house in respect of which an application for a licence is made and that does not contain the appropriate number of rooms required by section twenty-seven or section twenty-seven A, as the

case requires, complies in all other respects with the requirements of this Act and of any determination under section fifteen A that is applicable thereto: and

II For special reasons (of which the court is the sole judge) it is desirable in the public interest that a licence should be granted in respect of that house, the court may recommend to the Governor that he approve of the granting of a licence in respect of that house and, if it so recommends, the court shall submit to the Governor such reports and such reasons as it thinks relevant in support of its recommendation.

“(2) If the Governor, on receipt of a recommendation under this section, approves of the granting of a licence in respect of the house to which the recommendation relates, the court may grant a licence in respect thereof accordingly, and a licence under this section may be granted either unconditionally or subject to such conditions as the court may think fit to impose.”.

Stabling  
and garage  
accommoda-  
tion.

**17** Section twenty-nine of the Principal Act is amended—

(a) by omitting therefrom the words “situated more than two miles from the limits of any city”; and

(b) by inserting therein, before the word “within”, the words “in or on the premises or”.

Sanitary  
accommoda-  
tion and fire  
appliances.

**18** Section thirty of the Principal Act is amended by adding at the end of paragraph 1 thereof the words “, and with the requirements of the court (including the requirements, if any, prescribed in any determination under section fifteen A that is applicable):”.

Licence not  
to be granted  
to disqualified  
person.

**19** Section thirty-one of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:—

“(1) No licence or transfer thereof, or permission in respect thereof, or permit to sell liquor thereunder, shall be granted to a person—

I Who is disqualified under the provisions of this Act from holding a licence: or

II Who, in the opinion of the court (regard being had to the provisions of any determination under section fifteen A that is applicable), is not a fit and proper person to hold a licence under this Act, either generally or in respect of the particular hotel or public-house.”.

Limitation of  
number of  
licences.

**20** Section thirty-two of the Principal Act is repealed.



**21** Section thirty-three of the Principal Act is amended— New licences.

- (a) by omitting subsection (1) and substituting therefor the following subsection:—

“(1) The court shall not grant an application for a hotel licence in respect of a house in respect of which a licence has not been in force within the twelve months immediately preceding the date of the lodging of the application except upon application for a provisional certificate as provided in this Act.”;

- (b) by omitting paragraph I of subsection (2); and  
 (c) by omitting from paragraph II of that subsection the words “such area” and substituting therefor the words “the locality within which the house is situated”.

**22** Section thirty-four of the Principal Act is repealed. Provisional certificates.

**23** Section thirty-four A of the Principal Act is amended by inserting in paragraph I of subsection (1), after the word “therewith”, the words “, or, if no such determination is applicable to the premises, that the premises, when completed and opened for business, will comply with such requirements as the court may determine.”. Licences, &c., not to be granted in certain cases.

**24** Section thirty-five of the Principal Act is amended by adding at the end thereof the following subsection:— Mode of application.

“(4) Where an application under this section that is to be heard by the court at its annual sitting is delivered less than fourteen days before the day appointed for that sitting, the court may refuse to hear the application except on payment by the applicant to the Registrar of a fee of five pounds in addition to the fee, if any, that by any other provision of this Act is payable in respect of the subject-matter of the application.”.

**25** Section thirty-six of the Principal Act is amended— Conditions to be fulfilled by applicants.

- (a) by omitting from paragraph I of subsection (1) the word “seven” and substituting therefor the word “twenty-one”;
- (b) by omitting from paragraph II of that subsection the words “or by banker’s cheque”;
- (c) by omitting from paragraph III of that subsection the word “three” and substituting therefor the word “fourteen”;
- (d) by omitting from that paragraph the word “and” (at the end of sub-paragraph (b) thereof) and by adding at the end of that paragraph the following word and sub-paragraph:—

“: and

- “(d) A certificate from the Collector of Liquor Tax certifying that all tax (if any) payable under the *Liquor Tax Act* 1932 by the applicant, or by the holder of the licence for the transfer of which or for a permission in respect of which the application is made, has been paid in accordance with the provisions of that Act up to the latest date to which, pursuant to that Act, it is payable.”;
- (e) by omitting from sub-paragraph (b) of paragraph VI of that subsection the words “fourteen nor more than twenty-eight” and substituting therefor the words “fifteen days or more than thirty-six”;
- (f) by omitting from paragraph VII of that subsection the word “three” and substituting therefor the word “fourteen”; and
- (g) by adding at the end thereof the following subsection:—

“(5) Paragraph 1 of subsection (1) of this section does not apply to or in relation to an application for any licence to which section thirty-five relates if the application is made by a person who, at the time of the delivery of the application, is the holder of a licence of the same kind in respect of the premises to which the application relates.”.

Appoint-  
ments of  
sittings of  
court to hear  
application.

**26** Section thirty-seven of the Principal Act is amended—

- (a) by omitting from subsections (1), (2), and (4) the word “clerk” (wherever occurring) and substituting therefor, in each case, the word “Registrar”;
- (b) by adding at the end of subsection (2) the words “, and shall give the like notice to the clerk of the court for the relevant district.”; and
- (c) by omitting from subsection (4) the words “thirty-first day of August” and substituting therefor the words “last day of February”.

Applicants to  
appear at  
hearing in  
certain cases.

**27** Section thirty-eight of the Principal Act amended by inserting in subsection (2), after the word “court” (first occurring), the words “or by the Registrar”.

**28** Section thirty-nine of the Principal Act is repealed and the following section is substituted therefor:—

“39 If an application under this Act for—

I Any licence under this Act:

II A provisional certificate in respect of a hotel or public-house or a provisional certificate of registration of a club:

Renewal of  
applications  
previously  
rejected.

III A transfer of any licence under this Act:

IV A permission in respect of any licence under this Act:

V A permit under any of the provisions of this Act: or

VI The registration of a club,

is rejected by the court, no new application therefor by the same applicant or in respect of the same premises shall be heard at any sitting of the court before the annual sitting next after the rejection.”.

**29** Section forty-one of the Principal Act is amended— Determina-  
tion of  
licences.

(a) by inserting in paragraph I of subsection (1), after the word “which,” (second occurring), the words “or the permit for which,”;

(b) by adding at the end of paragraph II of that subsection the words “and complies with such requirements as to type and situation as may be prescribed in any determination under section fifteen A that is applicable, or, if no such determination is applicable, as the court may require either generally or in a particular case.”;

(c) by inserting after paragraph III of that subsection the following paragraph:—

“IIIA The question whether arrangements have been made to the satisfaction of the court for compliance with all orders and directions of the court, and notices given by an inspector, with respect to alterations, repairs, installations, and other works in relation to the premises to which the application relates, or for the remedying of defects in those premises:”; and

(d) by omitting subsection (2) and substituting therefor the following subsection:—

“(2) No application for any of the said licences, or for any transfer or permission in respect thereof, or for any permit under this Act, shall be granted—

I Unless the court is satisfied that all tax (if any) payable under the *Liquor Tax Act 1932* by the applicant, or by the other person (if any) by whom it is payable, has been paid in accordance with the provisions of that Act up to the latest date to which, pursuant to that Act, it is payable: or

II Unless the applicant has been approved by the court.”.

Plans of  
licensed  
houses to  
be  
filed.

**30** Section forty-two of the Principal Act is amended by omitting from subsection (1) the word "three" and substituting therefor the word "fourteen".

Certificates  
for licences,  
&c.

**31** Section forty-four of the Principal Act is amended by omitting therefrom the word "certificate" and substituting therefor the word "licence", and by omitting therefrom the word "court" and substituting therefor the word "Registrar".

Lists, &c., to  
be forwarded  
to Treasurer.

**32** Section forty-five of the Principal Act is amended—

- (a) by omitting from subsection (1) the word "certificate" and substituting therefor the word "licence";
- (b) by omitting from that subsection the words "and shall also forward with such list a duplicate with every such certificate, together with" and substituting therefor the words "and the date from which the licence takes effect, and shall also forward";
- (c) by omitting from subsection (2) the word "certificate" and substituting therefor the word "licence"; and
- (d) by omitting subsection (3).

Procedure on  
death of  
applicant.

**33** Section forty-six of the Principal Act is amended by inserting therein, after the words "fifteen A", the words "and is a fit and proper person to hold a licence of the relevant kind".

Treasurer to  
issue licences,  
&c.

**34** Section forty-seven of the Principal Act is amended—

- (a) by omitting from subsection (1) the words "receipt of the duplicate therefor, as provided by section forty-five, the Treasurer shall—" and substituting therefor the words "the granting by the court of any of the said licences or of any transfer thereof or permission in respect thereof—";
- (b) by omitting paragraph I of that subsection and substituting therefor the following paragraph:—

"I In the case of a new licence, the chairman of the court shall cause the licence to be issued by the Registrar in the name of the person to whom it is granted:";
- (c) by inserting in paragraph II of that subsection, after the word "permission," the words "the Registrar shall";
- (d) by omitting from paragraphs III and IV of that subsection the word "Cause" and substituting therefor, in each case, the words "The Registrar shall cause";

- (e) by omitting from paragraph IV of that subsection the words "receipt of such certificate by him" and substituting therefor the words "grant of the licence, transfer, or permission"; and
- (f) by omitting from subsection (3) the word "Treasurer" and substituting therefor the word "Registrar".

**35** Section forty-eight of the Principal Act is amended— Conditional licences and conditions in respect of provisional certificates.

- (a) by inserting in subsection (2), after the word "licensee" (first occurring), the words "or the owner of the premises, or both,"; and

- (b) by omitting subsection (3) and substituting therefor the following subsection:—

"(3) Where a licence is granted conditionally—

I The licence shall be indorsed with—

- (a) The word 'Conditional': and
- (b) A statement specifying the conditions upon and subject to which the licence is granted: and

II Upon proof that those conditions have been fulfilled and upon production of the licence, the court shall cause to be indorsed on the licence a certificate that the conditions have been fulfilled."

**36** Section fifty of the Principal Act is amended— Removal of licences to other premises.

- (a) by omitting subsection (1) and substituting therefor the following subsections:—

"(1) If the holder of any of the said licences desires to move his business to premises other than those in respect of which his licence was granted, he shall make application to the court for a provisional certificate in respect of the premises to which he desires to remove his business.

"(1A) The foregoing provisions of this Part relating to—

I The mode of applying for provisional certificates under this Part and the conditions to be fulfilled by applicants:

II The procedure for hearing and determining applications for provisional certificates under this Part: and

III The imposition of conditions in respect of, and the effect of, provisional certificates under this Part,

so far as those provisions are applicable extend and apply to provisional certificates, and applications therefor, under this section.”; and

- (b) by inserting in subsection (3), after the word “subject”, the words “to the provisions mentioned in subsection (1A) of this section and”.

Petitions.

**37** Section fifty-two of the Principal Act is amended by omitting from subsection (2) the word “five” and substituting therefor the word “seven”.

Objections.

**38** Section fifty-three of the Principal Act is amended—

- (a) by omitting paragraph IV of subsection (2) and substituting therefor the following paragraph:—

“IV That the house does not comply with—

- (a) The minimum standards of accommodation, structure, or equipment prescribed in any determination under section fifteen A that is applicable thereto: or

- (b) The requirements of the court relating to accommodation, structure, or equipment, if no such determination is applicable thereto: or

“IVA That the house is not in a satisfactory state of repair, or in any other respect does not comply with any of the requirements of this Act:”;

- (b) by inserting after paragraph VI of that subsection the following paragraphs:—

“VII That the applicant has been convicted of an offence against any of the provisions of this Act: and

“VIII That the tax (if any) payable by the applicant pursuant to the *Liquor Tax Act* 1932, or any part thereof, remains unpaid,”; and

- (c) by omitting from subsection (4) the word “five” and substituting therefor the word “seven”.

Hearing of appeals.

**39** Section fifty-eight of the Principal Act is amended by omitting from subsection (2) the words “Such Registrar” and substituting therefor the words “The Registrar of the Supreme Court”.

When permission may be granted.

**40** Section sixty of the Principal Act is amended by adding at the end of subsection (3) the words “, and that all tax (if any) payable under the *Liquor Tax Act* 1932 by the applicant, or by the other person (if any) by whom it is payable, has been paid in accordance with the provisions of that Act up to the latest date to which, pursuant to that Act, it is payable.”.

**41** Section sixty-two of the Principal Act is amended by inserting in subsection (1), after the word "may", the words "on application in that behalf being made, within three months after the happening of the event by reason of which authority to sell liquor in the house or room would cease, by the owner of the house or room or by some person nominated by him,".

Permit to owner or his nominee in certain cases.

**42** Section sixty-three of the Principal Act is amended by adding at the end thereof the following subsection:—

Duration and effect of permits.

"(3) An applicant for a permit is not entitled to sell or supply liquor under an existing licence until the permit has been granted and has taken effect."

**43** Section sixty-four A of the Principal Act is amended by omitting subsections (2) and (3) thereof and substituting therefor the following subsections:—

Meal permits.

"(2) A permit under this section—

I Shall be in the prescribed form:

II May be issued upon and subject to such conditions, if any, as the court may determine (either generally or in any particular case) and as may be specified in the permit: and

III Continues in force until the thirtieth day of June next after the date from which it takes effect.

"(3) A fee of one pound is payable in respect of the issue of a permit under this section.

"(3A) While in force, a permit under this section authorizes the sale and supply of liquor in such part or parts of the premises to which it relates, during such hours, and upon and subject to such conditions, if any, as the court determines and as may be specified in the certificate, but only—

I To a person who is on those premises in good faith for the purpose of partaking of a meal, and who does in fact partake of a meal thereon: and

II For consumption by such a person on those premises with a meal,

and while partaking of the meal such a person shall be deemed to be a lodger."

**44** After section sixty-four A of the Principal Act the following section is inserted:—

"64B—(1) Except under the authority of, and in conformity with the conditions (if any) specified in, a permit under this section (in this section referred to as a 'dance

Dance permits.

permit') a licensee shall not cause or knowingly permit a public dance to be held or to take place in any part of his licensed premises or of the precincts thereof.

Penalty: Ten pounds.

"(2) Upon the application of a licensee and upon payment by him of a fee of one pound, the court may, subject to this section, grant to the licensee a dance permit.

"(3) A dance permit—

- I Shall be in the prescribed form:
- II Shall be subject to the observance of such conditions (if any) as the court may impose and as may be specified in the permit: and
- III Continues in force until it is revoked by the court.

"(4) A dance permit, while in force, authorizes the holding of dances in such part of the licensed premises (other than in a bar) as the court may approve and as may be specified in the permit, subject to the observance of the conditions (if any) that are specified in the permit.

"(5) A dance permit takes effect from such date as the court may determine and as may be specified in the permit.

"(6) A dance permit may be revoked by the court at any time, in a summary proceeding, upon complaint by a police officer or by an inspector that the licensee has—

- I Contravened any of the provisions of this Act in respect of, or in relation to, or under colour of the authority conferred by, the permit: or
- II Failed to observe any of the conditions that are specified in the permit.

"(7) The court shall not grant a dance permit to a licensee unless it is shown to the satisfaction of the court that—

- I The part of the licensed premises in which dances are held or proposed to be held is so constructed and situated as to be suitable for use for the purposes of dancing:
- II There are provided and properly maintained, in suitable positions, in or in proximity to that part of the licensed premises suitable and efficient—
  - (a) Entrances, exits, and seating:
  - (b) Fire escapes and appliances for fighting fire: and
  - (c) Privy and ablutionary accommodation and sanitary conveniences: and



III Suitable provision has been made for the ventilation, heating, and lighting of that part of the licensed premises and generally for the health, safety, and convenience of persons resorting thereto for the purposes of dancing.

“(8) For the purposes of subsection (7) of this section, the court shall confer with, and have regard to any recommendations that may be made by, the Fire Brigades Commission of Tasmania and the Director of Public Health with respect to any of the matters mentioned in that subsection.

“(9) In this section, ‘public dance’ means a dance admission to which is open to any persons other than persons who are lodgers in the licensed premises, whether admission thereto is or is not procured by payment of money or any other consideration or condition.”.

**45** Section sixty-five of the Principal Act is amended—

Permits for  
public events.

- (a) by omitting from paragraph III of subsection (1) the words “Governor may proclaim” and substituting therefor the words “Minister may, by order published in the *Gazette*, declare”;
- (b) by omitting from that subsection the words “a police magistrate or any two justices” and substituting therefor the words “the court or the chairman thereof”;
- (c) by inserting in that subsection, after the word “licensee”, the words “, or to some person representing the organization by which the public event is to be conducted,”;
- (d) by omitting subsections (2), (3), and (4) and substituting therefor the following subsections:—

“(2) An application for a permit under this section shall be made in writing and lodged with the clerk for the district in which the public event is to take place at least fourteen clear days before the date on which that event is to take place.

“(3) Upon granting a permit under this section, the court or chairman, as the case may be, may impose such conditions or restrictions as it or he may think necessary.

“(4) The court or chairman, as the case may be, may, in its or his discretion, grant more than one permit under this section in respect of the same public event.”;

- (e) by inserting in subsection (5), after the word “clock” (second occurring), the words “(or such later hour as may be approved pursuant to subsection (5A) of this section)”;

- (f) by inserting after that subsection the following subsection:—

“(5A) If the court or the chairman, as the case may be, on the hearing of an application under this section is satisfied that by reason of any special circumstances (as to which it or he is the sole judge) it is desirable so to do, the court or chairman may, in its or his discretion, approve of the sale of liquor pursuant to a permit under this section until such hour, being not later than ten of the clock in the afternoon, on all or any of the days to which the permit applies as it or he may think fit, and in such a case the permit shall be indorsed, and shall have effect, accordingly.”;

- (g) by omitting from subsection (8) the words “of petty sessions”;
- (h) by inserting in subsection (7), after the word “permit”, the words “granted to a person who is a licensee”; and
- (i) by omitting subsection (9) and substituting therefor the following subsection:—

“(9) A permit under this section shall be signed by the chairman of the court, or by the other members thereof, and shall be issued by the clerk upon payment of the appropriate fee therefor.”.

Permits for  
social  
gatherings  
in hotels  
and clubs.

**46** Section sixty-six of the Principal Act is amended—

- (a) by omitting from subsection (2) the words “five shillings” and substituting therefor the words “one pound”;
- (b) by inserting in paragraph III of subsection (3), after the word “therein”, the words “(including any bar or bar-room on those premises),”;
- (c) by inserting in subsection (4), before the words “this section”, the words “the foregoing provisions of”, and by omitting from that subsection the word “twenty” and substituting therefor the word “twelve”;
- (d) by inserting in subsection (5), before the words “this section”, the words “the foregoing provisions of”; and
- (e) by adding at the end of that section the following subsections:—

“(6) In addition to the number of permits authorized by the foregoing provisions of this section to be granted to a licensee or to the secretary of a club in any one year, the court may, in its absolute discretion, on application made to it as prescribed and on payment of a fee of one pound, grant to a licensee or to the secretary of a registered club such additional permits in any one year as the court may think desirable.

“(7) An application to the court under subsection (6) of this section shall be lodged with the Registrar at least fourteen days before the day on which the function is proposed to be held unless the court, for special reasons (as to which it is the sole judge), approves of the application being lodged less than fourteen days before that day.”.

**47** The Principal Act is amended by omitting the heading Heading to Part IX. to Part IX and substituting therefor the following heading:—

“PART IX.

“WHOLESALE LICENCES AND IMPORTERS’ LICENCES.”.

**48** Section sixty-seven of the Principal Act is amended— Wholesale and importers’ licences.

(a) by omitting from subsections (1), (4), (5), and (7) the word “Treasurer” (wherever occurring) and substituting therefor, in each case, the word “court”;

(b) by omitting subsection (3) and substituting therefor the following subsection:—

“(3) The court shall not grant an application under this section unless it is satisfied—

I That—

(a) 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: and

(b) In the case of an application for a wholesale licence, the premises mentioned in the application are suitable for the purpose: and

II That the granting of the application is warranted by the requirements of the residents in the locality where the premises mentioned in the application are situated.”; and

(c) by omitting subsection (8) and substituting therefor the following subsection:—

“(8) A wholesale licence does not authorize the holder thereof to sell liquor except as provided by section twenty-two.”.

**49** After section sixty-seven of the Principal Act the following section is inserted:—

“67A—(1) A person who intends to apply for a whole- Notification of intention to apply for licence: Lodging and hearing of objections thereto. sale licence or an importer’s licence shall give public notice of his intention to apply therefor by advertisement in a newspaper at least fourteen days before the day appointed for the sitting of the court at which it is to be heard, and an advertisement under this subsection shall specify the day appointed and contain such particulars as may be prescribed.

“(2) An objection to the granting of an application for a wholesale licence or an importer’s licence may be lodged by—

- I Any person who is the holder of a licence of the same kind as the licence applied for by the applicant:
- II Any superintendent of police: and
- III Any ratepayer who resides in the district in which the premises mentioned in the application are situated.

“(3) An objection under this section—

- I Shall be in writing setting forth the grounds of the objection:
- II Shall be lodged with the Registrar not less than five days before the day appointed for the sitting of the court at which the application is to be heard: and
- III Shall be made on one or more of the following grounds, namely:—
  - (a) That the applicant, or, in case he is not resident in this State, his representative, is not a fit and proper person to hold a licence of the kind applied for:
  - (b) That the granting of the licence is not warranted by the requirements of the locality in which the premises mentioned in the application are situated: and
  - (c) In the case of an application for a wholesale licence, that the premises mentioned in the application are unsuitable for the purpose.

“(4) A person who lodges an objection pursuant to this section shall, forthwith after lodging the objection, cause a copy thereof to be delivered or sent by registered post or by certified mail to the applicant at his usual or last known place of abode or business.

“(5) A person who lodges an objection pursuant to this section may appear at the hearing of the objection and may be represented by counsel and may adduce evidence in support of the objection and examine and cross-examine witnesses appearing in support of, or in opposition to, the objection.

“(6) If so required by the court, an applicant for a licence under section sixty-seven and any objector to the granting of an application therefor shall, if so required by the court, appear personally before the court at the time appointed for hearing the application or objection and give evidence on oath or affirmation touching any matter relating to the application or objection upon which the court may consider evidence to be necessary.

“(7) If no person appears in support of an objection under this section, the court may proceed as if no objection had been lodged.”

- 50** Section sixty-eight of the Principal Act is amended— Permit to sell liquor under existing licence.
- (a) by omitting from subsection (1) the word "Treasurer" (wherever occurring) and substituting therefor, in each case, the word "court"; and
  - (b) by omitting from subsection (2) the word "twenty-eight" and substituting therefor the words "one month".

- 51** Section seventy of the Principal Act is amended— Conditions for registration.
- (a) by omitting the words "so registered, and at all times while so registered," and substituting therefor the words "granted a certificate of registration or a provisional certificate of registration, and at all times while such a certificate or provisional certificate is in force in respect thereof,";
  - (b) by omitting from paragraph I the words "forty" and "thirty" and substituting therefor respectively the words "one hundred" and "fifty";
  - (c) by omitting paragraph II and substituting therefor the following paragraph:—  
 "II The premises must be suitable for the purposes of the club and must comply with the requirements of the court:";
  - (d) by omitting from paragraph V the words "and who shall reside not more than twelve miles from the club premises"; and
  - (e) by omitting from sub-paragraph (g) of paragraph VIII the words "and at the expense,".

**52** After section seventy of the Principal Act the following section is inserted:—

"70A—(1) Notwithstanding any other provision of this Act, the court shall not grant an application for the registration of a new club, except after a provisional certificate of registration has been granted in respect of that club as provided in this section. Provisional registration of clubs.

"(2) An application for a provisional certificate of registration shall be made in writing in a form approved by the court and shall be signed, and lodged with the Registrar, by the secretary of the club.

"(3) With an application under this section, the secretary shall lodge with the Registrar—

- I Full and complete plans of the premises of the club, showing the precise position of all buildings or proposed buildings thereon, and, if any building is to be built, completed, or altered, specifications of any building or alteration that has not been erected or completed:

II Two printed copies of all rules of the club:

III A list of the names and addresses of all persons who, at the date of the application, are genuinely members of the club: and

IV A statutory declaration by the secretary that those copies are correct.

“(4) No application under this section shall be considered by the court unless the secretary of the club has given public notice of the application in a newspaper once in each week for three weeks, and the last of those notices has been given not less than fifteen days before the day appointed for the sitting of the court at which the application is to be heard.

“(5) On the hearing of an application under this section, the court may impose such conditions as it may consider reasonable in the public interest with respect to either or both of the following matters, namely:—

I The nature of any building to be erected, or any alterations or additions to be made to an existing building, on the club premises, in the event of the application being granted: and

II The amenities and facilities provided or proposed to be provided in the club premises,

and, unless those conditions are complied with, the court may refuse to grant a certificate of registration in respect of the club.

“(6) On the hearing of an application for a provisional certificate of registration in respect of a club the court may (whether an objection has been lodged pursuant to section seventy-three or not) refuse to grant the application if, in the opinion of the court, registration of that club would not be in the public interest.

“(7) A provisional certificate of registration of a club has effect to authorize the secretary of the club to make application for a certificate of registration in respect of the club within the time specified in the provisional certificate or within such further time as the court may allow, and upon proof of compliance with the conditions imposed by the court on the granting of the provisional certificate the court may grant a certificate of registration in respect of that club, and no objection to the granting of the last-mentioned certificate shall be entertained, except on one or more of the grounds mentioned in paragraphs IV, V, VI, and VII of section seventy-four.

“(8) In this section, ‘new club’ means any body, association, or company—

I That is not registered under this Part on the date of the commencement of the *Licensing Act 1958*: or

II That, being registered under this Part on that date, has ceased to be so registered.”.

**53** Section seventy-one of the Principal Act is amended by inserting in subsection (2), before the word "renewal", the words "a certificate of registration of a club in respect of which a provisional certificate of registration is in force or for".

Applications for registration and renewal thereof.

**54** Section seventy-two of the Principal Act is repealed.

Power to clerk to grant certificates in certain cases.

**55** Section seventy-three of the Principal Act is amended—

- (a) by omitting the words "under the provisions of section seventy-one" and substituting therefor the words "for a certificate of registration, or for the renewal thereof, or for a provisional certificate of registration, under this Part";
- (b) by omitting the word "or" at the end of paragraph II;
- (c) by omitting from paragraph III the words "one mile of such premises" and substituting therefor the words "the district in which the premises are situated"; and
- (d) by adding at the end thereof the following paragraph:—

Who may object.

": or

"IV The secretary of any registered club the premises of which are situated within that district."

**56** Section seventy-four of the Principal Act is amended—

Grounds for objection.

- (a) by omitting from paragraph III the words "forty or thirty" and substituting therefor the words "one hundred or fifty"; and
- (b) by inserting in paragraph XI, after the word "registration", the words "or for a provisional certificate of registration".

**57** Section seventy-five of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsection:—

Mode of objection.

"(2) An objection against the granting of an application for a provisional certificate of registration or a certificate of registration shall be lodged with the Registrar within fourteen days after the first date on which public notice of the application is published as provided in this Part, and may be so lodged notwithstanding that the application has not, at that time, been delivered to the Registrar."

**58** Section seventy-six of the Principal Act is amended by inserting after subsection (2) the following subsections:—

Hearing of applications and objections thereto.

"(2A) Without prejudice to the generality of the provisions of subsection (1) of this section, on the hearing of an application under this Part the court may (whether an objection

to the granting of the application has been lodged as provided in this Part or not) refuse to grant the application if, in its opinion, the granting of the application would be contrary to the public interest.

“(2B) Notwithstanding the provisions of subsection (1) of this section, an application for the renewal of a certificate of registration may, if no objection to the granting thereof has been lodged as provided in this Part, but not otherwise, be heard and determined by any member of the court, but the member hearing such an application may, if he thinks it desirable so to do, adjourn the hearing and refer the application to a sitting of the court.”.

Change of  
premises.

**59** Section seventy-seven of the Principal Act is amended—

- (a) by omitting subsection (2) and substituting therefor the following subsection:—

“(2) An application under this section may be lodged at any time and shall be dealt with as if it were an application for the registration of a club, and the provisions of sections seventy-one to seventy-four, with the necessary modifications, apply to and in relation to such an application accordingly.”; and

- (b) by omitting from subsections (1), (4), and (5) the word “clerk” (wherever occurring) and substituting therefor, in each case, the word “Registrar”.

Fees payable  
for certifi-  
cates.

**60** Section seventy-nine of the Principal Act is amended by adding at the end thereof the following paragraph:—

“: and

“ III Every provisional certificate of registration, a fee of twenty-five pounds.”.

Power to  
issue prohibi-  
tion orders.

**61** Section eighty-three of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “ Any member of the court ” and substituting therefor the words “ Subject to this section, any police magistrate or two justices in petty sessions ”;
- (b) by omitting subsection (2) and substituting therefor the following subsection:—

“(2) An order under this section may be made—

I To cover a period not exceeding one year: and

II To extend to licensees in any one district or in any two or more districts specified in the order,

and may be renewed in any case in which a police magistrate is, or two justices are, of opinion that the person to whom it relates has not reformed.”;



- (c) by adding at the end of subsection (3) the words "and on every licensee within any other district that is specified in the order.";
- (d) by omitting from subsection (4) the words "paragraphs I and II" and substituting therefor the words "paragraph I or paragraph II"; and
- (e) by adding at the end thereof the following subsections:—

"(5) The foregoing provisions of this section extend and apply as well to registered clubs and their secretaries as to holders of licences under this Act, and any reference therein to the holder of a licence or a licensee shall be construed accordingly as including a reference to the secretary of a registered club.

"(6) Notwithstanding anything in the foregoing provisions of this section, except in a case to which subsection (4) of this section applies no order shall be made under this section in respect of any person unless notice of intention to apply for the order has been served on that person not less than three days before the day appointed for the hearing of the application therefor."

**62** Section eighty-nine of the Principal Act is amended— Prohibited hours.

- (a) by omitting from paragraph I of subsection (2) the words "traveller or";
- (b) by inserting after that paragraph the following paragraphs:—

"IA In any licensed premises—

- (a) On a day other than a Sunday or Christmas Day, or Good Friday, to a traveller: or
- (b) On a Sunday, or on Christmas Day, or on Good Friday, to a person who is on the premises in good faith for the purpose of partaking of a meal, and who in fact does partake of a meal thereon:

"IB In the premises of any registered club—

- (a) During prohibited hours on any day other than a Sunday, or Christmas Day, or Good Friday, to a lodger: or
- (b) On a Sunday, or on Christmas Day, or on Good Friday, to a lodger or to a member who is lawfully supplied with liquor under the authority of a permit under section sixty-four A:": and

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

“(3) Notwithstanding any other provision of this Act, no person being—

I A licensee or the servant or agent of a licensee; or

II The secretary of a registered club, shall sell or supply liquor to any person on the licensed premises or the premises of the club (whether for consumption on the premises or elsewhere) on a Sunday, or on Christmas Day, or on Good Friday, unless a permit under section sixty-four A is in force in respect of those licensed premises or that club, or otherwise than in conformity with the conditions specified in the permit.

Penalty: Twenty pounds.”.

Duties of  
licensees.

**63** Section ninety of the Principal Act is amended by inserting in paragraph I thereof, after the word “premises”, the words “, and the precincts thereof,”.

Duties of  
holders of  
hotel and  
public-house  
licences.

**64** Section ninety-one of the Principal Act is amended—

(a) by inserting in paragraph I, after the word “traveller”, the word “, visitor,”;

(b) by omitting paragraph II and substituting therefor the following paragraph:—

“II Keep every door, window, slide, or aperture to which this paragraph applies shut and locked at all times during prohibited hours.”;

(c) by inserting in paragraph III, after the word “travellers”, the word “visitors”;

(d) by omitting paragraph IV and substituting therefor the following paragraph:—

“IV Prevent any person, not being—

(a) A traveller:

(b) A lodger:

(c) A person who is engaged in good faith in the carrying on in or on the licensed premises of his profession, trade, or calling:

(d) An officer who is authorized by this Act so to do: or

(e) A visitor,

from entering on, or remaining in, the licensed premises at any time between midnight on any day and ten of the clock in the forenoon on the following day.”;

- (e) by omitting from paragraph VII the words “, whether such traveller stay at his house or not,” and substituting therefor the words “(being a traveller who is staying or about to stay in his house)”;
- (f) by omitting from paragraph IX the word “music” and the words “or in any room having access to the bar”; and
- (g) by adding at the end thereof the following subsection:—

“(2) Paragraph II of subsection (1) of this section applies only to such of the doors, windows, slides, and other apertures of bars or rooms where liquor is kept for sale or is stored as open directly on to any street, road, lane, or other public thoroughfare.”.

**65** Section ninety-one A of the Principal Act is amended— Lodgers' register book.

- (a) by inserting after subsection (2) the following subsections:—

“(2A) The holder of a hotel licence shall enter or cause to be entered in the lodgers' register book, not later than half-past ten of the clock in the afternoon of each day, the particulars required by subsection (2) of this section in respect of each lodger who has arrived at his licensed premises during that day.

“(2B) Where a lodger arrives at any premises in respect of which a hotel licence is in force at any time after half-past ten of the clock in the afternoon of any day, the licensee shall forthwith enter or cause to be entered in the lodgers' register book the particulars required by subsection (2) of this section in respect of that lodger.

“(2C) If a licensee fails to comply with the provisions of subsection (2A) or subsection (2B) of this section, he is liable to a penalty of ten pounds.”;

- (b) by inserting in subsection (3), after the word “officer”, the words “(being a police officer who is authorized under subsection (2) of section eighty-eight) or any member of the court”; and
- (c) by inserting in paragraph III of subsection (4), after the word “officer”, the words “or member of the court”.

**66** After section ninety-one A of the Principal Act the following section is inserted in Part XIII:—

“91 B—(1) Every holder of an hotel licence or of a public-house licence shall keep on his licensed premises a travellers' registration book, in which shall be entered, in relation to each Travellers' registration book.

person who, during prohibited hours, demands to be served with a meal or with refreshments in or on those premises, the following particulars:—

- I The name and address of that person:
- II The time of that person's arrival at the licensed premises:
- III The place from which that person claims to have commenced the journey on which he is travelling at the time of his arrival at those premises and the destination to which he is travelling: and
- IV Such other particulars, if any, as may be prescribed.

“(2) A person who, not being a lodger, demands to be supplied with a meal or with refreshments during prohibited hours in or on any licensed premises shall, before being supplied therewith, sign his name in the travellers' registration book kept on those premises.”.

Offences by  
holders of  
hotel and  
public-house  
licences.

**67** Section ninety-four of the Principal Act is amended—

(a) by omitting from paragraph II of subsection (1) the word “Abandon” and substituting therefor the words “Except as provided in subsection (1A) of this section, abandon”;

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

“(1A) Notwithstanding the provisions of paragraph II of subsection (1) of this section, the holder of an hotel licence or of a public-house licence may lawfully reside elsewhere than on his licensed premises if he—

I Appoints in writing some responsible person (being a person who is approved for the purpose by the court) to be in charge of the premises during the absence therefrom of the holder of the licence: and

II Causes a copy of that written appointment to be at all times exhibited in a prominent position in the premises (being a position approved in that behalf by the court).”;

(c) by inserting in sub-paragraph (a) of paragraph I of subsection (2), before the word “under”, the word “apparently”;

(d) by omitting from paragraph VII of that subsection the words “a traveller” and substituting therefor the words “any person lawfully requiring any meal or refreshments”;

(e) by omitting paragraph I of subsection (3) and substituting therefor the following paragraph:—

“I Knowingly permit any person, not being—

(a) The licensee or his servant or agent:

(b) A traveller: or

(c) A lodger,

to be in any bar during prohibited hours.

Penalty: Twenty-five pounds.”;

(f) by omitting from paragraph II of that subsection the word “Five” and substituting therefor the word “Ten”; and

(g) by adding at the end thereof the following subsection:—

“(4) Notwithstanding anything in the foregoing provisions of this section or any other provision in this Act, the holder of an hotel licence or of a public-house licence may keep a bar open for a period not exceeding ten minutes immediately after the hour of ten of the clock in the afternoon of any day for the purpose of clearing from that bar persons who were in that bar before that hour.”.

**68** Section ninety-six of the Principal Act is amended by inserting after paragraph III the following paragraph:—

Offences by secretaries of registered clubs.

“IIIA Knowingly sell or supply, or permit the sale or supply by a servant of the club, of liquor to any person in respect of whom an order or notice under Part XI is in force:”.

**69** Section ninety-seven of the Principal Act is amended—

Offences by holders of licences and other persons.

(a) by omitting subsection (6);

(b) by omitting subsections (9) and (10) and substituting therefor the following subsections:—

“(9) Except as otherwise expressly provided in this Act, no person shall purchase, obtain, consume, or be found drinking any liquor—

I In any licensed premises—

(a) During prohibited hours on any day other than a Sunday, or Christmas Day, or Good Friday, unless he is a lodger or a traveller: or

(b) At any time on a Sunday, or on Christmas Day, or on Good Friday, unless he is a lodger or is a person who is on the premises in good faith for the purpose of partaking of a meal, and does in fact partake of a meal, thereon: or

II In the premises of any registered club—

(a) During prohibited hours on any day other than a Sunday, or Christmas Day, or Good Friday, unless he is a lodger: or

- (b) At any time on a Sunday, or on Christmas Day, or on Good Friday, unless he is a lodger or is a member to whom liquor is lawfully supplied under the authority of a permit under section sixty-four A.

Penalty: Minimum, three pounds; maximum, ten pounds.

“(10) No person on any licensed premises shall be in any bar or place where liquor is kept for sale or is stored—

- I During prohibited hours on any day other than a Sunday, or Christmas Day, or Good Friday, unless that person is—

- (a) The licensee or his servant or agent:
- (b) A traveller or lodger: or
- (c) A person who is attending a function in respect of which a permit under section sixty-six has been granted: or

- II At any time on a Sunday, or on Christmas Day, or Good Friday, unless that person is—

- (a) The licensee or his servant or agent: or
- (b) A lodger.

Penalty: Minimum, three pounds; maximum, ten pounds.”;

- (c) by omitting paragraph I of subsection (11), and by adding at the commencement of paragraph VII of that subsection the words “unless he is a visitor”;

- (d) by omitting paragraph III of that subsection and substituting therefor the following paragraphs:—

“III Falsely represent himself to be a railway passenger, with intent thereby to induce any person to contravene this Act:

Penalty: Thirty pounds.

“IIIA Do any of the following things, namely:—

- (a) Fail to furnish to a licensee, or to the servant or agent of a licensee, any particulars for entry in a travellers' registration book kept for the purposes of section ninety-one B that are false or misleading in a material particular:

- (b) Refuse to furnish to a licensee, or to the servant or agent of a licensee, any particulars that the licensee, servant, or agent lawfully requires under or for the purposes of section ninety-one B:
- (c) Sign a certificate under subsection (2) of section ninety-one B knowing the particulars set forth therein to be false: or
- (d) In any travellers' registration book kept for the purposes of section ninety-one B, sign any name other than his correct name.

Penalty: Thirty pounds:";

- (e) by omitting from paragraph VIII of that subsection the word "Five" and substituting therefor the word "Ten";
- (f) by omitting from paragraph IX of that subsection the word "Two" and substituting therefor the word "Five";
- (g) by omitting from paragraph XI of that subsection the word "Five" and substituting therefor the word "Ten";
- (h) by omitting from paragraph XVII of that subsection the word "Ten" and substituting therefor the word "Twenty"; and
- (i) by omitting the word "or" at the end of paragraph XVI of that subsection and by adding at the end of that subsection the following paragraph:—

" : or

" XVIII Being a person in respect of whom any order or notice under Part XI is in force, purchase or consume any liquor.

Penalty: Twenty-five pounds."

**70** Section ninety-eight of the Principal Act is amended by adding at the end of subsection (4) the words ", but does not include any part of any licensed premises in respect of which part a dance permit under section sixty-four B is for the time being in force." Liquor in, or in the vicinity of, public halls.

**71** Section ninety-nine of the Principal Act is amended by omitting from subsection (1A) the words ", whether or not he has" and substituting therefor the word "having". Forfeiture of licence on conviction for certain offences.

Court may  
forfeit  
licences in  
certain cases.

**72** Section one hundred of the Principal Act is amended by inserting after subsection (1) the following subsection:—

“(1A) If it appears to the court, on a report of the Treasurer lodged with the Registrar, that any tax payable under the *Liquor Tax Act* 1932 by the holder of any licence under this Act has remained unpaid for not less than six months after the due date for payment thereof, the court may, after notice in writing to the holder of the licence and after affording him an opportunity to be heard, by order, declare his licence to be forfeited, or may suspend his licence until the payment in full of the amount of tax so remaining unpaid.”.

**73** After section one hundred of the Principal Act the following section is inserted:—

Power of  
court to  
impose  
penalty on  
owner of  
licensed  
premises in  
certain cases.

“100A—(1) Where it appears to the court that any premises in respect of which a licence under this Act has been granted are not constructed, equipped, or carried on so as to comply in all respects with the standards of service, management, accommodation, structure, or equipment applicable thereto by virtue of any determination made by the court under section fifteen A, or, where no such determination is applicable, with such standards in relation to those matters as may have been determined by the court either generally or in respect of the particular premises, the court may, in lieu of, or in addition to, proceeding against the licensee as provided in section one hundred, by notice in writing served upon or forwarded by registered post to the owner of the premises, require the owner to appear before the court at the place and time (being not less than fourteen days after the service or delivery of the notice) specified in the notice, and then and there to show cause why—

I A penalty should not be imposed on the owner by the court: or

II The premises should not be delicensed, or both.

“(2) If the owner does not appear at the time and place specified in a notice under this section, or, if he does appear, after hearing and considering any evidence adduced by the owner for the purpose of showing cause why the court should not do either or both of the things specified in the notice, the court may, by order—

I Impose on the owner a penalty not exceeding fifty pounds: or

II Declare the premises to be delicensed, or both.”.

Forfeiture of  
licences on  
application  
by inspector.

**74** Section one hundred and one of the Principal Act is amended—

(a) by adding at the end of subsection (1) the words “or suspended”; and



- (b) by inserting in subsection (5), after the word "forfeited" (first occurring), the words "or suspended", and by inserting in that subsection, after the word "forfeited" (last occurring), the words "or suspended for such period as the court may think fit and as may be specified in the order".

**75** Section one hundred and two of the Principal Act is amended— Forfeiture for non-performance of conditions.

- (a) by inserting in paragraph II of subsection (1), after the word "*Gazette*", the words "and in a newspaper published or circulating in the district in which the premises are situated"; and
- (b) by omitting from that paragraph the words "and shall forward a copy of such notice to the Treasurer".

**76** Section one hundred and three of the Principal Act is amended— Procedure for giving effect to this Part.

- (a) by omitting from subsections (1) and (2) the words "clerk of the court" (wherever occurring), and substituting therefor, in each case, the word "Registrar";
- (b) by inserting after that subsection the following subsection:—
 

“(1A) Where such a conviction as is mentioned in subsection (1) of this section is recorded against the holder of any hotel licence or public-house licence, the superintendent of police for the relevant police district shall transmit particulars of that conviction to the Registrar.”; and
- (c) by omitting from subsection (3) the word "clerk" and substituting therefor the word "Registrar".

**77** Section one hundred and eight of the Principal Act is amended— Power to take samples.

- (a) by inserting in subsection (1), after the word "force", the words "or the premises of a registered club,";
- (b) by inserting in subsection (3), after the word "premises", the words "or of the secretary of the club, as the case may be," and by inserting in that subsection, after the words "such holder" (third and fourth occurring), the words "or secretary"; and
- (c) by inserting in subsection (4), after the word "holder", the word "secretary".

**78** Section one hundred and twelve of the Principal Act is repealed and the following section is substituted therefor:—

Onus of proof  
of certain  
matters.

“112 On the hearing of an application for the grant of—

I Any licence under this Act:

II A provisional certificate of registration or a certificate of registration of a club or the renewal of such a certificate of registration:

III A permit of any kind under this Act: or

IV A permission to sell liquor under a licence under this Act,

the onus of satisfying the court as to any matter with respect to which the court is required by any provision of this Act to be satisfied lies on the applicant.”.

Defences.

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

(a) by omitting paragraph v thereof; and

(b) by omitting from paragraph vii the words “any entertainment thereat on that day” and substituting therefor the words “the entertainment being held in that hall at the time of the commission of the alleged offence”.

Dismissal of  
frivolous or  
vexatious  
proceedings.

**80** Section one hundred and seventeen of the Principal Act is amended by inserting therein, after the word “frivolous”, the word “, undesirable,”.

Restriction  
on granting  
or transfers  
of licences.

**81** After section one hundred and twenty-one of the Principal Act the following sections are inserted in Part XVIII:—

“121A Where the court grants to a person a permit to sell liquor under any licence granted under this Act in respect of any premises or a transfer of such a licence, the court shall not (except in special circumstances, as to which the court is the sole judge), grant any application made at any time within two years after the date on which that permit or transfer was granted for a transfer of any licence in force in respect of those premises.

Certificate  
as to age.

“121B—(1) If a licensee or his servant or agent suspects that any person who is on his licensed premises may be under the age of twenty-one years, the licensee or his servant or agent may request that person to furnish him with a certificate in the prescribed form, signed by that person, specifying the true age of that person.

“(2) If a person, on being requested to furnish a certificate under this section—

I Fails without lawful excuse to furnish such a certificate: or

II Furnishes such a certificate that is false or misleading in any material particular,  
that person is guilty of an offence.

Penalty: Twenty-five pounds.

"121C—(1) Where by any order, direction, or requisition of the court or by the terms of any determination under section fifteen A any repairs or alterations to any licensed premises are required to be made and the licensee of those premises is not the owner thereof and is not under covenant or agreement with the owner to carry out any such repairs or alterations, then if the repairs or alterations are carried out by the licensee—

Licensee entitled to be repaid certain expenditure.  
Cf. No. 3717 (Vict.), s. 140.

I The owner shall pay to the licensee any money expended by the licensee in that behalf in carrying out those repairs or alterations: and

II In default of payment as required by paragraph I of this subsection, the licensee, in addition to any other remedy that he may have, is entitled to retain possession of the premises at the same rental as that which he was paying at the date when the expenditure was incurred until the rent accruing is sufficient to repay him the money so expended; and that rent may be retained by the licensee and, notwithstanding any other law or rule of law to the contrary, no action or proceeding may be brought by the owner for the recovery of that rent.

"(2) The licensee shall pay to the owner during the remainder of his tenancy by way of increase in the rent an amount at such rate (not exceeding ten per cent per annum) as may be agreed upon between the owner and the licensee or, in default of agreement, as the court may determine on the total amount expended by the owner or by the licensee on the owner's behalf for or in connection with the carrying out of any repairs or alterations to which this section relates.

"121D—(1) The owner of any licensed premises and the licensee thereof shall—

Owners and licensees to register names and addresses, &c.

I Register, as prescribed, with the Registrar his full Christian names and surname and his full postal address within this State: and

II If he changes his name or address, register the change, as prescribed, with the Registrar.

"(2) If a person fails to comply with any provision of this section that is applicable to him, he is liable to a penalty of ten pounds."

**82** Section one hundred and twenty-seven of the Principal Act is repealed.

Debt for liquor not to be recoverable in certain cases.

The second  
schedule.

**83** The second schedule to the Principal Act is amended—

- (a) by omitting forms A, B, and C (appearing under the heading “Licences”) and substituting therefor the following forms:—

“A.—HOTEL, PUBLIC-HOUSE, OR RAILWAY REFRESHMENT-ROOM LICENCE.

The Licensing Act 1932.

WHEREAS at a sitting of the Licensing Court at [*here state place of sitting*] on the                      day of                      19                      , the Court granted a [*here state nature of licence*] 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 whereas the requisite fee in respect thereof has been paid as specified hereunder, 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.

(*In the case of a railway refreshment-room licence, here add the following words:—*

*“This licence authorizes the sale or supply of liquor to persons other than railway passengers only during the following hours”* [*here state the hours*].)

This licence takes effect on the                      day of 19                      , and, unless sooner surrendered or otherwise determined under the provisions of the said Act, continues in force until the thirtieth day of June 19                      .

Registrar of the Court.

Licence fee paid—£                      :                      :                      .

“B.—PACKET LICENCE.

The Licensing Act 1932.

WHEREAS at a sitting of the Licensing Court held at [*here state place of sitting*] on the                      day of                      19                      , the Court granted a packet licence to [*here state name, address, and occupation of licensee*] in respect of the vessel known as [*here state name of vessel*] trading in and from the port of [*here state place of licensee's head office*].

And whereas the requisite fee in respect thereof has been paid as specified hereunder I do hereby declare the said [*here state name of licensee*] to be the holder of a packet licence in respect of the said vessel, subject to the provisions of the *Licensing Act* 1932.

This licence takes effect on the                      day of 19                      , and, unless sooner surrendered or otherwise determined under the provisions of the said Act, continues in force until the thirtieth day of June 19                      .

Registrar of the Court.

Licence fee paid—£                      :                      :                      .

“C.—WHOLESALE LICENCE OR IMPORTER'S LICENCE.

The Licensing Act 1932.

WHEREAS at a sitting of the Licensing Court held at [*here state place of sitting*] on the                      day of                      19                      , the Court granted to [*here state name, address, and occupation of licensee*] a whole-sale licence [*or importer's licence*] in respect of the premises [*here state situation and description of the premises, in the case of a wholesale licence*].

And whereas the requisite fee has been paid in respect thereof as specified hereunder, I do hereby declare the said [*here state name of licensee*] to be the holder of a wholesale [*or importer's*] licence [*if a wholesale licence, here add 'in respect of the said premises'*], subject to the provisions of the *Licensing Act 1932*.

This licence takes effect on the \_\_\_\_\_ day of 19\_\_\_\_, and, unless sooner surrendered or otherwise determined in accordance with the provisions of the said Act, continues in force until the thirtieth day of June 19\_\_\_\_.

Registrar of the Court.

Licence fee paid—£ : : .”;

(b) by omitting from the heading to form III the word “LICENCE” (wherever occurring), and by omitting paragraph (a) of that form, and by omitting from that form the words “NOTE.—Licence cannot be issued until Certificate is produced to the Treasurer.”;

(c) by omitting form VI and substituting therefor the following form:—

#### “VI.

“APPLICATION FOR A WHOLESALE LICENCE OR AN IMPORTER'S LICENCE.

To the Licensing Court.

I [*here state name, address, and occupation of applicant*] hereby apply for a wholesale [*or an importer's*] licence under the provisions of the *Licensing Act 1932* [*and if a wholesaler's licence add 'in respect of the premises situated at (stating fully the situation and description of the premises)*] and occupied by me [*or as the case may be*] as [*here state the nature of business on the premises*].”

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

.....  
(Applicant's Signature.)

NOTE.—If the applicant is not resident in this State, add at the foot of the application the following words:—

‘My representative in Tasmania in respect of such licence will be [*here state name, address, and occupation of representative*].’; and

(d) by omitting from forms IV, V, VIII, IX, and X the word “Clerk” (wherever occurring) and substituting therefor, in each case, the word “Registrar”.

**84** The sections of the Principal Act that are specified in the schedule to this Act are respectively amended by omitting therefrom the word “clerk” (wherever occurring) and substituting therefor, in each case, the word “Registrar”. Consequential amendments.

**85** Section sixteen of the *Licensing Act 1947* is amended— Applications for provisional certificates to meet needs of tourists, &c.

(a) by inserting in subsection (1), after the word “premises” (first occurring), the words “(not being premises situated within an excluded area)”; and

(b) by adding at the end thereof the following subsection:—

“(5) In this section, ‘excluded area’ means any part of this State that is situated within a radius of ten miles of the general post office at Hobart or the principal post office at Launceston and any other area that is declared by the Governor by order-in-council to be an excluded area for the purposes of this section.”.

Transitory  
provisions.

**86**—(1) On the appointed day, the persons holding office as members of the court shall retire from office as members thereof and the court shall be re-constituted in accordance with the provisions of section seven of the Principal Act (as amended by section three of this Act).

(2) Notwithstanding the amendments effected by this Act—

- (a) the first annual sittings of the court to be held in accordance with the provisions of section twenty of the Principal Act, as amended by this Act, need not be held until the year 1960;
- (b) all licences and all certificates of registration of clubs that are granted at the annual sittings of the court for the year 1958 shall, unless sooner determined under the provisions of the Principal Act, continue in force from the day on which they are granted until the thirtieth day of June 1960; and
- (c) where any licence granted conditionally pursuant to section forty-eight of the Principal Act during the annual sittings of the court for the year 1958 is subject to any condition the time for fulfilment of which is on or before the date of the next ensuing annual sittings of the court, that condition shall be deemed for the purposes of the Principal Act to be fulfilled in due time if it is fulfilled on or before the thirtieth day of November 1959.

(3) In this section, “appointed day” means such day as the Governor may, by proclamation, declare to be the appointed day for the purposes of this section.

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## THE SCHEDULE.

(Section 84.)

### *Consequential amendments.*

Sections of the Principal Act amended by substituting “Registrar” for “clerk” (wherever occurring):

Sections 14, 20, 25, 33, 35, 36, 37, 42, 43, 45, 52, 53, 56, 58, 59, 61, 71, 75, 77, 78, 79, 82, 87, 101.

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