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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1919.

A BILL

WHEREAS viticulture is an important primary Preamble. industry offering special opportunities for closer settlement and for the repatriation of soldiers: And whereas it is expedient to exclude Australian wines from the operations of the Liquor Act, 1912, and any Act amending the same, and to make special provisions therefor: Be it therefore enacted by the King's Most Excellent

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Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Australian Wine Act, 1919," and is divided into Parts as follows:—

PART I.—PRELIMINARY—*ss. 1-4.*

PART II.—

DIVISION 1—

- (a) *Descriptions of licenses—ss. 5-11.*
- (b) *Fees payable—s. 12.*

DIVISION 2—

- (a) *Applications for licenses—s. 13.*
- (b) *Objections to granting, &c., of licenses—s. 14.*
- (c) *Renewals—ss. 15-16.*
- (d) *Transfers—ss. 17-18.*
- (e) *Removals—ss. 19-20.*

PART III.—RIGHTS, DUTIES, AND LIABILITIES OF LICENSEES AND OTHER PERSONS—

- (a) *The supplying of wine—ss. 26-33.*
- (b) *Times of selling—ss. 34-40.*
- (c) *Special inspectors—ss. 41-43.*

PART IV.—ADULTERATION OF WINE—*ss. 44-55.*

Commence-
ment of Act.

Repeal.

2. This Act shall come into force on a date to be proclaimed by notification published in the Gazette.

3. The Acts specified in the First Schedule to this Act, to the extent therein expressed, are hereby repealed; but such repeal shall not prejudice or affect the validity or duration of any certificate, license, permit, or authority lawfully granted under any such Act.

All

All licenses granted under any such repealed Act shall be held in all respects, and all renewals thereof shall be applied for, under and subject to the provisions of this Act, unless hereinafter otherwise specially provided for.

All proclamations published and rules and regulations made under the authority of any Act hereby repealed and being in force at the passing of this Act shall be and continue in force hereunder, and shall be deemed to have been published and made under the authority of this Act.

All courts constituted under any Act hereby repealed, and being so constituted at the passing of this Act, shall be deemed to have been constituted under the authority of this Act.

All persons appointed under any Act hereby repealed, and holding office at the time of the passing of this Act, shall remain in office as if this Act had been in force at the time they were appointed and they had been appointed hereunder, and this Act shall apply to them accordingly.

4. In this Act, unless the context or subject matter otherwise indicates or requires,— Interpre-
tation.

“Australian wine” means the product of the alcoholic fermentation of the juice or must of grapes grown in Australia, either with or without the addition of any substance or substances natural to such must, and such other substances and in such quantities as prescribed by this Act, and includes sparkling wine made therefrom.

“Inspector” means any inspector appointed under this Act, and includes an inspector as defined by the Liquor Act, 1912.

“Light wine” means Australian wine produced by complete fermentation and containing not more than twelve per centum of alcohol.

“Minister” means Minister of Agriculture.

“Sparkling wine” means wine surcharged with carbonic acid gas, and includes champagne.

“Wine”

“Wine” means Australian wine.

“Wine spirit” means the distillate resulting from the distillation of wine or the by-products of wine making.

PART II.

DIVISION 1.—*Descriptions of licenses.*

5. The following descriptions of licenses for the sale of Australian wines may be granted under this Act, namely :—

- (1) Wholesale wine license.
- (2) Retail off-wine license.
- (3) Retail wine license.
- (4) Wine makers' license.
- (5) Restaurant wine license.
- (6) Temporary wine license.

6. A wholesale wine license may be in the form of Schedule Two (A) hereto, and shall authorise the licensee to sell and dispose of Australian wine in quantities not less than two gallons.

7. Retail off-wine license may be in the form of Schedule Two (B) hereto, and shall authorise a licensee to sell Australian wine in quantities not exceeding two gallons, but only for consumption off the premises.

8. A retail wine license may be in the form of Schedule Two (C), and shall authorise the licensee to sell and dispose of Australian wines in quantities not exceeding two gallons for consumption either on or off the premises.

9. A wine maker's license may be in the form of Schedule Two (D), and shall authorise the licensee to sell and dispose of Australian wine in quantities not less than thirty gallons.

10. A restaurant license may be in the form of Schedule Two (E), and may be granted to the proprietor of any bona-fide restaurant whose main business is confined

confined to catering for supplying meals to the public and who is not the holder of any other form of license under this Act or the Liquor Act, 1912, and shall authorise the licensee to sell and dispose of light wine only. Such license shall further authorise the licensee, notwithstanding anything to the contrary contained in this Act or the Liquor Act, 1912, to sell such wines at any time to bona-fide customers provided such wine be consumed on the premises and be taken with a meal.

11. A temporary wine license may be in the form of Schedule Two (F) hereto, and shall authorise a licensee to sell and dispose of Australian wine at any race, regatta, cricket or rifle match, field or other sports, encampment, fair, or other lawful place of public amusement, for a period not exceeding seven days: Provided that every such license shall be subject to any conditions and provisions imposed by the licensing court or licensing magistrate granting the application.

Fees payable.

12. The following fees shall be paid annually in respect of licenses under this Act, namely:—

- (a) For a wholesale wine license, thirty pounds.
- (b) For a retail off-wine license, ten pounds.
- (c) For a retail wine license, fifteen pounds.
- (d) For a wine maker's license, five pounds.
- (e) For a restaurant license, three pounds.
- (f) For a temporary license, one pound.

Provided that nothing in this Act shall prevent the holder of a spirit merchant's license or a publican's license under the Liquor Act, 1912, from selling Australian wines under the conditions provided in such licenses: And provided that the holder of either of the aforesaid licenses or of a wholesale wine license under this Act who is also a wine-grower shall not be required to take out a wine maker's license under this Act.

DIVISION 2.—Application for license.

13. (1) Every person wishing to obtain an Australian wine license under this Act shall at least fourteen days before he applies to the quarterly licensing court of such district

district, deliver to the clerk of the Licensing Court for the district within which the premises are situate to which such license is intended to apply, and to the district inspector, a notice in writing signed by such applicant setting forth the applicant's name, calling, and abode; and shall also affix a like notice on the outer side or front of the principal entrance door of the said premises, there to be kept until the day upon which the said court is holden. Such applicant shall also publish a copy of such notice in a newspaper circulating in such district at least seven days before he so applies. In all cases the notice of application may be in the form of Schedule Three, or to the like effect, and shall be delivered in triplicate to the clerk, who shall, immediately after the receipt thereof, post or cause to be posted one of such notices inside, and another outside, on some conspicuous part of the court-house or building in which the court is to be held:

Provided always that, except as hereinafter provided, no such application shall be entertained where such applicant is an unmarried woman (not being a widow).

(2) A married woman who has, before or after the passing of this Act, obtained a protection order under the Deserted Wives and Children Act, 1901, may obtain, by grant or transfer, an Australian wine license under this Act, and any renewal of the same:

Provided that no license shall be granted or transferred under this section if the married woman has, since the making of the protection order, cohabited or resided with her husband:

Provided also that if the married woman, after the grant or transfer to her of the license, cohabits or resides with her husband, the license shall, if not transferred within three months after such cohabitation or residence, lapse at the expiration of the said three months.

(3) A married woman who has, before or after the passing of this Act, obtained a decree of judicial separation, may obtain by grant or transfer an Australian wine license under this Act, and any renewal of the same:

Provided

Provided that no license shall be granted or transferred under this section if the married woman has, since the decree, cohabited with or not lived separate from her husband :

Provided also that if the married woman, after the grant or transfer to her of the license, cohabits or lives with her husband, the license shall, if not transferred within three months after such cohabitation or living together, lapse at the expiration of the said three months.

(4) A woman who has, before or after the passing of this Act, obtained a decree absolute dissolving her marriage, may, if she is unmarried, or a married woman whose husband has before or after the passing of this Act become, and is at the time of the transfer, grant, or renewal hereinafter mentioned, an insane patient within the meaning of the Lunacy Act, 1898, and the Acts amending the same, may obtain by grant or transfer an Australian wine license under this Act and any renewal of the same :

Provided that nothing in this section shall affect the provisions of section one hundred and eighteen of the Liquor Act, 1912.

Objections to the granting of licenses.

14. Any one or more of the following objections may be taken by any inspector to the granting of any such license :—

- (a) that the applicant is a person of drunken or dissolute habits, or otherwise of bad repute ;
- (b) that his license has within the twelve months preceding the date of application been cancelled ;
- (c) that the applicant has been convicted of selling liquor without a license, or of selling adulterated liquor within a like period as aforesaid from date of application ;
- (d) that the reasonable requirements of the neighbourhood do not justify the granting of such license ;

(e)

- (e) that the premises are in the immediate vicinity of a place of public worship, hospital, or public school;
- (f) that the quiet and good order of the neighbourhood in which such premises are situate will be disturbed if a license be granted;

and the objections which may be taken to the renewal, transfer, or removal of any such license may, subject to the provisions of the next section, be any of the grounds of objection hereinbefore specified, which the said court or magistrate may consider applicable:

Provided always that, upon any application whether for a grant, renewal, removal, or transfer of a license, any objection whatsoever (not being a frivolous or vexatious objection) may be taken which appears to the licensing court or magistrate to be sufficient. Any such applicant, upon objection being raised at the hearing of which previous notice as prescribed has not been given him, shall be entitled to an adjournment thereof, and upon his application being granted shall be entitled to have a certificate issued accordingly.

In this section the word "premises" means the building or premises for or with reference to which the particular application is made.

Renewals.

15. (1) Every licensee under this Act (other than for a temporary license) shall, subject to objection as hereinbefore provided, be entitled to obtain a certificate authorising the renewal of his license, on producing such license, subject always to the payment to the proper officer of the annual fee payable in respect of such license:

Provided always that such license has not been allowed to expire, or has not been forfeited, or cancelled, or become void.

(2) But the court may refuse to grant a certificate of renewal of any license if it is proved that such license is liable to be forfeited or cancelled under any of the provisions of this Act.

(3)

(3) No licensee applying for a renewal need attend in person before the court unless a notice of an intention to oppose such renewal has been served upon him at least three days before the holding thereof; but the court may, nevertheless, on an objection being made, adjourn the granting of any renewal to a future day, and require the attendance of the licensee on such day, when the case shall be heard and the objection considered as if the notice hereinbefore prescribed had been given.

(4) The provisions hereinbefore contained as to hearing of applications, objections, costs, giving of notices, and rehearing shall, subject to the provisions of the next succeeding section, apply to applications for renewals as if such provisions were here re-enacted, but with such alterations (if any) as the circumstances of the case may require in the opinion of the court.

16. Notwithstanding anything to the contrary contained in the next preceding section, it shall not be necessary that any licensee applying for a certificate authorising the renewal of his license (other than a temporary license) shall give any notice of his intention so to apply except to the inspector for the district appointed under this Act; and such notice shall be delivered to the said inspector ten days prior to the holding of the licensing court at which the application is to be heard.

Notice of
renewal to be
given to
inspector.

Transfers.

17. (1) A licensing magistrate may, on application in writing by the intended transferor and transferee, transfer at any time the license of any licensee (other than a temporary license) to such transferee if approved of by him, by an indorsement upon the license in the form in Schedule Four hereto or to the like effect.

(2) Where a licensee has been legally evicted from any premises, such magistrate may, notwithstanding the non-production of the license thereof, grant, on the application in writing of the owner of the premises and the proposed transferee, a special certificate of transfer of such license to such transferee.

(3) For every such indorsement or special certificate a fee of two guineas shall be paid. (4)

(4) Every transferee shall, until the end of the year for which the license has been granted, possess all the rights of the original licensee, and shall be liable to the same duties, obligations, and penalties as if such license had been originally granted to him.

Special
certificate.

18. If during the currency of any license under this Part, or on its expiration by forfeiture, cancellation, or otherwise, any owner of licensed premises comes into legal possession of such premises to the exclusion of the licensee, a licensing magistrate may grant a certificate under the fourteenth section, or a special certificate of transfer under and subject to the provisions of the seventeenth section, in like manner as if the licensee had been legally evicted from such premises.

For the purpose of this section "owner" means the person for the time being entitled to receive the rents or profits of the licensed premises.

Removals.

19. (1) No removal of a wine license from one licensing district to another shall be lawful; but if any holder of a wine license desires to remove his license from his licensed premises to any other premises in the same licensing district, he shall give notice of his intended application in the same manner as notice is required to be given of an application for a license (Schedule Three.)

(2) A copy of the notice shall be personally served by the applicant upon, or sent by registered letter to, the owner of the premises from which the license is to be removed.

(3) The same objections may, so far as applicable, be made to the removal of a license as to the grant of a license.

(4) The licensing court shall not make an order of removal unless satisfied that no valid objection to such removal is made by the owner of the premises to which the license is attached.

(5) If the application is granted an indorsement may be made upon the license in the form in Schedule Five, and the license so indorsed shall have the same effect

effect as if it had been originally granted in respect of the premises specified in such indorsement, but as to the original premises the said license shall be deemed to be cancelled.

20. (1) If the premises of any licensee are, by fire, tempest, or other calamity, or by dilapidation, or by such reason that such premises are being repaired or rebuilt, rendered unfit for the carrying on of his business, any licensing magistrate, upon the application by or on behalf of such licensee may, if he sees fit so to do, by order under his hand, authorise such licensee temporarily to carry on his business in some neighbouring premises for any period not exceeding twelve months.

License for temporary premises.

(2) Any owner or licensee desirous of making any material alterations or additions to his licensed premises shall apply to the court for permission to do so, and shall furnish the court with a properly drawn plan showing such alterations and additions proposed to be made; and if any such owner or licensee makes any material alterations or additions to his licensed premises without the permission of the court the license shall be liable to cancellation.

PART III.

RIGHTS, DUTIES, AND LIABILITIES OF LICENSEES, AND OTHER PERSONS.

21. (1) Every person who sells any wine without holding a license authorising the sale thereof shall (unless he is the agent or servant of the holder of such license) for the first offence be liable to a penalty of not less than *thirty* nor more than *fifty* pounds, and for any subsequent offence such person shall forfeit the sum of *one hundred* pounds and, if the licensing court or convicting justices think fit, shall be imprisoned, with or without hard labour, for any term not exceeding six nor less than three months.

Penalty for selling without a license.

(2)

(2) Upon any conviction under this section the offender shall forfeit all wine in his possession, with the vessels containing the same, to the use of His Majesty.

(3) In the case of a second or subsequent offence the offender shall be declared, after conviction by such court or justices, to be, and shall thereupon be, disqualified from holding a license of any description for the sale of wine for a period of twelve calendar months from the date of such conviction.

Improper use of licensed premises.

Gaming
prohibited.

22. If any holder of a license under this Act suffers any gaming for stakes or any unlawful game whatsoever to be carried on on his premises, or if such holder or any servant or person in charge of such premises connives at the playing of any such game therein, or in the appurtenances thereof, or if any such holder opens, keeps, or uses, or suffers his premises to be opened, kept, or used in contravention of the Games, Wages, and Betting-houses Act, 1902, every such person so offending shall be liable to a penalty not exceeding, for the first offence, *ten* pounds, and not exceeding, for the second or any subsequent offence, *twenty* pounds.

Prostitution
prohibited.

23. (1) Any person who uses or engages, for the purpose of prostitution, any portion of any licensed premises, may be forthwith ejected from such premises by the licensee or the person for the time being the manager or in charge of the said licensed premises, and shall, on conviction of having so used or engaged such portion of any such premises, be liable to a penalty not exceeding *ten* pounds.

(2) If any licensee permits his licensed premises, or any portion thereof, to be used for the purposes of prostitution, he shall be liable to a penalty not exceeding *ten* pounds.

Penalty for
permitting
drunkenness.

24. (3) If any licensee permits drunkenness or any indecent, violent, quarrelsome, or riotous conduct to take place on his licensed premises, he shall be liable for the first offence to a penalty not exceeding *five* pounds, and for the second or any subsequent offence to a penalty not exceeding *twenty* pounds.

Where

Where any licensee is charged with permitting drunkenness on his licensed premises, and it is proved that any person was drunk on his premises, it shall lie on the licensee to prove that he and the persons employed by him took all reasonable steps to prevent drunkenness on the premises.

25. It shall not be lawful for the holder of any retail wine license to permit music or dancing in any room or part of his licensed house, or in or upon any part of his licensed house, or in or upon any part of the premises or grounds belonging thereto open to public resort. And every person offending against this enactment shall be liable to a penalty not exceeding *twenty* pounds, and on a second conviction shall be liable to a like penalty and to the forfeiture of his license :

Music or dancing not to be permitted.

Provided that nothing in this section shall apply to any rooms in or appurtenant to any licensed premises while used for the purpose of holding therein any race, or agricultural show, ball, or entertainment, or while used for the purpose of holding an assembly ball or other ball or concert, for the holding of which a permit has been granted by a licensing magistrate or court.

The supplying of wine.

26. (1) Any licensee who, on his licensed premises, gives, sells, or supplies, or allows to be given, sold, or supplied, except in case of sickness or accident, any wine to—

Unlawful supply of wine by licensee.

- (a) any person under the age of eighteen years ;
- (b) any aboriginal native of Australia ; or
- (c) any person belonging to any of the coloured races of the South Pacific Islands ;

shall be liable to a penalty not exceeding *ten* pounds.

(2) Any person, other than the licensee, who on any licensed premises supplies, except in case of sickness or accident, any liquor to—

Unlawful supply by other persons.

- (a) any person under the age of eighteen ;
- (b) any aboriginal native of Australia ;
- (c) any person belonging to any of the coloured races of the South Pacific Islands ;

(d)

- (d) any person then in a state of intoxication ;
- (e) any prohibited person ; or
- (f) any person who is not lawfully entitled to be supplied with wine ;

shall be liable to a penalty not exceeding *ten* pounds.

(3) In any prosecution for an offence under the two last preceding subsections alleged to have been committed in relation to a person under the age of eighteen years, it shall be a sufficient defence if the accused proves that such person was apparently above such age.

Definition of
"aboriginal
native of
Australia."

(1) For the purposes of this section, the expression "aboriginal native of Australia" means any full-blooded aboriginal native of Australia, and any person apparently having an admixture of aboriginal blood who—

- (a) is in receipt of rations or other aid from the Aborigines Board ; or
- (b) is residing on a reserve granted for the use of aboriginal natives of Australia.

Sending
persons under
age of
fourteen
for wine.

27. Any person who sends a person under the age of fourteen years to licensed premises for the purpose of obtaining any wine shall be liable to a penalty not exceeding *forty* shillings.

Person under
seventeen
not allowed
in bar.

28. If any person under the age of seventeen years is for any purpose in the bar of any licensed premises the licensee of such premises shall forthwith remove or cause to be removed such person from the bar.

Any licensee who fails to comply with the provisions of this section shall be liable to a penalty not exceeding *two* pounds.

Females not
allowed in
bars.

29. If the holder of a retail wine license allows any other than his wife, daughter, step-daughter, mother or step-mother to sell, supply, or serve wine or to assist in the sale, supply, or service of wine in any bar in his licensed premises, he shall be liable for every such offence to a penalty not exceeding *twenty* pounds.

Penalty for
supplying
drink to
intoxicated
persons.

30. If the holder of any license for the sale of wine supplies wine to any person who is at the time in a state of intoxication, he shall, for the first offence, be liable to a penalty of not less than *two* nor more than *five* pounds, and

and for any subsequent offence to a penalty of not less than *ten* nor more than *twenty* pounds, and in the latter case to the forfeiture of his license.

31. Upon proof being given to the satisfaction of any licensing court or justices in petty sessions, that any person, by the excessive drinking of wine, has so wasted his means, or is likely to impoverish himself to such a degree as to expose himself or his family to want, or seriously impair his health, such court or justice shall, by writing under the hand of the chairman, or of any two such justices, forbid all licensed publicans and also all other persons licensed or authorised to sell liquor to sell to or supply such inebriate with any liquor for the space of one year. Such court or justices or any two of them may, in like manner from year to year, renew any such prohibition in respect to any such persons as have not in their opinion reformed within the preceding year; and if any holder of a license under this Act during any such prohibition after service of a copy thereof upon him, or with a knowledge thereof in any other manner acquired, sells to any such inebriate any wine, such holder shall be liable upon conviction for every such offence to a penalty not exceeding *ten* pounds.

Supply of wine to inebriates may be prohibited.

32. Whenever such court or justices have, in execution of the foregoing powers, prohibited the sale of liquor to any inebriate, if any other person, with a knowledge of such prohibition, gives, sells, purchases, or procures for or on behalf of such inebriate, or for his use, any such liquor, including Australian wine, such person shall, upon conviction for every such offence, be liable to a penalty not exceeding *five* pounds.

Further penalty.

33. If any person against whom a prohibition order under section of this Act, or under any Act hereby repealed, is in force, enters, or is found in the bar of any licensed premises, except for some lawful purpose, he shall be liable to a penalty not exceeding *five* pounds.

Prohibited persons not allowed on licensed premises.

Any licensee of such premises who knowingly permits such person to be or remain in such bar shall be liable to a penalty not exceeding *ten* pounds.

Times of selling.

Times when premises may not be open for sale of wine.

34. (1) No holder of a retail wine license shall keep his premises open for the sale of wine, or shall sell any wine, or permit the same to be consumed on the said premises—

- (a) upon any Sunday ;
- (b) upon any Good Friday or Christmas Day ;
- (c) upon any day upon which an election of members of the Senate or of the House of Representatives of the Parliament of the Commonwealth, or of the Legislative Assembly of New South Wales, is being held, during the hours when votes may be recorded at such election :

Provided that in the case of a by-election this paragraph shall apply only to licensed premises situate within the electorate in respect of which such by-election is being held.

- (d) upon any other day except between the hours of six in the morning and six at night.

Provisor relating to lodgers and travellers.

(2) Provided that nothing in this section shall relate to the sale or consumption of wine to or by any bona-fide traveller at such bar or elsewhere on such premises.

Penalty .

(3) Every licensee who offends against the provisions of this section shall for every such offence be liable to a penalty not exceeding *twenty* pounds.

Separate offence.

(4) Every separate sale in contravention of the provisions of this section shall be a separate offence.

Persons found drinking wine on premises during prohibited time.

35. (1) Every person, not being a bona-fide lodger, servant, inmate, or traveller, found drinking wine in any licensed premises at any time when such premises should not be open for the sale of wine, shall for every such offence be liable to a penalty not exceeding *five* pounds.

(2) Every person found on any such premises at any time when such premises should not be open for the sale of wine, shall, unless he satisfies the court that he was at the time when he was so found a bona-fide lodger, servant, inmate, or traveller, or that his presence on such premises at such time was not in contravention of

of the provisions of this Act, be liable to a penalty not exceeding *two* pounds; but this subsection shall not apply to the premises of the holder of a restaurant wine license under this Act.

36. (1) In any prosecution for an offence against either of the two last preceding sections, any liquid shall be deemed to be wine unless the contrary be proved. Proof in prosecution under two last sections.

(2) In the construction of such sections a bona-fide traveller shall have the meaning defined in the next succeeding section.

37. If in any proceedings against the holder of a license for infringing the provisions of the thirty-fourth section of this Act, such holder (hereinafter referred to as the defendant) fails to prove that the person to whom the wine was sold or supplied (hereinafter referred to as the purchaser) was a bona-fide traveller but the court hearing the case is satisfied that the defendant believed that the purchaser was a bona-fide traveller, the court shall dismiss the case as against the defendant; and if such court thinks that the purchaser falsely represented himself to be a bona-fide traveller the court shall direct proceedings to be instituted against such purchaser, and on conviction such purchaser shall be liable to a penalty of not less than *five* pounds and not exceeding *ten* pounds. And no person shall, for the purposes of this or the thirty-fourth section, be deemed to be a bona-fide traveller unless the place where he lodged during the preceding night is (if in the county of Cumberland) at least twenty-five miles, and if (in any other part of the State) at least ten miles, distant from the place where he demands to be or is supplied with wine—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 of supply. As to bona-fide travellers.

38. No holder of a license shall be compelled to supply wine to any person representing himself to be a traveller within the meaning of the thirty-fourth section of this Act, and requiring to be supplied with wine at any time during which the general sale of wine is prohibited by law; but if such holder elects to supply wine, Evasion of exemption in favour of travellers.

then the person requiring the same shall, on demand of such holder, give his true name and address and place of lodging during the preceding night. And if any person so requiring to be supplied with wine does not on such demand give his true name and address and place of lodging during the preceding night, or gives a false or fictitious name or address and place of lodging during the preceding night, such person shall be liable to a penalty not exceeding *five* pounds.

Evasion of law as to sale, &c., of wine on premises.

39. In any proceedings under the thirty-fourth section of this Act against the holder of a license for selling or permitting the sale of wine, or the drinking or consumption of wine on his premises, it shall be no defence to prove that such holder himself took, or carried, or employed, or suffered any other person to take or carry such wine out of or from such premises for the purpose of being sold for such holder's benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever, in the occupation of such holder, or in any public place or public thoroughfare; but in all such cases such wine shall be deemed to have been drunk or consumed by the purchasers thereof on the licensed premises of such holder and with his privity and consent.

Powers of police with respect to persons on licensed premises at prohibited times.

40. (1) Any inspector appointed under this Act or any member of the police force appointed in that behalf, or any member of the police force of or above the rank of senior-constable, may demand from any person found on licensed premises at any time when such premises should not be open for the sale of liquor the name and address of such person, and if he has reasonable ground to suppose that the name or address so given is false, may require such person to produce evidence of the correctness of the name or address given by such person.

(2) If any such person, on demand being made as aforesaid, refuses or neglects to give such name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, such inspector or member of the police force may without any warrant apprehend such person forthwith, and shall bring him before such justices as soon as practicable to be dealt with according to law.

(3)

(3) Every such person who, on demand being made as aforesaid, refuses or neglects to give his name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, or gives a false name or address, or produces false evidence with respect to such name and address, shall be liable for every such offence to a penalty not exceeding *two* pounds.

(4) Every licensee upon whose licensed premises any person is so found shall, unless he proves to the satisfaction of the court or justices that such person was on such premises for a lawful purpose, be liable to a penalty not exceeding *five* pounds.

Special inspectors.

41. (1) In addition to the inspectors appointed under ^{Wine} section one hundred and nineteen of the Liquor Act, ^{inspectors.} 1912, the Governor shall appoint one or more inspectors as he may think fit to be inspectors of premises licensed or in which the sale of wine is permitted to be carried on under this Act.

(2) Subject to the provisions of this Act it shall be lawful for the Minister, by regulation to be made under this Act and to be approved by the Governor, to define the duties of such inspectors and to prescribe the modes, times, and conditions of the exercise thereof.

(3) Such inspectors may be remunerated by fees or salaries in accordance with regulations to be made in that behalf and to be paid out of the consolidated revenue fund, but subject to the sanction of Parliament.

42. (1) It shall be the duty of such inspectors to use ^{Duties of} all due vigilance and to take all lawful means to force ^{inspectors.} compliance with the provisions of this Act.

(2) Every such inspector may at any time during business hours enter on any premises licensed under this Act, and may examine every room and part of such premises, and may demand, select, and obtain any samples of wines which may be in or upon such premises, and on paying or tendering payment for such samples may remove the same for the purpose of analysis or otherwise.

43.

Cancellation
of license.

43. Every such inspector may, if he has reasonable grounds for believing that any holder of a license under this Act is not conducting his business in accordance with the provisions of this Act, or is guilty of any offence against this Act, bring such licensee before the licensing court at any time during the currency of such license to show cause why such license should not be cancelled.

PART IV.

ADULTERATION OF WINE.

Manufacture and sale of wine.

What may
not be added
to grape juice
or wine.

44. No person shall add or cause to be added to unfermented grape juice or wine, for the purpose of sale, either during or after the making of the same, anything other than a liquid or substance named in Schedule Six, or any such liquid or substance in such quantity as will increase the proportion thereof in such grape juice or wine above the proportion thereof contained in a natural wine, or in such quantity as will disturb the relation between any of the constituents of a natural wine, or shall so add or cause to be added any such liquid or substance otherwise than in accordance with the said Schedule and regulations :

Provided that this section shall not apply to the mixing of wine with any drug, if the mixture is bona fide intended for medicinal purposes only, and is not intended for use, and is not in common use as a beverage, and if such mixture is made and labelled in accordance with the regulations.

What grape
juice may not
be sold.

45. No person shall sell or have in his possession for sale or for the purpose of making wine any unfermented grape juice to which anything has been added otherwise than in accordance with this Act.

46.

46. No person shall have in his possession for sale, or sell wine— What wine may not be sold.

- (a) any liquid which is not wine as defined in this Act; or
- (b) any wine to which anything has been added otherwise than in accordance with this Act; or
- (c) any wine which contains ash in less quantity than 1.3 grammes per litre or 91.14 grains per gallon;
- (d) any wine containing more than 2 grammes per litre or 140 grains per gallon of sulphates calculated as neutral potassium sulphate;
- (e) any wine containing more volatile acidity, calculated as acetic acid, than 1 gramme and 5 decigrammes per litre of wine, or 105 grains per gallon.

47. No person shall expose or offer for sale, deliver for sale, or sell as wine any bottled liquid, unless each bottle is distinctly labelled with the name and address of the bottler. Label to be affixed to wine bottles.

48. No person shall expose or offer for sale, deliver for sale, or sell any sparkling wine in which the excess of carbonic acid gas arises from direct addition of such gas, unless the bottle is labelled with the word "carbonated" in letters as large as the letters on any label on the bottle. Carbonated wine to be labelled.

Analysis.

49. (1) Any person having general or other authority in writing from the Minister may, on producing such authority, enter any vineyard, building, vehicle, vessel, or boat which he has reasonable grounds to believe is used for making, storing, exposing for sale, or carrying any liquid being unfermented grape juice or wine or other liquid having the chief characteristics of wine, whether made or in process of making, and inspect such liquid. Person authorised may enter premises and inspect wine,

(2) Such person may require the owner or any person apparently in charge of any such liquid in or on such vineyard, building, vehicle, vessel, or boat to sell, and such owner or person shall sell at a reasonable price and deliver to him, so much of the liquid as he may require. and purchase sample,
Any

Any such person who may purchase any such liquid for analysis shall inform the vendor of the purpose of such purchase.

and submit
to analysis.

(3) Where the liquid is in bulk the purchaser shall, in the presence of the vendor, divide the liquid purchased into three parts and place each part in a separate glass receptacle and secure, seal, and mark for identification each such receptacle, and where the liquid is in bottles he shall, in the presence of the vendor, seal and mark for identification each bottle purchased.

He shall give one receptacle or one-third of the bottles purchased to the vendor, shall deposit the second with the Department of Agriculture, and may submit the third to an analyst appointed for the purpose of this Act by the Minister.

Certificate of
analyst.

50. Where any liquid is submitted to an analyst in pursuance of this Act the analyst shall give a certificate under his hand of his analysis.

Such certificate shall be in any proceeding evidence of the facts therein stated, and of the identity of the liquid analysed, without proof of the signature of the analyst.

Beverages designated as wine.

Beverages
other than
grape wine to
be labelled.

51. No person shall expose or offer for sale, deliver for sale, or sell any beverage made from fruit or from any article other than grapes in any receptacle having thereon a brand or label containing the word "wine" unless such brand or label also contains the name of such fruit or article in letters as large as the letters of the word "wine" on the brand or label.

Offences.

Tampering
with samples.

52. (1) Any person who improperly tampers with any mark or seal placed in pursuance of this Act on a receptacle or bottle for identification, or with any liquid contained in such receptacle or bottle, shall be liable to a penalty not exceeding *twenty* pounds.

Forging
certificate.

(2) Any person who forges or utters, knowing it to be forged, any certificate of an analyst under this Act, shall be liable on indictment to imprisonment for any term not exceeding three years. **53.**

53. Any person who contravenes or fails to comply with any provision of this Act shall, unless some other penalty is in this Act provided, be liable for the first offence to a penalty not exceeding *five* pounds, and for any subsequent offence in respect of the same provision to a penalty not exceeding *twenty* pounds or imprisonment for any term not exceeding *three* months, or both penalty and imprisonment; and in addition the court may order him to pay to the prosecutor the expenses of the prosecution, including the expenses of any analysis and certificate. Penalties for contravention.

54. The court before which any proceedings for an offence against this Act are taken may direct any liquid to be analysed by an analyst appointed by the Governor for the purposes of this Act. Court may direct liquid to be analysed.

Regulations.

55. (1) The Governor may make regulations for carrying out the provisions of this Act, and may in such regulations provide for any penalty not exceeding *fifty* pounds to be imposed on any breach thereof. Regulations.

(2) Such regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and, if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

SCHEDULES.

SCHEDULES.

SCHEDULE ONE.

Repeal.

Sec. 6. THE following are repealed so far as they relate to Australian wine:—

Reference to Act.	Short Title.	Sections.
No. 42, 1912...	Liquor Act, 1912	Part I, sections 1-3 inclusive. Part III— Sections 13-42 inclusive. Section 48. Section 52. Sections 64-76 inclusive. Part IV— Sections 79-94 inclusive. Fourth Schedule. Sixth Schedule, Form (c). Seventh Schedule. Eleventh Schedule. Twelfth Schedule.
No. 107, 1902..	Wine Adulteration Act, 1902	The whole.
No. 33, 1916...	Wine Adulteration (Amendment) Act, 1916.	The whole.

SCHEDULE TWO.

(A) *Form of wholesale wine license.*

Sec. 6. Whereas A.B., of _____, has deposited in this office a certificate of _____, held at _____, on the _____ day of _____, one thousand nine hundred _____, authorising the issue to the said A.B., under the Australian Wine Act, 1919, of a wholesale wine license for the premises known as _____, situate at _____

And whereas the said A.B. has paid the sum of _____ pounds sterling as the fee for such license, now I, _____, in virtue of the powers by law invested in me, do hereby license the said A.B. to sell Australian wines in any quantity on the aforesaid premises, but not elsewhere,

elsewhere, but subject to the provisions of the abovementioned Act. And this license shall commence upon the day of next and continue in force until the day of now next ensuing, both days inclusive, provided it were not forfeited or cancelled in the meantime.

Given under my hand and seal at Sydney, this day of , one thousand nine hundred N.O. (L.S.)

Colonial Treasurer (or officer authorised to issue licenses).

(B) Form of retail off-wine license.

Whereas A.B., of , has deposited in this office a certificate Sec. 7. of , held at on the day of one thousand nine hundred authorising the issue to the said A.B., under the Australian Wine Act, 1919, of a retail off-wine license for the premises known as , situate . And whereas the said A.B. has paid the sum of pounds sterling as the fee for such license, now I, , in virtue of the powers by law invested in me, do hereby license the said A.B. to sell Australian wines in quantities not exceeding two gallons, on the afore-said premises, but not elsewhere, but only for consumption off the said premises, and subject to the provisions of the abovenamed Act. And this license shall commence upon the day of next, and continue in force until the day of now next ensuing, both days inclusive, provided it were not forfeited or cancelled in the meantime.

Given under my hand and seal at Sydney, this day of , one thousand nine hundred N.O. (L.S.)

Colonial Treasurer (or officer authorised to issue licenses).

(C) Form of retail wine license.

Whereas A.B., of , has deposited in this office a certificate Sec. 8. of the , dated the day of , authorising the issue to the said A.B., of a retail wine license for the premises of the said , situate at

And whereas the said has paid the sum of pounds sterling as the fee for such license. Now I do hereby declare that the said is licensed to sell Australian wine in quantities not exceeding two gallons on such premises. And this license shall commence on the day of , and continue in force until the day of now next ensuing, both inclusive, provided it be not forfeited or cancelled in the meantime.

Given under my hand and seal, at Sydney, this day of , one thousand nine hundred

N.O. (L.S.)

Colonial Treasurer (or officer authorised to issue licenses).

(D) Form of wine maker's license.

Sec. 9. Whereas A.B., of _____, has deposited in this office a certificate of the _____, dated the _____ day of _____, authorising the issue to the said A.B. of a wine maker's license for the premises of the said A.B., _____ situate at _____

And whereas the said _____ has paid the sum of _____ pounds sterling as the fee for such license. Now I do hereby declare that the said _____ is licensed to sell Australian wine in quantities not less than thirty gallons on such premises. And this license shall commence on the _____ day of _____, and continue in force until the _____ day of _____ now next ensuing, both inclusive, provided it be not forfeited or cancelled in the meantime.

N.O. (L.S.)

Colonial Treasurer (or officer authorised to issue licenses).

(E) Form of restaurant wine license.

Sec. 10. Whereas A.B., of _____, has deposited in this office a certificate of the _____, dated the _____ day of _____ authorising the issue to the said A.B. of a restaurant wine license for the premises of the said _____, situate at _____

And whereas the said A.B. has paid the sum of _____ pounds sterling as the fee for such license. Now I do hereby declare that the said _____ is licensed to sell light wine only in quantities not exceeding two gallons on such premises, but only for consumption with meals on such premises. And this license shall commence on the _____ day of _____, and continue in force until the _____ day of _____ now next ensuing, both inclusive, provided it be not forfeited or cancelled in the meantime.

Given under my hand and seal, at Sydney, this _____ day of _____, one thousand nine hundred _____

N.O. (L.S.)

Colonial Treasurer (or officer authorised to issue licenses).

Sec. 11.

(F) Form of temporary wine license.

(Same as "c" mutatis mutandis.)

SCHEDULE THREE.

Notice of application for license.

I, of , do hereby give notice that I desire to Sec. 13. obtain, and will, at the next Licensing Court to be holden at , on day of , apply for a certificate authorising the issue of a license for premises situate at

Dated at the day of , 19 .

(Applicant)

A.B.

(Address)

SCHEDULE FOUR.

Transfer.

I, the undersigned, being a licensing magistrate, do hereby transfer Sec. 17. all rights and privileges under the within license to of , for the residue of the term between this date, and the

Dated the day of , one thousand nine hundred

(L.S.) A.B.,

Licensing Magistrate for

SCHEDULE FIVE.

Removals.

I, the undersigned, being the chairman of the Licensing Court Sec. 19. holden at , on the day of the requisite notice of application for removal having been proved before us to have been duly served and posted, do hereby declare that the within license shall henceforth cease to apply to the house and premises within mentioned, and shall apply to the house known as , situate at

Dated the day of , one thousand nine hundred

(L.S.) A.B.,

Chairman, &c.

SCHEDULE.

SCHEDULE SIX.

Substances and liquids which may be added to unfermented grape juice or wine.

Sec. 44.

Yeast or leaven.

For purposes of clarification only—isinglass, gelatines, egg-albumen, fresh boiled milk, pure Spanish clay, kaolin, tannic acid, or common salt, if on analysis the amount of chlorine calculated as sodium chloride does not exceed half a gramme per litre or 35 grains per gallon.

Tartaric acid, citric acid, potassium, bitartrate, neutral potassium tartrate, pure calcium carbonate, and potassium carbonate.

Potassium or calcium sulphite or bisulphite, sulphur, dioxide or sulphurous acid, provided that the total amount of sulphurous acid free and combined does not exceed 200 milligrammes per litre or 14 grains per gallon, and the quantity of free sulphurous acid appearing on analysis does not exceed 20 milligrammes per litre or 1.4 grains per gallon.

Pure wine spirit for the purpose of increasing the alcoholic strength may be added to wines intended for export and in the case of sheries, ports, and sweet wines sold in New South Wales to an extent not exceeding 35 per centum of proof spirit or 20.5 per centum of absolute alcohol by volume, measured in each case at the temperature of sixty degrees of Fahrenheit's thermometer: Provided that sheries, ports, and sweet wines imported and sold or delivered for sale in New South Wales from any place beyond the Australian Commonwealth shall be exempt from the aforesaid limitation of alcoholic strength.

The juice of fresh grapes, or the condensed juice of fresh grapes, to which wine spirit may, or may not, have been added.

In the making of sparkling wine:—Pure saccharose for the purpose of causing fermentation in a bottle, and therefore pure saccharose and pure wine spirit as a liqueur.

Carbonic acid.