

174

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1918.

A BILL

To regulate the strength at which beer and spirits may be offered for sale or sold; to amend the Liquor Act, 1912, the Pure Food Act, 1908, and the Acts amending those Acts; 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 Strength Short title. Act, 1918."

175

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

Definitions.

“Beer” means any liquor upon which under the name of “beer” any excise duty or import duty imposed by the Parliament of the Commonwealth of Australia is payable, but shall not include stout or porter.

“Officer” means an officer as defined by the Pure Food Act, 1908.

“Proof” or “proof spirit” means spirit of a strength equal to that of pure ethyl alcohol compounded with distilled water so that the resultant mixture at a temperature of sixty degrees Fahrenheit has a specific gravity of 0·9198 as compared with that of distilled water at the same temperature.

“Spirits” means brandy, whisky, rum, gin, and other potable spirits other than liqueurs.

3. (1) The permitted maximum strength of beer hereafter shall be as follows, namely :—

Maximum strength of beer.

(a) From the first day of July, one thousand nine hundred and nineteen, to the thirtieth day of June, one thousand nine hundred and twenty-two, either an original specific gravity not exceeding 1,040 degrees; or if the beer is of original specific gravity above 1,040 degrees, then not exceeding in alcoholic strength 8·05 per centum of proof spirit by measure or 3·67 per centum of alcohol by weight.

(b) From the first day of July, one thousand nine hundred and twenty-two, to the thirtieth day of June, one thousand nine hundred and twenty-five, either an original specific gravity not exceeding 1,037 degrees; or, if the beer is of original specific gravity above 1,037 degrees, then not exceeding in alcoholic strength 7·02 per centum of proof spirit by measure, or 3·20 per centum of alcohol by weight.

(c) From the first day of July, one thousand nine hundred and twenty-five and thereafter, either an original specific gravity not exceeding 1,034 degrees;

degrees ; or, if the beer is of original specific gravity above 1,034 degrees, then not exceeding in alcoholic strength 6.02 per centum of proof spirit by measure, or 2.74 per centum of alcohol by weight.

(2) In this section a degree of gravity for beer is equal to one thousandth part of the specific gravity of water ; and the original specific gravity of beer shall, for the purposes of this Act, be determined from the spirit indication by means of the table set out in the Schedule hereto. Degrees of gravity for beer.

(3) For the purposes of this section the percentages of proof spirit by measure and of alcohol by weight shall be determined by the distillation process.

(4) No person shall by himself or by any servant or agent sell or supply to any person in any licensed premises for consumption on or off the premises, or despatch therefrom any beer which exceeds the maximum strength permitted under this Act, subject to a penalty not exceeding pounds.

4. (1) The sale or supply to any person by retail of any spirit unless reduced to twenty-five degrees under proof is forbidden. Forbidden strength of spirits.

(2) The sale or supply of spirits reduced to a number of degrees under proof which falls between twenty-five degrees and thirty-five degrees, or in the case of sweetened spirits between twenty-five degrees and forty-five degrees is hereby permitted, notwithstanding the provisions of the Pure Food Act, 1908, and regulations thereunder or the provisions of or under any other Act.

(3) For the purposes of this section the measure of degrees under proof of any spirit shall be by Sykes' hydrometer. Testing by Sykes' hydrometer.

(4) Bottled spirits where the spirit contained is within the limits of strength permitted by this section shall be sold by all retailers in exact condition as supplied. Bottled spirits.

(5) Any person offering for sale, selling, or supplying any spirit in breach of this section shall be liable to a penalty not exceeding pounds. Penalty.

5.

5. (1) All spirits imported in bottles from any place outside the Commonwealth of Australia shall be exempt from the provisions of this Act as to maximum strength for twelve months from the commencement of the Act. Saving bottled stocks—imported.

(2) All spirits which at the commencement of this Act are within the Commonwealth of Australia and are bottled shall be exempt from the provisions of this Act as to maximum strength for six months from the commencement of the Act. Australian.

(3) If in any specific case the Minister is satisfied that bottled stocks coming within this section remain on hand uncleared or that other sufficient reason to prevent individual hardship exists, he may extend the period of exemption for that particular case. Extensions.

6. (1) Any officer may enter and inspect any place where he has reasonable ground for believing beer or spirits are kept for sale, supply, or delivery and take samples. Inspection, sampling, and analysis.

(2) In respect of any entry, inspection, or sampling under the preceding subsection every officer shall have the powers of inspection and analysis contained in sections twenty-two to twenty-five inclusive of the Pure Food Act, 1908, and upon sampling the procedure of section twenty-four thereof, whereby the sample is divided into three parts, shall in all respects apply and be observed.

7. Where any person is prosecuted under this Act for offering for sale, selling, supplying, or despatching any beer or bottled spirits, or any spirits by retail, in contravention of any provision of this Act, he shall be entitled to be discharged from such prosecution upon proving— Guarantee a defence.

- (i) that he has received from the person from whom he purchased such beer or spirits, or his duly authorised agent, a guarantee in writing that the same is in accordance with the provisions of this Act; and
- (ii) that he had no reason to believe that the same was not in such accordance; and

(iii)

178

(iii) that he sold it in the same condition as when he purchased it,—
subject to the following conditions :—

- (a) The person giving the guarantee must be resident in New South Wales, or if a company must have a registered office in New South Wales.
- (b) The guarantee must state the name and address of the place of business of the guarantor, and the name under which he trades.
- (c) The person by whom any guarantee is alleged to have been given under this section shall be entitled to give or tender evidence at the hearing, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.
- (d) The form of guarantee under this section may be prescribed by the regulations.

(2) Any person who gives any such guarantee which is false shall, in addition to any penalty to which he may be liable under the earlier provisions of this Act, be liable to a penalty not exceeding _____ unless he proves that when he gave the guarantee he had reason to believe that the statements or descriptions contained therein were true.

(3) Proceedings under the last preceding subsection against the person who has given the guarantee may be taken before a court having jurisdiction in the place where the beer or spirits were sold, in breach of the earlier provisions of this Act, or before a court having jurisdiction in the place where the guarantee was given.

8. (1) In any legal proceedings under this Act the production of a certificate purporting to be signed by an analyst appointed under the Pure Food Act, 1908, shall be prima facie evidence of the identity of the beer or spirits analysed, and of the result of the analysis, without proof of the signature of the persons appearing to have signed the same. Proof of analysis, &c.

(2) The provisions of sections thirty-seven to forty-five inclusive and sections forty-eight, forty-nine, and fifty of the Pure Food Act, 1908, relating to offences and legal procedure under that Act shall, mutatis mutandis, and as far as they are applicable, apply to offences and legal procedure under this Act. Offences and legal procedure.

9.

9. (1) The Governor may make any regulations Regulations. prescribing any forms necessary under, and generally to carry out the provisions of, this Act.

The Governor may impose a penalty not exceeding *twenty* pounds in each case for the breach of any such regulation.

(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 therefrom cease to have effect.

SCHEDULE.

A TABLE to be used in determining the original specific gravity of Worts of Beer.

Spirit indication— Degrees.	Degrees of gravity lost in fermentation.	Spirit indication— Degrees.	Degrees of gravity lost in fermentation.	Spirit indication— Degrees.	Degrees of gravity lost in fermentation.
0·0	0·00	1·0	4·25	2·0	8·50
0·1	0·42	1·1	4·67	2·1	8·94
0·2	0·85	1·2	5·10	2·2	9·38
0·3	1·27	1·3	5·52	2·3	9·82
0·4	1·70	1·4	5·95	2·4	10·26
0·5	2·12	1·5	6·37	2·5	10·70
0·6	2·55	1·6	6·80	2·6	11·14
0·7	2·97	1·7	7·22	2·7	11·58
0·8	3·40	1·8	7·65	2·8	12·02
0·9	3·82	1·9	8·07	2·9	12·46

SCHEDULE

120

Liquor Strength.

SCHEDULE—*continued.*

Spirit indication—Degrees.	Degrees of gravity lost in fermentation.	Spirit indication—Degrees.	Degrees of gravity lost in fermentation.	Spirit indication—Degrees.	Degrees of gravity lost in fermentation.
3·0	12·90	7·4	32·86	11·8	53·85
3·1	13·34	7·5	33·32	11·9	54·35
3·2	13·78	7·6	33·79	12·0	54·85
3·3	14·22	7·7	34·25	12·1	55·36
3·4	14·66	7·8	34·72	12·2	55·87
3·5	15·10	7·9	35·18	12·3	56·38
3·6	15·54	8·0	35·65	12·4	56·89
3·7	15·98	8·1	36·11	12·5	57·40
3·8	16·42	8·2	36·53	12·6	57·91
3·9	16·86	8·3	37·04	12·7	58·42
4·0	17·30	8·4	37·51	12·8	58·93
4·1	17·75	8·5	37·97	12·9	59·44
4·2	18·21	8·6	38·44	13·0	59·95
4·3	18·66	8·7	38·90	13·1	60·46
4·4	19·12	8·8	39·37	13·2	60·97
4·5	19·57	8·9	39·83	13·3	61·48
4·6	20·03	9·0	40·30	13·4	61·99
4·7	20·48	9·1	40·77	13·5	62·51
4·8	20·94	9·2	41·24	13·6	63·01
4·9	21·39	9·3	41·71	13·7	63·52
5·0	21·85	9·4	42·18	13·8	64·03
5·1	22·30	9·5	42·65	13·9	64·54
5·2	22·76	9·6	43·12	14·0	65·10
5·3	23·21	9·7	43·59	14·1	65·62
5·4	23·67	9·8	44·06	14·2	66·14
5·5	24·12	9·9	44·53	14·3	66·66
5·6	24·58	10·0	45·00	14·4	67·18
5·7	25·03	10·1	45·48	14·5	67·70
5·8	25·49	10·2	45·97	14·6	68·22
5·9	25·94	10·3	46·45	14·7	68·74
6·0	26·40	10·4	46·94	14·8	69·26
6·1	26·86	10·5	47·42	14·9	69·78
6·2	27·32	10·6	47·91	15·0	70·30
6·3	27·78	10·7	48·39	15·1	70·83
6·4	28·24	10·8	48·88	15·2	71·36
6·5	28·70	10·9	49·36	15·3	71·89
6·6	29·16	11·0	49·85	15·4	72·42
6·7	29·62	11·1	50·35	15·5	72·95
6·8	30·08	11·2	50·85	15·6	73·48
6·9	30·54	11·3	51·35	15·7	74·01
7·0	31·00	11·4	51·85	15·8	74·54
7·1	31·46	11·5	52·35	15·9	75·07
7·2	31·93	11·6	52·85	16·0	75·60
7·3	32·39	11·7	53·35		