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[CONFIDENTIAL.]  
(Rough Draft for Consideration Only.)

No.     , 1929.

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A BILL

To make further provisions for regulating the keeping of billiard tables and bagatelle boards; to amend the Billiards and Bagatelle Act, 1902, and certain other Acts; and for purposes connected therewith.

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**B**E it enacted by the King's Most 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:—

**1.** (1) This Act may be cited as the "Billiards and Bagatelle (Amendment) Act, 1929." Short title.

(2) In this Act the expression "The Principal Act" means the Billiards and Bagatelle Act, 1902, as amended by the Liquor (Amendment) Act, 1916.

2. The Principal Act is amended—

Amendment of Act No. 38, 1902, s. 3.

(a) by inserting in section three in appropriate positions, having regard to alphabetical order, the following definitions:—

"District" means a licensing district constituted under the Liquor Act, 1912, as amended by subsequent Acts;

"Inspector" means a district inspector or district sub-inspector appointed or holding office under the Liquor Act, 1912, as amended by subsequent Acts;

"Licensing Court" means the licensing court constituted under the Liquor Act, 1912, as amended by subsequent Acts.

(b) by omitting from the same section the words and figures "Liquor Act, 1898" and by inserting in lieu thereof the words and figures "Liquor Act, 1912, as amended by subsequent Acts."

3. The Principal Act is further amended—

Further amendment of Act No. 33, 1902, s. 4 (1).

(a) by omitting subsection one of section four and by inserting the following subsection in lieu thereof:—

(1) Any person being the holder of a publican's license desirous of keeping billiard tables or bagatelle boards in any premises may make an application in writing in or to the effect of the form of the First Schedule to this Act to the licensing court for the district in which such premises are situated for a license to keep such tables or boards in such premises.

(b) by inserting at the end of the same section the following new subsection:—

(3) Every application for a new license or for the removal of a license shall be accompanied by a sketch plan of the premises for which the license is required, or to which it is desired to remove the license.

4.

4. The Principal Act is further amended by inserting the following sections next after section four:—

Further amendment of Act No. 38, 1902. New ss. 4A, 4B.

4A. Any license granted under this Act may be renewed or transferred, or removed from any place within a licensing district to any other place within such district, on application in writing to the licensing court for the district in which the license was granted.

Renewal, transfer, and removal of license.

4B. (1) Upon any application under this Act whether for the grant, renewal, removal, or transfer of a license, or upon a conditional application, any objection whatsoever (not being a frivolous or vexatious objection) may be made by any person.

Objections.

(2) Objections may be made either personally or by petition to the licensing court.

(3) If at the hearing of any application it appears that the applicant has not received reasonable notice of any objection made against his application he shall be entitled to an adjournment of the proceedings.

4c. Where a licensee has been legally evicted from any licensed premises the licensing court may, notwithstanding the nonproduction of the license therefor, grant on the application in writing of the owner of the premises and the proposed transferee a transfer of such license to such transferee in manner and form prescribed and such 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.

Transfer on legal eviction. cf. Act No. 42, 1912, s. 37.

5. The Principal Act is further amended by omitting sections five and six and by inserting in lieu thereof the following sections:—

Further amendment of Act No. 38, 1902, ss. 5, 6, 6A.

5. (1) The licensing court, if satisfied that an application for a new license should be granted, may authorise the issue by the clerk of the court of the license upon payment of the proper fee, and shall record the decision upon the application.

Issue of license, renewal, &c.

(2)

*Billiards and Bagatelle (Amendment).*

(2) An applicant for renewal of a license shall produce his license to the licensing court and shall, if his application is granted, pay the annual license fee payable under this Act to the clerk of the court.

(3) A license may be transferred or removed by endorsement by or on behalf of the licensing court, and the fee payable for any such endorsement shall be one pound.

(4) Where the licensing court is satisfied that a license has been lost or destroyed the court may issue a duplicate or substitute license upon application in the prescribed form and upon payment of the fee of one pound.

6. (1) Any person desirous of obtaining a new license in respect of premises proposed to be erected, or for premises already erected but requiring additions or alterations to make them suitable to be licensed under this Act may, before building such new premises or making such additions or alterations to premises already erected, make a conditional application to the licensing court.

(2) The application shall be in writing in or to the effect of the form of the First Schedule to this Act, and shall be accompanied by the certificate referred to in subsection two of section four of this Act, together with a fee of five pounds.

(3) The applicant shall submit with his application a sketch plan of the premises proposed to be erected or of the proposed alterations or additions to existing premises.

(4) Where the licensing court is satisfied after considering the conditional application and any objections made thereto, that the application should be granted, such court may, after recording its decision in the book of proceedings, furnish a copy of such record to the applicant, and deposit with the clerk of the court the plan submitted.

(5)

15

(5) The granting of a conditional application shall remain in force until the completion of the premises, provided such completion is effected within the period prescribed by the court, which period may be extended if the court thinks fit.

(6) Upon completion of the premises within the prescribed period or any extension thereof, the district inspector or sub-inspector appointed under the Liquor Act, 1912, shall after examination of the premises certify whether or not they are completed in accordance with the plan furnished, and if he certifies in the affirmative the court at its next sitting shall authorise the issue by the clerk of the court of the license, upon payment of the proper license fee.

6A. (1) Any owner or licensee of premises licensed under this Act, who is desirous of making any material alterations or additions to his licensed premises shall apply to the licensing court for the district for permission to do so.

Alterations and additions.

(2) The application shall be accompanied by a plan of the proposed alterations or additions.

(3) The license of any person who makes any material alteration or addition to his licensed premises without such permission shall be liable to cancellation.

6. The Principal Act is further amended by omitting section eight and by inserting in lieu thereof the following section :—

Further amendment of Act No. 38, 1902, s. 8.

8. The license shall authorise the licensee therein named to keep for hire one or more tables or boards for playing the game of billiards or bagatelle according to the tenor of the license and to allow the same to be used :—

Effect of license.

(a) where the licensee is the holder of a publican's license, and the tables or boards are situate within the premises in respect of which the publican's license is held—between the hours of nine o'clock in the morning and six o'clock in the evening of the same day ; or

(b)

(b) in any other case, between the hours of nine o'clock in the morning and ten o'clock in the evening of the same day.

**7.** The Principal Act is further amended by omitting section nine and by inserting the following section in lieu thereof :— Further amendment of Act No. 38, 1902, s. 9.

9. (1) Every license under this Act shall be in the form of the Fourth Schedule and shall remain in force from the date thereof until the first day of January next following, and shall be renewed annually. Form of license and fee for license.

(2) The annual license fee shall be—

- (a) in the case of a license to keep one billiard table or bagatelle board, the sum of ten pounds;
- (b) in the case of a license to keep more than one of such tables or boards, a sum calculated on the basis of ten pounds for the first of such tables or boards, and three pounds for every additional table or board :

Provided that the maximum fee payable in respect of any one license shall not exceed one hundred pounds.

(3) In the case of a license granted after the first day of July in any year, the fee for the remainder of such year shall be one-half the annual fee payable in respect of such license.

**8.** The Principal Act is further amended— Further amendment of Act No. 38, 1902.

- (a) by omitting from section eleven the word "twice"; Sec. 11.
- (b) by inserting in section fifteen after the words "eighteen years" the words "to frequent his licensed premises or"; Sec. 15.
- (c) by inserting the following sections next after section sixteen :— New ss. 16A, 16B, 16C.

16A. Any licensee under this Act who without the permission of the licensing court sublets his licensed premises or any part thereof shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding thirty pounds. Licensee not to sublet. 16B.

17

16B. If a licensee under this Act suffers any gaming for stakes or any unlawful game whatsoever to be carried on in his licensed premises; or if he 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 licensee opens, keeps, or uses, or suffers his premises to be opened, kept, or used in contravention of the Gaming and Betting Act, 1912, or of any Act amending the same, 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.

Gaming prohibited.

16c. (1) Every licensee under this Act shall—

Sanitary provisions.

- (a) cause his licensed premises to be furnished with proper sanitary appliances sufficient for persons resorting to the premises; and
- (b) maintain such appliances and any room or place in which they are in a good sanitary condition; and
- (c) keep his licensed premises free from offensive or unwholesome matters.

(2) Any licensee who fails to carry out any of the provisions of this section shall be liable to a penalty not exceeding *ten* pounds.

9. (1) The Principal Act is further amended—

Further amendment of Act No. 38, 1902. (Revision.) Sec. 10.

- (a) by omitting section ten;
- (b) by omitting from section twelve the words "seventy-seventh and seventy-ninth sections of the Liquor Act, 1898," and by inserting in lieu thereof the words "one hundred and sixteenth and one hundred and eighteenth sections of the Liquor Act, 1912, as amended by subsequent Acts";
- (c)

Sec. 12.

18

- (c) by omitting from section thirteen the words Sec. 13.  
 "eighty-third, ninety-first, and one hundred and first sections of the Liquor Act, 1898," and by inserting in lieu thereof the words "one hundred and twenty-second, one hundred and fifty-sixth, and one hundred and sixty-sixth sections of the Liquor Act, 1912, as amended by subsequent Acts";
- (d) by omitting from section seventeen the words Sec. 17.  
 "Liquor Act, 1898, as amended by the Act No. 71, 1900, consolidated in" and by inserting in lieu thereof the words "Liquor Act, 1912, as amended by subsequent Acts, and"
- (e) by omitting the First Schedule and by inserting First Schedule.  
 in lieu thereof the following Schedule:—

FIRST SCHEDULE.

*Form of application for a billiard or bagatelle license.* Sec. 4 (1).  
 To the Licensing Court of the Licensing District of  
 I, A.B., now residing at \_\_\_\_\_ in  
 the Licensing District of \_\_\_\_\_, in New South  
 Wales, do hereby give notice that it is my intention to  
 apply to the Licensing Court to be holden on the  
 day of \_\_\_\_\_ for a \* billiard \*[or bagatelle] license  
 for premises situate at [*state short particulars of premises*].  
 I intend to use † \_\_\_\_\_ \*tables or \*boards on  
 such premises.  
 Given under my hand this \_\_\_\_\_ day of  
 19 .

(Name and address of applicant.)

\* *Strike out unnecessary words.*  
 † *State number of tables or boards.*

- (f) by omitting the Third Schedule; Third Schedule.
- (g) by omitting the Fourth Schedule and by Fourth Schedule.  
 inserting the following Schedule in lieu thereof:—

FOURTH SCHEDULE.

Sec. 9.

*Form of Billiard or Bagatelle License.*  
 WHEREAS the Licensing Court holden at  
 on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand  
 nine hundred and \_\_\_\_\_, have authorised the  
 issue to \_\_\_\_\_, under the Billiards and Bagatelle  
 Act,



19

Act, 1902, of \*(the renewal of) { a billiard license  
 (held by him) for the premises †(known by the sign of the  
 ) (or situated at ) in the State  
 of New South Wales: And whereas the sum of  
 pounds as the fee on such license has been  
 paid to me: Now I, the officer duly authorised to issue  
 licenses under the said Act, in virtue of the powers vested  
 in me by the said Act, do hereby declare that the said  
 is licensed to keep, set up, and maintain  
 ‡ billiard tables or bagatelle boards in the said  
 premises, but not elsewhere, to be used only during the  
 hours prescribed by Section 8 of the Billiards and Bagatelle  
 Act, 1902, as amended by subsequent Acts. And this  
 license shall commence on the day of  
 , one thousand nine hundred and  
 , and continue in force until the first day  
 of January next following, provided it be not forfeited in  
 the meantime.

Given under my Hand and Seal of the said Court  
 this day of , one thousand  
 nine hundred and

Number of †tables or boards‡.....

Fee, £

(L.S.)

Clerk of the Licensing Court for the  
 Licensing District.

- \* Words in brackets to be ruled out in case of new license.
- † Strike out unnecessary words.
- ‡ State number of tables or boards.

**(2) Section nineteen of the Liquor (Amendment) Act, 1916, is repealed.** Amendment  
of Act No.  
1916, s. 19.

