

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1920.

A BILL

To amend the Liquor Act, 1912, and the Liquor (Amendment) Act, 1919; and for purposes consequent thereon or incidental thereto.

BE 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. This Act may be cited as the "Liquor (Amendment) Act, 1920," and shall be construed with the Liquor Act, 1912 (hereinafter called the Principal Act), and any Acts amending the same. Short title.

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2.

2. The Principal Act is amended in the following respects :—

- Amendments
of Principal
Act.
- (1) By inserting in section three after the definition of "Australasian colony" the following new definition :—
- "Bona fide lodger" means any person who—
- (a) is a regular boarder on the licensed premises; or
- (b) has lodged therein on the night immediately before the day or the night whereon an offence is alleged to have been committed;
- (2) by omitting from clause (iv) of paragraph (a) of subsection one of section twenty-one the words "one hundred" and inserting in lieu thereof the words "*five* hundred";
- Sec. 21 (1) (a)
(iv).
- (3) by inserting in subsection one of section fifty-seven—
- (i) after the word "sell" the words "or deliver";
- (ii) after the word "consumed" the words "or sold or delivered"; and
- (iii) after the words "on the said premises" the words "or shall remove or permit the same to be removed therefrom";
- Sec. 57 (1).
- (4) by inserting at the end of paragraph (b) of subsection two of section fifty-seven the words "provided such traveller is seeking refreshment on arriving at such premises from or during a journey";
- Sec. 57 (2)
(b).
- (5) by inserting in subsection four of section fifty-seven after the word "sale" the words "or delivery or removal";
- Sec. 57 (4).
- (6) by inserting at the end of section fifty-seven the following new subsection :—
- (5) A licensee shall be deemed to have offended against the provisions of this section, if it be proved that the offence was in fact committed by an agent or servant of such licensee, whether or not such agent or servant was an agent or servant expressly or impliedly authorised

authorised to sell liquor, and whether or not the offence was committed with such licensee's knowledge or authority;

- (7) by inserting at the end of section fifty-eight Sec. 58. the following new subsection:—

(3) Every person selling or delivering liquor on, or removing or causing it to be removed from, any licensed premises at any time when such premises should not be open for the sale of liquor shall for every such offence be liable to a penalty not exceeding *five* pounds:

Provided that nothing in this subsection shall be a bar to proceedings against a licensee under the provisions of section fifty-seven.

- (8) by omitting from section sixty-two the words Sec. 62. "for selling or permitting the sale of liquor, or the drinking or consumption of liquor on his premises";

- (9) by inserting at the end of subsection one of section one hundred and twenty-two the words Sec. 122 (1). "or member of the police force of the rank of sergeant of whatever class"; and

- (10) by inserting at the end of section one hundred and thirty-one the following new subsection:— Sec. 131.

(4) If a licensee neglects through inadvertence to give notice as prescribed in section thirty-six of his intention to apply for a renewal of his license or if through inadvertence a license is allowed to lapse or expire or is not duly renewed, the court, or in cases of urgency a licensing magistrate, if satisfied of such inadvertence or that for any reason it is just and equitable that the license should be restored or renewed or the result of such inadvertence be otherwise remedied, may on the application of any person interested therein order that such license be restored or renewed, and may grant to such person a certificate authorising the issue of a new license for the balance of the term for which the said license would have been available if duly renewed or

may

may grant a special certificate of transfer to any approved nominee of such person; and in any of such cases may make such order as to costs or otherwise as in the opinion of such court or magistrate is just and equitable in the circumstances:

Provided that no license shall issue unless the person entitled thereto under such order shall be in possession of the licensed premises at the time of the issue of such license.

This subsection shall be deemed to have taken effect as from the commencement of the Liquor (Amendment) Act, 1919.

3. The Liquor (Amendment) Act, 1919, is amended in the following respects:—

(1) By inserting in paragraph (c) of subsection one of section eight after the words "hereafter mentioned" the words "and all administrative expenses of the board as from the date of its appointment";

Amendments of the Liquor (Amendment) Act, 1919. Sec. 8 (1) (c).

(2) by omitting from paragraph (b) of section nine the word "district" and inserting in lieu thereof the word "electorate";

Sec. 9 (b).

(3) by omitting from subsection one of section eleven the words "for the time being," and by inserting after the words "electoral roll" the words "(as last revised in accordance with the Parliamentary Electorates and Elections Act, 1912)";

Sec. 11 (1).

(4) by omitting section sixteen and inserting in lieu thereof the following section:—

Sec. 16.

16. The board, in determining which licenses shall cease to be in force, shall—

Considerations influencing the board in determining which licenses shall cease to be in force.

(1) consider the convenience of the public and the requirements of the several localities in the electorate;

(2) subject to the above consideration have regard to convictions within three years prior to the date of hearing, as fixed under section seventeen, against any person, who at the date of the offence

cf. Act No. 2885 (Vic.), s. 46.

was

was a licensee of the premises, for offences against the Liquor Acts; and

- (3) subject to the above considerations have regard to—
- (a) the character of, and the accommodation afforded by, any licensed premises;
 - (b) the manner in which the business has been, and is being, conducted; and
 - (c) the distance between such premises and the licensed premises nearest thereto;
- (5) by inserting in subsection one of section Sec. 21 (1). twenty-one after the words "shall be" the words "based on";
- (6) by omitting from subsection three of section Sec. 21 (3). twenty-one the word "court" and inserting in lieu thereof the word "board";
- (7) by inserting in subsection one of section Sec. 22 (1). twenty-two after the word "be" in the fourth line of the subsection the words "based on";
- (8) by inserting at the end of section thirty-three Sec. 33. the following proviso:—
Provided always that the sum payable by such owner or lessor in respect of such compensation fee shall in no case exceed one-third of the rent payable to such owner or lessor;
- (9) by inserting at the end of subsection one Sec. 35 (1). of section thirty-five the following new paragraph:—
(d) the dates determining the period with regard to which such declaration is furnished;
- (10) by inserting in section fifty-eight after the Sec. 58. definition of "employee" the words "and in or in connection with the trade in alcoholic liquor";
- (11) by omitting from paragraph (e) of subsection Sec. 59 (5) (e). five of section fifty-nine the figures "1912" and inserting in lieu thereof the figures "1901";

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- (12) by inserting in section sixty-five after the word Sec. 65.
“ballot” the words “or of vineyards bona fide
planted with vines for such purposes, although
such vines shall not have come into full bearing
within such period”;
- (13) by inserting after section sixty-seven as a short Sec. 63.
heading to section sixty-eight the word
“*Employees*”;
- (14) by omitting from section seventy the word Sec. 70.
“licensee” and inserting in lieu thereof the
word “person”; and
- (15) by inserting at the end of subsection one of Sec. 74 (1).
section seventy-four the following proviso:—
 Provided that in the case of—
 (i) vineyards, and
 (ii) lands and buildings occupied or used
 by the claimant for the manufacture
 of wine and not being within the
 boundaries of a city or town,
the court may award in respect of such depre-
ciation of value such sum as it considers just
and reasonable.
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