

No. , 1921.

A BILL

To amend the Liquor Act, 1912, the Liquor (Amendment) Act, 1919, and certain other Acts; and for purposes connected therewith.

[MR. MCKELL;— *December, 1921.*]

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, 1921," and shall be construed with the Liquor Act, 1912, and any Acts amending the same. The Liquor Act, 1912, as so amended, is hereinafter called the Principal Act.

Amendments of Principal Act.

- Amendments of Principal Act.** **2.** The Principal Act is amended in the following respects :—
- Sec. 3.** (1) By inserting in section three after the definition of “ Australasian colony ” the following new definition :—
 “ Board ” means the licenses reduction board constituted under the Liquor (Amendment) Act, 1919. 5
- Sec. 5.** (2) by omitting from subsection eleven of section 10 five the words “ for such period as he specifies ” wherever occurring ;
- Sec. 11.** (3) by omitting the first paragraph of section eleven and inserting in lieu thereof the following :— 15
 “ A quarterly licensing court for each licensing district shall be held in the months of January, April, July, and October in every year, and twenty-one days notice of the time and place of holding such court shall be 20 given by affixing the said notice on the outer door of the court-house or building in which the court is to be held ” ;
- Sec. 14.** (4) by omitting subsection two of section fourteen and inserting in lieu thereof the following new subsection :— 25
 (2) Every such license (except booth or stand licenses) shall, subject to the provisions of this Act, be in force from the date on which the same shall have been granted until the 30 thirtieth day of June next following such date, both days inclusive :
 Provided that all such licenses (except booth or stand licenses) granted or renewed after the thirtieth day of June, one thousand nine 35 hundred and twenty-one, and prior to the passing of this Act, shall expire on the thirtieth day of June, one thousand nine hundred and twenty-two ;
- Currency of liquor licenses.**
- (5)

(5) by omitting from section sixteen the words Sec. 16.
“and in accordance with the classification
hereinafter prescribed”;

5 (6) by omitting section twenty-one and inserting Sec. 21.
in lieu thereof the following new section:—

21. (1) The following fees shall be paid in Fees payable
for licenses
under this
Part.
respect of licenses under this Part, namely:—

10 (a) For a new publican's license such sum
(not exceeding five hundred pounds) as
may be fixed by the licensing court
granting the license.

15 (b) For the renewal of a publican's license,
a sum equal to two pounds per centum
of the gross amount (including any
duties thereon) paid or payable for all
liquor (other than liquor sold by the
licensee to other licensed persons) which,
during the twelve months ended on the
20 thirty-first day of December next pre-
ceding the date of the application for
the renewal of the license, was delivered
upon or purchased for the premises in
respect of which such renewal is sought,
including all liquor sold or disposed of
25 under any booth or stand license held
during such period.

30 (c) For a new packet license, such sum not
exceeding twenty pounds, as may be
fixed by the court or licensing magistrate
granting the license.

35 (d) For the renewal of a packet license,
a sum equal to two pounds per centum
of the gross amount (including any
duties thereon) paid or payable for all
liquor which, during the twelve months
ended on the thirty-first day of Decem-
ber next preceding the date of the
application

Liquor (Amendment).

application for the renewal of the license, was delivered upon or purchased for the vessel in respect of which such renewal is sought.

- (e) For a new colonial wine license, such sum not exceeding fifty pounds as may be fixed by the court. 5
- (f) For the renewal of a colonial wine license, a sum equal to one pound per centum of the gross amount (including any duties thereon) paid or payable for all liquor which, during the twelve months ended on the thirty-first day of December next preceding the date of the application for the renewal of the license, was delivered upon or purchased for the premises in respect of which such renewal is sought. 10 15
- (g) For a booth or stand license or a renewal thereof, two pounds : 20

Provided that upon the first renewal after the passing of this Act of a publican's license, or of a colonial wine license, or of a packet license, there shall be paid, in respect of the period between the date of renewal and the thirtieth day of June, one thousand nine hundred and twenty-two, the sum fixed by the court as proportionate in amount to the fee paid for the year last preceding such renewal : 25 30

Provided further that in respect of any such license which has been renewed after the thirtieth day of June, one thousand nine hundred and twenty-one, and prior to the passing of this Act, the holder of such license shall 35

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shall be entitled to a refund of the sum fixed by the court as being in excess of such proportionate amount ;

5 (7) by omitting section twenty-two and inserting Sec. 22. in lieu thereof the following new section :—

10 22. (1) Every person who is the holder of a publican's license, or of a colonial wine license, or of a packet license, on the first day of January in any year, shall, during that month, forward to the board a statutory declaration setting forth, in respect of the twelve months ended on the preceding thirty-first day of December, or in respect of the portion of the said twelve months during which he was the holder of such license—

15 (a) the gross quantity of liquor delivered upon or purchased (in New South Wales or elsewhere) for the premises or vessel for which he held such license (and in 20 the case of a publican's license including all liquor sold or disposed of under any booth or stand license held during such period by such publican), and the total amount paid or payable therefor, including any duties thereon ;

25 (b) the quantity of, and the amount paid or payable for, each of the various kinds of such liquor respectively ;

30 (c) the name and address of the person from whom such liquor was purchased ;

(d) the period in respect of which such declaration is furnished.

35 (2) Every intending transferor of a publican's license, or of a colonial wine license, or of a packet license shall, before an application under section thirty-seven is granted, lodge with the clerk of the court at the place where such application is made, a statutory declaration made by such intending transferor setting forth, 40 in respect of the period for which he was the holder

holder of such license subsequent to the preceding thirty-first day of December and up to the time of transfer, the particulars required by subsection one of this section, and the clerk shall, upon the granting of the transfer, forth- 5 with transmit such declaration to the board ;

Sec. 23.

(8) by omitting section twenty-three and inserting in lieu thereof the following new section :—

Board to fix fee and to inform Colonial Treasurer.

23. (1) The board shall fix the amount of any license fee payable on a percentage basis, 10 and the amount so fixed shall be final and conclusive.

(2) Where no information, or no sufficient information, is furnished, within the time prescribed, to the board to enable the board to 15 fix a license fee upon a percentage basis, the board may fix such fee at such amount as it thinks fair and reasonable.

(3) On or before the thirty-first day of May in each year the board shall inform the 20 Colonial Treasurer, and (except as to railway refreshment licenses) the clerk of the court for the licensing district in which the premises in respect of which such fee has been fixed are situate, of the amount thereof, and such fee 25 shall be inserted in the certificate of renewal issued by the court ;

Sec. 31.

(9) (a) by inserting in section thirty-one after the word "situated" the words "and the amount of the license fee fixed by the 30 board"; and

(b) by adding at the end of the same section the words "Where the court grants an application for a booth or stand license, such lists shall also be transmitted to the 35 board";

Sec. 32.

(10) (a) by omitting from section thirty-two the words "Colonial Treasurer or officer authorised to receive license fees under this Act," and inserting in lieu thereof the 40 words "clerk of the court issuing such certificate"; and (b)

(b) by omitting from the same section the words "such Treasurer or officer" and inserting in lieu thereof the words "such clerk";

5 (11) by inserting after section thirty-nine the following new section:— New sec. after s. 39.

39A. (1) If any holder of a publican's license desires to remove his license from his licensed premises to other premises in the same licensing district which are proposed to be erected, or to other premises therein already erected, but requiring additions or alterations to make them suitable to be licensed under this Act, he may before building such new premises or making such additions or alterations, and on giving notice in such form as may be prescribed, and in the same manner as notice is required to be given of an application under section thirty-nine of this Act, make application to the court for an order conditionally granting such removal, and in such case shall furnish the court with the plan and information required to be furnished on an application under section twenty-seven of this Act. And thereupon the court may make an order conditionally granting such application, and after recording the same in the book of proceedings of the court may furnish a copy of such record to the applicant; and such order shall remain in force until the completion of such premises, provided such completion is effected within twelve months, or such further period not exceeding six months as the court may allow, from the date of such order. The plan so furnished shall be initialled by the chairman and deposited with the clerk of the court; and on the completion of such premises the district inspector shall after examination thereof certify whether or not they have been completed in accordance with such plan, and if the inspector certifies in the affirmative the court shall, at its next sitting

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Removal of publican's license to other premises in same licensing district.

sitting, make an order for the removal of such license to such last-mentioned premises; and thereupon the same endorsement shall be made upon the license and the license so endorsed shall have the same effect as is provided in subsection five of section thirty-nine of this Act. 5

(2) The provisions of subsections two, three, and four of section thirty-nine of this Act shall apply to any application under this section ; 10

Sec. 44. (12) by omitting from section forty-four the words "the Games, Wagers, and Betting-houses Act, 1902," and inserting in lieu thereof the words "the Gaming and Betting Act, 1912, or any Act amending the same" ; 15

Sec. 54. (13) by inserting at the end of section fifty-four the following proviso :—

Provided that in any prosecution under this section it shall be a sufficient defence if the defendant satisfies the court that he, or, as the case may be, his agent actually selling the liquor, had no reasonable opportunity of knowing, and did not know, that the person to whom such liquor was sold was the inebriate to whom such prohibition related ; 25

Sec. 57. (14) by omitting section fifty-seven and inserting in lieu thereof the following new section :—

57. (1) No licensee shall keep his licensed premises open for the sale of liquor, or shall sell or supply or deliver any liquor, or permit the same to be consumed on the said premises— 30

- (a) upon any Sunday ; or
- (b) upon Good Friday or Christmas Day ; or
- (c) upon any day upon which any election of members of the Senate or of the House of Representatives of the Parliament of the Commonwealth or of the Legislative 35

Times when premises may not be open for sale, &c., of liquor.

Legislative Assembly of New South Wales is being held, during the hours when votes may be recorded at such election :

5 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
10 by-election is being held, and only in such a case when a poll is taken ; or

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

15 (2) Nothing in this section shall apply to—

(a) the sale or consumption of liquor to or by any bona fide lodger, servant, or inmate, if the liquor is not drunk at the public bar of the licensee's premises ; or

20 (b) the sale or consumption of liquor to or by any bona fide traveller.

(3) Every contravention of the provisions of this section shall be a separate offence.

(4) Every licensee who is guilty of an offence under this section shall be liable to a penalty not exceeding *twenty* pounds ;

(15) by inserting at the end of section fifty-eight New sec. after s. 58.
the following new section :—

30 58A. (1) Every person who carries away Carrying away liquor from licensed premises. liquor 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 *two* pounds :

35 Provided that nothing in this subsection shall apply to the carrying away, by the licensee of the premises, or a bona fide lodger, or traveller, of liquor which is reasonably required for the consumption of such licensee, lodger, or traveller, on the day on which such liquor is so
40 carried away.

(2)

(2) No child under the age of sixteen years shall be convicted of an offence against this section if it is proved to the satisfaction of the court that such child was ordered or requested by some other person to carry away 5 liquor as aforesaid.

(3) Any member of the police force may, without any warrant, stop and detain any person seen coming out of any licensed premises at any time when such premises should not be 10 open for the sale of liquor, and may search such person and seize and carry away any liquor found in his possession, and any bottle or vessel containing the same.

(4) Any person who resists or obstructs 15 any member of the police force in the exercise of his powers under this section shall, in addition to any other penalty, be liable to a penalty not exceeding *five* pounds;

Sec. 59.

(16) by omitting from subsection one of section 20 fifty-nine the words "either of the two last preceding sections" and inserting in lieu thereof the words "section fifty-seven, fifty-eight, or 58A";

Sec. 63 (4).

(17) by inserting at the end of subsection four of 25 section sixty-three the following new proviso:—

Provided that in any case where a licensee is convicted of any such offence the court or justices if satisfied—

(a) that the licensee had taken all reason- 30 able care to prevent such person coming or remaining on such premises for an unlawful purpose; or

(b) that the licensee had taken all reason- 35 able care to ascertain, and actually believed, that the purpose for which such person had come or remained on such premises was a lawful purpose,

shall direct that such conviction shall not be recorded against the licensee or the licensed 40 premises for any of the purposes of this Act;

(17)

(18) by inserting after section sixty-eight the following new section :—

New sec.
after s. 68.

68A. (1) Every licensed publican shall keep a register in which there shall be entered—

Duty of
publican to
keep register
of lodgers,
&c.

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(a) the name of every lodger, boarder, or guest who takes up his residence in the licensed premises; and

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(b) the date, and the hour of the day or night, on or at which such residence is taken up.

(2) Every such publican who fails to carry out the provisions of this section shall be liable for each such failure to a penalty not exceeding *ten* pounds;

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(19) (a) by inserting in section seventy-eight after the word "drinking," where such word

Sec. 78.

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first occurs in such section, the words "or purchasing," and after the word "drinking," where such word secondly occurs in such section, the words "or purchasing liquor"; and

(b) by inserting in the same section before the word "purchasing" the words "so found drinking or";

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(20) (a) by omitting from subsection two of section ninety-five the words "Colonial Treasurer

Sec. 95.

or officer authorised by him," and inserting in lieu thereof the words "clerk of the court."

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(b) by omitting from subsection five of the same section the words "for one year from the day of the date thereof and no longer," and inserting in lieu thereof the words "from the date on which the same shall have been granted until the thirtieth day of June next following such date."

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(c) by omitting from the same subsection the words "Colonial Treasurer or officer authorised by him," and inserting in lieu thereof the words "clerk of the court"; and

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(d).

- (d) by inserting at the end of the same subsection the following proviso :

“ Provided that all such licenses granted or renewed after the thirtieth day of June, one thousand nine hundred and twenty- 5 one, and prior to the passing of this Act, shall expire on the thirtieth day of June, one thousand nine hundred and twenty-two.”

- (e) by omitting subsection six of the same 10 section and inserting in lieu thereof the following new subsection :—

(6) (a) The license fee for a brewer's or spirit merchant's license, or for the renewal of a brewer's license, shall, where 15 the premises in which the business of such brewer or spirit merchant is carried on are situated within the boundaries of the metropolitan licensing district, be thirty pounds, and where such premises are 20 situated elsewhere, twenty pounds.

(b) Upon the renewal of a spirit merchant's license the license fee shall be a fee equal to two pounds per centum of the gross amount (including any duties 25 thereon) paid or payable by the licensee for all liquor which during the twelve months ended on the last day of December preceding the date of the application for the renewal of such license was sold or disposed 30 of under such license to persons other than persons licensed to sell liquor, but such license fee shall not in any case be fixed by the board at less than thirty pounds in the metropolitan licensing district, or at 35 less than twenty pounds elsewhere :

Provided that upon the first renewal after the passing of this Act of a spirit merchant's license there shall be paid, in respect of the period between the date of 40 renewal and the thirtieth day of June, one thousand

thousand nine hundred and twenty-two, the sum fixed by the court as proportionate in amount to the fee paid for the year last preceding such renewal :

5 Provided further that in respect of any such license which has been renewed after the thirtieth day of June, one thousand nine hundred and twenty-one, and prior to the passing of this Act, the holder of such license shall be entitled to a refund of the sum fixed by the court as being in excess of such proportionate amount.

10 (c) The license fee, both for brewers and for spirit merchants, shall be chargeable in respect of each place of manufacture or of sale in every case where the business of brewer or spirit merchant, or of both brewer and spirit merchant, is carried on by any one or more persons in several distinct premises :

15 Provided always that if any brewer desires to carry on, in addition to his business of a brewer, that of a spirit merchant, he shall take out a spirit merchant's license, and conversely if a spirit merchant desires to carry on the business of a brewer ;

20 (21) by inserting at the end of section ninety-five the following new section :—

30 95A. (1) Every person who is the holder of a spirit merchant's license on the first day of January in any year shall during that month forward to the board a statutory declaration setting forth, in respect of the twelve months ended on the preceding thirty-first day of December or in respect of the portion of the said twelve months during which such license was so held—

35 (a) the gross quantity of liquor purchased by the holder of such license, in New South Wales or elsewhere, and sold to persons other than persons licensed to sell

New sec. after s. 95.

Particulars to be supplied by the holder of a spirit merchant's license.

sell liquor, and the total amount paid or payable therefor by such holder, including any duties thereon;

- (b) the quantity of each of the various kinds of liquor so sold or supplied and the amount paid or payable therefor respectively;
- (c) the period in respect of which such declaration is furnished.

(2) Every intending transferor of a spirit merchant's license shall, before an application under section ninety-seven is granted, lodge with the clerk of the court at the place where such application is made, a statutory declaration made by such intending transferor, setting forth with respect to the period for which such license was held subsequent to the preceding thirty-first day of December and up to the time of the transfer the particulars required by subsection one of this section, and the clerk shall, upon the granting of the transfer, forthwith transmit such declaration to the board.

Sec. 99.

- (22) by omitting from section ninety-nine the words "shall be liable to a penalty not exceeding ten pounds" and inserting in lieu thereof the words "shall be liable for a first offence to a penalty of not less than *ten* pounds and not exceeding *twenty-five* pounds, and for a second offence to a penalty of not less than *twenty-five* pounds and not exceeding *fifty* pounds, and for a third or subsequent offence to a penalty of not less than *fifty* pounds, and not exceeding *one hundred* pounds;

Sec. 122 (1).

- (23) by inserting at the end of subsection one of section one hundred and twenty-two the words "of whatever class";

Sec. 126.

- (24) by inserting in paragraph (a) of section one hundred and twenty-six after the word "sixty-five" the words or figures "68A";

(24)

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(25) by inserting at the end of section one hundred and twenty-eight the following new sub-section :—

5 (3) For the purposes of this section "owner," includes the person entitled to the rent payable by the occupier, and every person entitled to an estate or interest in the licensed premises, whether as owner of the freehold, lessee, or 10 mortgagee, which is prior or paramount to that of the immediate occupier, and includes any person registered as owner of the premises under the regulations.

15 (26) by omitting section one hundred and thirty-one and inserting in lieu thereof the following new section :—

20 131. If a licensee fails to give notice as prescribed in section thirty-six of his intention to apply for a renewal of his license or, having given such notice, fails to apply in pursuance thereof, or if for any other reason 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 that such failure to give 25 notice or apply, or such lapse, expiry, or non-renewal is due to 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 30 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 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 40 circumstances :

Provided

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 section shall be deemed to have taken effect as from the date of the passing of the Liquor (Amendment) Act, 1919;

Sec. 142.

- (27) (a) by omitting from section one hundred and forty-two the words "or renewal"; and
- (b) by inserting at the end of the same section the words "In respect of the renewal of such registration there shall be paid a fee equal to two pounds per centum of the gross amount (including any duties thereon) paid or payable for all liquor delivered upon or purchased for such club during the twelve months ended on the thirty-first day of December next preceding the date of such renewal :

Provided that in respect of the renewal of a registration which expires on the thirty-first day of December, one thousand nine hundred and twenty-one, the fee paid shall be one-half of the fee paid for the year one thousand nine hundred and twenty-one;

Sec. 144.

- (28) (a) by omitting from subsection one of section one hundred and forty-four the words "thirty-first day of December" and inserting in lieu thereof the words "thirtieth day of June"; and
- (b) by inserting at the end of subsection two of the same section the following proviso:—
 "Provided that the renewal of any registration which expires on the thirty-first day of December, one thousand nine hundred and twenty-one, shall be for the period from the first day of January to the thirtieth day of June, one thousand nine hundred and twenty-two, both days inclusive";

(28)

(29) by inserting after section one hundred and fifty-one the following new section :— Sec. 151.

5 151A. The secretary of every registered club shall, during the month of January in each year, forward to the board a statutory declaration setting forth in respect of the twelve months ended on the preceding thirty-first day of December— Particulars to be furnished by secretary of club.

10 (a) the gross quantity of liquor delivered at or purchased in New South Wales or elsewhere for such club, and the total amount paid or payable therefor, including any duties thereon;

15 (b) the quantity of the various kinds of liquor so delivered or purchased, and the amount paid or payable therefor respectively;

(c) the name and address of the person from whom such liquor was purchased;

20 (30) by inserting in section one hundred and sixty-eight after the words "publican's license under this Act" the words "and the provisions of section twenty-two and twenty-three shall apply to the holder of every such license"; Sec. 168.

25 (31) by inserting after section one hundred and sixty-eight the following new sections :— New secs. after s. 168.

30 168A. Any person who in any statutory declaration or statement required to be made by him under this Act wilfully makes any false or misleading allegation as to any relevant matter shall be liable to imprisonment for a term not exceeding *six* months. Penalty for false statement.

35 168B. (1) The board, by order in writing signed by the chairman,—

(a) may require any person to state in writing the name and address of every licensee or club to whom or to which liquor was sold by such person during the twelve months ended on the preceding thirty-first day of December, and

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and the kind of liquor sold and the price paid or payable therefor (including any duties); and

- (b) may direct any licensee or the secretary of any registered club to produce any documents specified in such order for inspection by the board at a time and place to be stated in such order. 5

(2) Any person who, without reasonable excuse, fails to comply with any such request or direction shall, on conviction before a stipendiary or police magistrate, be liable to a penalty not exceeding *one hundred pounds*;

Sec. 170.

- (32) by omitting subsection one of section one hundred and seventy and inserting in lieu thereof the following new subsection:— 15

(1) Any person aggrieved by any adjudication of a licensing court may appeal from such adjudication to a court of quarter sessions. The provisions of division four of Part V of the Justices Act, 1902, or any Act amending the same, shall, save as is hereinafter provided, apply, *mutatis mutandis*, to appeals under this section from any such adjudication; 20

Schs. 2, 3, 4, and 5.

- (33) by omitting from the Second, Third, and Fourth Schedules the words "Colonial Treasurer (or officer authorised to issue licenses)," and from the Fifth Schedule the words "Treasurer (or officer authorised to issue licenses)," and inserting in lieu thereof, respectively, the words "clerk of the court for the licensing district of." 25 30

Amendments of the Liquor (Amendment) Act, 1919.

Amendments of Liquor (Amendment) Act, 1919.

3. The Liquor (Amendment) Act, 1919, is amended in the following respects:— 35

Sec. 1.

- (1) (a) By omitting from section one the words "Part II.—Reduction of the number of publican's licenses—ss. 3-36" and inserting in lieu thereof "Part II.—Reduction of the number of licenses—ss. 3-36A"; 40
(b)

- (b) by inserting in section one after the words
“ Division 2.—Compensation—ss. 20-36 ”
the words “ Division 3.—Colonial wine
licenses—s. 36A ”;
- 5 (2) by omitting from section three the words Sec. 3.
“ three years ” and inserting in lieu thereof
the words “ six years ”;
- (3) by inserting in paragraph (c) of subsection one Sec. 8 (1) (c).
of section eight after the words “ hereafter
10 mentioned ” the words “ and all administrative
expenses of the board as from the date of its
appointment ”;
- (4) (a) by omitting from section nine the words Sec. 9.
15 “ three years ” and inserting in lieu thereof
the words “ six years ”; and
(b) by omitting from paragraph (b) of the same
section the word “ district ” and inserting
in lieu thereof the word “ electorate ”;
- (5) by omitting section ten and inserting in lieu Sec. 10.
20 thereof the following new section :—
10. (1) The board may, during the said
period of six years, reduce the number of
publicans’ licenses in force in any electorate
in which the number of such licenses is in
25 excess of the statutory number for such
electorate, as ascertained in accordance with
section eleven.
(2) The number of publicans’ licenses
which may be reduced under this section in
30 any electorate, shall not exceed one-fourth of
the number of such licenses which were in force
in such electorate on the first day of January,
one thousand nine hundred and twenty.
(3) The board shall not reduce the
35 number of licenses in any electorate below the
said statutory number for such electorate;
- (6) by omitting section eleven and inserting in Sec. 11.
lieu thereof the following new section :—
40 11. (1) The statutory number of publicans’
licenses shall be—
(a) in the case of an electorate for which five
members are returned to the Legislative
Assembly,

Assembly, one for each two hundred and fifty of the first one thousand electors on the electoral roll for such electorate (as last revised in accordance with the Parliamentary Electorates and Elections Act, 1912), and a further three for each subsequent two thousand of such electors; and

- (b) in the case of an electorate for which three members are returned to the Legislative Assembly, one for each two hundred and fifty of the first one thousand of such electors, and a further one for each subsequent five hundred thereof.

(2) For the purposes of this section a certificate signed by the Chief Electoral Officer for the State of New South Wales as to the number of such electors on such roll shall be conclusive evidence of such number;

Sec. 16.

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

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.
cf. Act No. 2385 (Vic.), s. 46.

- (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—
- (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;
- (3) subject to the above considerations have regard to convictions within three years prior to the date of hearing, as fixed under section seventeen, against any person,

person, who at the date of the offence was a licensee of the premises, for offences against the Liquor Acts ;

5 (8) (a) by inserting in the second line of sub- Sec. 21.
section one of section twenty-one after the words "shall be" the words "based on"; and

10 (b) by omitting from subsection three of section twenty-one the word "court" and inserting in lieu thereof the word "board";

(9) by omitting subsection two of section twenty- Sec. 22.
two, and inserting in lieu thereof the following new subsection :—

15 (2) In determining the amount of such net profit the board shall take into consideration the income earned by any licensee of the premises during the said three years or the said period, as the case may be; and for such purpose any person who is, or at any time during the said three years or period was, a licensee of such premises shall, as and when required by the board, furnish to the board a duplicate copy of any income tax return verified by a statutory declaration of such licensee; and it shall be lawful for the licensee or any subsequent licensee to question or deny at any time the accuracy or truth of any statement in such verified copy of any return except his own, and to furnish evidence of the trade of any licensee of such premises, with a view to enabling the board to determine such average annual net profit. Any such licensee on applying to the Commissioners of Income Tax, may inspect his own returns and make a copy thereof;

30 (10) by inserting at the end of section twenty-three Sec. 23.
the words "and any such mortgagee shall be entitled to be represented, and to call evidence."

35 (11) by inserting at the end of section twenty-nine Sec. 29.
the following new subsection :—

40 (4) (a) The notice required to be given by an officer of the board, under subsection one

one of this section, shall state the name and address of the owner, lessee, sublessee, or licensee, as the case may be, to whom compensation is payable, and no person, other than the persons 5 mentioned in such notice, shall be entitled to receive such compensation, or to make any claim in respect thereof as owner, lessee, sublessee, or licensee, against the board or against the com-10 pensation fund, unless within the period of six weeks after publication of the notice he lodges with the secretary to the board a claim in writing to such compensation, stating whether compen-15 sation is claimed by him as owner, lessee, sublessee, or licensee.

- (b) If no such claim is made within the said period, the compensation awarded may be paid by the board to the persons 20 named in the notice.
- (c) If any such claim is made within the said period, the board may pay the compensation awarded, other than the compensation in respect of which the 25 claim is made, to the owner, lessee, sublessee, or licensee named in the notice whose right to payment is not disputed by the claim, and the board may pay the compensation in respect 30 of which the claim is made into the Treasury in trust for the person entitled thereto.
- (d) The payment of such compensation into the Treasury shall be deemed to be a 35 payment of such compensation to the person entitled thereto within the meaning of section thirty.
- (e) An application for payment out of the compensation paid into the Treasury 40 under this section may be made to a judge

5 judge of the Supreme Court by the person making the claim, or the person named in the notice, and such judge may make such order in relation thereto, and with regard to the costs of the application, as is just ;

(12) by omitting subsection three of section thirty Sec. 30. and inserting in lieu thereof the following new subsection :—

10 (3) Notwithstanding any covenant or agreement to the contrary, when any licensed premises have been closed under this section, and the owner thereof is not the licensee, the lease or agreement under which the licensee holds
15 the same shall, if the licensee within three months after such premises have been closed by written notice served upon his lessor so elect, be deemed to have been determined by effluxion of time as from the date of service of such
20 notice.

If the lessor of a licensee who has given such notice is not the owner of the premises in respect of which such notice has been given, then, notwithstanding any covenant or agree-
25 ment to the contrary, such lessor may, within three months after service upon him of such notice as aforesaid, determine the lease or agreement under which he holds the said premises by written notice served upon his
30 immediate lessor, and in such event such last-mentioned lease or agreement shall be deemed to have determined by effluxion of time as from the date of service of such notice.

In like manner any lessor to whom notice has been given under this subsection, and who is not the owner of the licensed premises, may, notwithstanding any covenant or agree-
35 ment to the contrary, within three months after service upon him of such notice as aforesaid determine the lease or agreement under which he holds the said premises by written
40 notice

notice served upon his immediate lessor, and in such event such last-mentioned lease or agreement shall be deemed to have determined by effluxion of time as from the date of service of such notice ;

Sec. 32.

- (13) by inserting in subsection three of section thirty-two after the words "the said thirty-first day of March" the words "(other than liquor sold by the licensee to other licensed persons)";

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Sec. 33.

- (14) by inserting at the end of section thirty-three the following proviso :—

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Provided always that where the sum paid to the lessee by the owner or lessor in respect of such compensation fee exceeds one-third of the rent payable to such owner or lessor, or where the sum so paid at any time subsequent to the first day of January, one thousand nine hundred and twenty, under any lease which was current on that date, exceeded one-third of the rent then payable to such owner or lessor, the board shall on the application of such owner or lessor order the payment to him out of the compensation fund of such sum, not exceeding the difference between the sum so paid to the lessee and one-third of such rent, as the board may deem fair and reasonable in the circumstances ;

Sec. 35 (1) (2).

- (15) by omitting subsections one and two of section thirty-five and inserting in lieu thereof the following new subsections :—

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(1) Every person who is the holder of a publican's license on the first day of January in any year shall during that month forward to the board a statutory declaration setting forth in respect of the twelve months ended on the preceding thirty-first day of December, or in respect of the portion of the said twelve months during which he held such license—

- (a) the gross quantity of liquor delivered upon or purchased (whether in New South Wales or elsewhere) for such licensed premises, and the total amount paid or payable therefor, including any duties thereon ;
- (b)

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- 5 (b) the quantity of each of the various kinds of liquor so delivered or purchased and the amount paid or payable therefor respectively ;
- (c) the name and address of the person from whom such liquor was purchased ; and
- (d) the period in respect of which such declaration is furnished.
- 10 (2) Every intending transferor of a publican's license shall, before an application for a transfer under section thirty-seven of the Principal Act is granted, lodge with the clerk of the licensing court at the place where such application is made, a statutory declaration made by such intending transferor, setting forth with respect to the period for which such license was held subsequent to the preceding thirty-first day of December and up to the time of transfer the particulars required by subsection one of this section, and the clerk shall, upon the granting of the transfer, forthwith transmit such declaration to the board ;
- 15 (16) (a) by omitting from section thirty-six the words "in such form as may be prescribed by regulations" and inserting in lieu thereof the words "in writing" ; and
- 20 (b) by omitting from the same section the word "thirtieth" and inserting in lieu thereof the word "thirty-first" ;
- 25 (17) by inserting after section thirty-six the following new Division and section :—
- 30 Sec. 36.
New Division 3.

DIVISION 3.—*Colonial wine licenses.*

- 35 36A. (1) During the period commencing on the first day of January, one thousand nine hundred and twenty-two, and ending on the thirty-first

thirty-first day of December, one thousand nine hundred and twenty-five, it shall also be the duty of the board—

- (a) to reduce the number of colonial wine licenses ; 5
- (b) to determine which of such licenses in each electorate shall cease to be in force ; and
- (c) to assess the amount of compensation payable to the holders of such licenses 10 in respect of which any such determination is made.

(2) The number of colonial wine licenses which may be reduced under this section in any electorate shall not exceed one-fifth of the number of such licenses which were in force in such electorate on the first day of January, one thousand nine hundred and twenty-two.

(3) The provisions of this Part, excepting sections thirty-three, thirty-four, the proviso to subsection three of section thirty-five, and subsection four of section thirty-five shall, so far as they are not inconsistent with this section, apply, mutatis mutandis, to colonial wine licenses and to the holders thereof, provided that with respect to colonial wine licenses—

- (a) a request under section twelve shall be signed by the licensee only ; 30
- (b) a summons under section seventeen shall be served upon the licensee only and it shall not be necessary to serve any owner, lessee, sublessee, or mortgagee with a copy of such summons or 35 with a notice thereof ;
- (c) the owner, lessee, sublessee, and mortgagee of premises in respect of which a license is held shall not be entitled to be heard by the board under section 40 eighteen ;

(d)

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- 5 (d) the notice under section nineteen shall be served upon the licensee only ;
(e) the licensee only shall be entitled to compensation ;
(f) subsection three of section thirty-two shall be read as if for the words "three pounds" there were substituted the words "one pound" :

10 Provided that if the board certifies that the compensation fee payable in respect of colonial wine licenses is not sufficient, the Governor may increase the percentage to an amount not exceeding two pounds per centum ;

- 15 (18) (a) by inserting in the short heading to Part IV after the words "Duration of," the words "orders and" ; and Short heading to Part IV.
(b) by omitting from section ninety-four the words "until a closing hour has been fixed in pursuance of a referendum as aforesaid," and inserting in lieu thereof the words "until the thirty-first day of December, one thousand nine hundred and twenty-one, and no longer" ; Sec. 94.
- 20
25 (19) by omitting from Schedule One the words "the above district," wherever occurring, and inserting in lieu thereof the words "the above electorate." Schedule One.
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