

## LIQUOR (AMENDMENT) ACT.

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Act No. 42, 1922.

George V, No. 42. An Act to amend the Liquor Act, 1912, the Liquor (Amendment) Act, 1919, and certain other Acts; and for purposes connected therewith. [Assented to, 6th December, 1922.]

**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 :—

Short title.

**1.** This Act may be cited as the “Liquor (Amendment) Act, 1922,” 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*

*Amendments of Principal Act.*

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

- (1) By omitting from section one after the words “issuing of” the words “certificates and”; and by omitting after the word “Brewers” the words “and spirit merchants’”; and by inserting the letter “B” after the numerals “168”;
- (2) 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;
- (3) by omitting from subsection eleven of section five the words “for such period as he specifies” wherever occurring;
- (4) by omitting from paragraph ten of section nine the words “certificates and”;
- (5) by omitting from the first paragraph of section eleven the words “in the Gazette and”;
- (6) by inserting in section fourteen after the words “publicans’ licenses” the words “spirit merchants licenses”;
- (7) by omitting paragraph two of the same section and inserting in lieu thereof the following new subsection :—

(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 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 hundred and twenty-two, and prior to the passing of this Act, shall expire on the thirtieth day of June, one thousand nine hundred and twenty-three;

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Sec. 15.

New section.

Spirit  
merchants'  
licenses.

Sec. 16.

Sec. 18.

Sec. 19.

Sec. 20.

Sec. 21.

Fees payable  
for licenses  
under this Part.

Publican's  
new license.

Publican's  
renewal.

(8) by omitting from section fifteen the words "of the Second Schedule hereto" and inserting the word "prescribed" in lieu thereof;

(9) by inserting after the same section the following new section:—

15A. All spirit merchants' licenses may be in the form prescribed, and every such license shall authorise the licensee therein named to sell and dispose of liquor, but only in quantities at any one time of not less than two gallons of the same description of liquor on the premises therein specified;

(10) by omitting from section sixteen the words "of the Third Schedule hereto, and in accordance with the classification hereinafter";

(11) by omitting from section eighteen the words "of the Fourth Schedule hereto" and by inserting the word "prescribed" in lieu thereof; and by omitting the words after "licensee" to the words "per annum" thirdly occurring;

(12) by omitting from section nineteen the words "under section twenty-one of the Distillation Act, 1897";

(13) by omitting from section twenty the words "of the Fifth Schedule hereto" and inserting the word "prescribed" in lieu thereof; and by inserting in the same section after the word "license" where it first occurs the words "in some licensing district";

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

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

(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.

(b) For the renewal of a publican's license, a sum equal to two pounds per centum of the gross amount (including any duties

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 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.

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- (c) For a new spirit merchant's license the sum of thirty pounds when the premises in which the business of such spirit merchant is to be carried on are situated within the boundaries of the metropolitan licensing district, and twenty pounds when such premises are situated elsewhere.
- (d) 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 thereon) paid or payable by the licensee 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 such license was sold or disposed 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 less than twenty pounds elsewhere.
- (e) The license fee for spirit merchants shall be chargeable in respect of each place of sale when the business of spirit merchant is carried on by any one or more persons in several distinct premises.
- (f) For a new packet license, such sum not exceeding twenty pounds as may be fixed by the court or licensing magistrate granting the license.

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Packet  
license  
renewal.

(g) 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 December next preceding the date of the application for the renewal of the license, was delivered upon or purchased for the vessel in respect of which such renewal is sought.

New colonial  
wine license.

(h) For a new colonial wine license, such sum not exceeding fifty pounds as may be fixed by the court.

Colonial wine  
license  
renewal.

(i) For the renewal of a colonial wine 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 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.

Booth or  
stand license.

(j) For a booth or stand license or a renewal thereof, two pounds :

Provided that upon the first renewal after the passing of this Act of a publican's license, or of a spirit merchant'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-three, the sum fixed by the court as proportionate in amount to the fee paid for the year last preceding such renewal :

Provided further that in respect of any such license which has been renewed after the thirtieth day of June, one thousand nine hundred

hundred and twenty-two, 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 ;

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- (15) by omitting the heading “ Reduction of licensing fees ” after section twenty-one, and also by omitting section twenty-two and inserting in lieu thereof the following new section :—

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—

Particulars  
to be  
furnished by  
licensees.

- (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 the total amount paid or payable therefor, including any duties thereon ;
- (b) the quantity of, and the amount paid or payable for, each of the various kinds of such liquor respectively ;
- (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.

(2) Every holder of a spirit merchant's license shall 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, the gross quantity

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quantity of liquor sold or disposed of by him under such license to persons other than persons licensed to sell liquor, the amount paid or payable for such liquor, and the period in respect of which such declaration is furnished.

(3) Every intending transferor of a publican's license, or of a spirit merchant'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, in respect of the period for which he was the 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, forthwith transmit such declaration to the board;

Sec. 23.

(16) 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, and the amount so fixed shall be final and conclusive.

(2) Where no information, or no sufficient information, is furnished within the time prescribed (or within such further time as the board may allow) to the board to enable the board to 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 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;

(17)

- (17) (a) by inserting in section twenty-four after George V,  
the word "publicans," wherever occur- No. 42.  
ring, the words "spirit merchants'"; and Sec. 24.  
by omitting the words "such one of the  
forms in the Sixth Schedule hereto as is  
applicable" and by inserting the words  
"the form prescribed" in lieu thereof;
- (b) by inserting at the end of the same section  
the following new subsection :—  
(5) Notwithstanding the foregoing pro-  
visions of this section no colonial wine  
license shall be granted to any female  
other than the widow of the licensee after  
the commencement of the Liquor (Amend-  
ment) Act, 1922 ;
- (18) by omitting from the proviso to section Sec. 25.  
twenty-five the words "by indorsement in  
writing upon any certificate granted under this  
Act" and inserting in lieu thereof the words  
"in the manner and form prescribed therefor" ;
- (19) by omitting from section twenty-seven after the Sec. 27.  
word "affirmative" the words "a certificate  
for" ;
- (20) by omitting from the heading preceding sec- Sec. 31.  
tion thirty-one the words "certificates and" ;
- (21) by omitting sections thirty-one and thirty-two Secs. 31, 32.  
and inserting the following new sections :—  
31. If the court decides to grant an applica- Licenses.  
tion it shall authorise the issue by the clerk of  
the court to the applicant of a license, and  
record its decision in the manner and form  
prescribed.  
32. No license or renewed license under this Fees to be  
Act shall be issued by the clerk of the court paid before  
unless the fee payable in respect of the license issue.  
has been paid to him, and every such fee shall  
be paid within three months of the granting  
of the application for a license or a renewal of  
a license as the case may be ;
- (22) (a) by omitting from subsection one of Sec. 35.  
section thirty-five the words "a cer-  
tificate authorising" ;

(b)



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- (b) by omitting from subsection two of the same section the words "a certificate of" and by inserting in lieu thereof the word "the";
- Sec. 36. (23) by omitting from section thirty-six the words "a certificate authorising";
- Sec. 37. (24) (a) by omitting from subsection one of section thirty-seven the words "in the Eighth Schedule hereto" and inserting the word "prescribed" in lieu thereof;
- (b) by omitting from subsection two of the same section the words "special certificate of" and by adding at the end of the same subsection the words "in manner and form prescribed";
- (c) by omitting from subsection three of the same section the words "special certificate" and by inserting in lieu thereof the words "grant of transfer";
- Sec. 38. (25) by omitting from section thirty-eight the words "grant a certificate under the thirty-first section or a special certificate of" and by inserting in lieu thereof the words "authorise the issue of a license under the thirty-first section or grant a";
- Sec. 39. (26) (a) by inserting in section thirty-nine the words "or spirit merchant's" after the word "publican's" wherever occurring;
- (b) by omitting from subsection one of the same section the words "in the Ninth Schedule hereto" and inserting the word "prescribed" in lieu thereof;
- (c) by omitting from subsection five of the same section the words "in the Tenth Schedule hereto" and inserting the word "prescribed" in lieu thereof;
- (27) by adding at the end of the same section the following new subsection:—
  - (6) The provisions of subsections two and four of this section shall not apply to applications for the removal of a spirit merchant's license;

- (28) by inserting after section thirty-nine the following new section :—

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 from the date of such order, or such further period not exceeding six months as the court may allow. 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, 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.

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New sec.  
after s. 39.

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

(2)

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

Sec. 40.

(29) by inserting at the end of section forty the following new subsection :—

(3) The provisions of subsection one of this section shall also apply in respect of the premises of a holder of a colonial wine license or a spirit merchant's license ;

Sec. 41.

(30) by adding at the end of section forty-one the words " or spirit merchants' licenses " ;

Sec. 43.

(31) by inserting in section forty-three after the word " thereof " the words " or in a quantity not authorised by his license " ;

Sec. 44.

(32) 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 " ;

Sec. 50.

(33) by omitting from section fifty the word " fourteen " and inserting the word " eighteen " in lieu thereof ; and by inserting after the word " liquor " the following words—" or orders or requests any such person to go to such premises for such purpose " ; and by omitting the words " forty shillings " and inserting the words " ten pounds " in lieu thereof ;

Sec. 51.

(34) by omitting from section fifty-one the word " seventeen " and inserting the word " eighteen " in lieu thereof ;

Sec. 52.

(35) by omitting section fifty-two and inserting in lieu thereof the following new section :—

Females  
selling, &c.

52. (1) If the holder of a colonial wine license allows any female other than his wife or daughter or any other relation prescribed by regulation to sell, supply, or serve any liquor in his licensed premises he shall be liable for every such offence to a penalty not exceeding twenty pounds.

(2)

(2) If the holder of any other license or of a certificate of registration of a club allows any female under the age of twenty-one years, other than his wife or daughter, to sell, supply, or serve liquor in his licensed premises he shall be liable for every such offence to a penalty not exceeding five pounds ;

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- (36) by inserting at the end of section fifty-four the following proviso :—

Sec. 54.

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 ascertaining, and did not know, that the person to whom such liquor was sold was the inebriate to whom such prohibition related ;

- (37) (a) by inserting in section fifty-seven, subsection one, after the word “sell” the words

Sec. 57.

“or supply or deliver” and by inserting in the same subsection after the words “Christmas Day” the words “or upon any day named in any proclamation by the Governor published in the Gazette” ;

- (b) by omitting from subsection three of the same section the words “not exceeding twenty pounds” and by inserting in lieu thereof the words “not exceeding fifty pounds” ;

- (c) by adding to the same section the following new subsection :—

(5) The provisions of subsection one, paragraph (c), shall not apply to the holder of a spirit merchant’s license ;

- (38) by inserting at the end of section fifty-eight the following new section :—

New sec. after  
s. 58.

58A. (1) Every person who carries away liquor from any licensed premises at any time when such premises should not be open for the sale

Carrying  
away liquor  
from licensed  
premises.

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sale of liquor shall for every such offence be liable to a penalty not exceeding twenty pounds :

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 carried away.

(2) No child under the age of eighteen 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 liquor as aforesaid.

Sec. 59 (1). (39) by omitting from subsection one of section 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). (40) by inserting at the end of subsection four of 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 reasonable care to prevent such person coming or remaining on such premises for an unlawful purpose ; or

(b) that the licensee had taken all reasonable 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 premises for any of the purposes of this Act ;

Sec. 64 (3). (41) by omitting subsection three of section sixty-four ;

(42)

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

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- 68A. (1) Every licensed publican shall keep a register in which there shall be entered—
- (a) the name of every lodger, boarder, or guest who takes up his residence in the licensed premises; and
- (b) the date, and the hour of the day or night, on or at which such residence is taken up.

New sec.  
after s. 68.  
Duty of  
publican to  
keep register  
of lodgers,  
&c.

(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;

- (13) (a) by inserting in section seventy-eight after the word “drinking,” where such word 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”;
- (44) (a) by omitting from the heading to Part V after the word “brewers” the words “and spirit merchants”;
- (b) by omitting from section ninety-five after the word “brewers” where such word first occurs the words “and spirit merchants”;
- (c) by omitting from subsection one of the same section the words “or of a spirit merchant” and the words “or spirit merchants” and the words “(as the case may be)” where firstly occurring and the words “or of selling and keeping and storing spirits (as the case may be)”;
- and by omitting the words “in the Thirteenth Schedule hereto” and inserting the word “prescribed” in lieu thereof;
- (d)

Sec. 78.

Sec. 95.

Sec. 95 (1).

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Sec. 95 (2).

- (d) by omitting subsection two of the same section and inserting the following new subsection :—

(2) On any such application the court or magistrate may authorise the issue by the clerk of the court to the applicant of a license which shall be in the form prescribed. The license shall describe the premises upon which the business of brewer may be carried on ;

Sec. 95 (3).

- (45) (a) by omitting from subsection three of the same section the words “or spirit merchant’s” ;

Sec. 95 (4).

- (b) by omitting from subsection four of the same section the words “or spirit merchants” and the words “or spirit merchant” wherever occurring in such subsection ;

Sec. 95 (5).

- (c) 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” ;  
(d) 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  
(e) 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-two, and prior to the passing of this Act, shall expire on the thirtieth day of June, one thousand nine hundred and twenty-three ;

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

(6) (a) The license fee for a brewer’s license, or for the renewal of a brewer’s license,

license, shall, where the premises in which the business of such brewer is carried on are situated within the boundaries of the metropolitan licensing district, be fifty pounds, and where such premises are situated elsewhere, twenty-five pounds.

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

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 ;

- (46) by omitting from section ninety-seven the words "or any spirit merchant's license"; Sec. 97.
- (47) by omitting from section ninety-eight the word "Part" and inserting the word "Act" in lieu thereof, and by omitting all words after the words "licensed under this Act;" Sec. 98.
- (48) (a) by omitting from section ninety-nine the words "or spirit merchant" after the word "brewer"; Sec. 99.  
 (b) by omitting from the same section all words after the word "aforesaid" ;
- (49) by omitting from subsection two of section one hundred and nineteen the words "senior-constable" and inserting the words "sergeant of whatever class" ; Sec. 119 (2).
- (50) (a) by inserting after the word "police" where first occurring in section one hundred and twenty-two the words "of whatever class" ; Sec. 122.  
 (b) by omitting from the same section the word "senior" before the word "constable" ;



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Sec. 126.

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

Sec. 128.

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

(3) For the purposes of this section "owner," in cases where the occupier is not the owner, includes the person entitled to the rent payable by the occupier, and every person entitled to any estate or interest in the licensed premises, whether as owner of the freehold, lessee, or 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 ;

Sec. 131.

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

Renewal of  
licenses  
which have  
lapsed or  
expired.

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 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 authorise 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 transfer in the manner and form prescribed to any approved nominee of such person ; and in any of such cases may  
make

make such order as to costs or otherwise as in the opinion of such court or magistrate is just and equitable in the circumstances :

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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 ;

- (54) (a) by omitting from section one hundred and forty-two the words “ or renewal ” ; and Sec. 142.  
(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 preceeding 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-two, the fee paid shall be one-half of the fee paid for the year one thousand nine hundred and twenty-two ;

- (55) (a) by omitting from subsection one of section one hundred and forty-four the words Sec. 144.  
“ 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-two, shall be for the period from the first day of January to the thirtieth day of June, one thousand nine hundred and twenty-three, both days inclusive ;

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Sec. 151.

Particulars to  
be furnished  
by secretary  
of club.

(56) by inserting after section one hundred and fifty-one the following new section :—

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—

- (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;
- (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;

Sec. 153 (1).

(57) by inserting at the end of subsection one of section one hundred and fifty-three the following paragraph :—

- (n) For prescribing the accommodation and conveniences to be provided by the holders of colonial wine licenses and the internal fittings and arrangement of rooms for public use and for regulating generally the conduct of the business of holders of colonial wine licenses;

Sec. 154.

(58) by omitting from section one hundred and fifty-four the words “a certificate under his hand that such license had been issued to such licensee” and inserting in lieu thereof the words “an order for the issue of a duplicate of such license”; and by omitting the words “grant a certificate to that effect and upon production of such certificate” and inserting the words “so order”;

Sec. 159.

(59) by omitting from section one hundred and fifty-nine the words “or certificate therefor”;  
(60)

(60) by omitting from section one hundred and sixty the word "certificate" and inserting in lieu thereof the word "transfer"; George V,  
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(61) 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.

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

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 twelve months. Penalty for  
false state-  
ment.

168B. (1) The board, by order in writing signed by the chairman,— Power to  
require  
returns, &c.

(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 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.

(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;

(63) by omitting subsection one of section one hundred and seventy and inserting in lieu thereof the following new subsection:— Sec. 170.

(1) Any person aggrieved by any adjudication of a licensing court may appeal from such adjudication

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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 ;

Schedules  
2-10, 13, 14.

(64) by omitting the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Thirteenth, and Fourteenth Schedules.

*Amendments of the Liquor (Amendment) Act, 1919.*

Amendments of  
Liquor (Amend-  
ment) Act, 1919.

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

Sec. 1.

- (1) (a) By omitting from section one the words “ Part II.—Reduction of the number of publicans’ licenses—ss. 3-36 ” and inserting in lieu thereof “ Part II.—Reduction of the number of licenses—ss. 3-36A ” ;
- (b) by inserting in section one after the words “ Division 2.—Compensation—ss. 20-36 ” the words “ Division 3.—Colonial wine licenses—s. 36A ” ;

Sec. 3.

- (2) by omitting from section three the words “ three years ” and inserting in lieu thereof the words “ six years ” ;

Sec. 6.

- (3) by inserting after the words “ petition and ” in the last paragraph of section six the words “ in that event ” ; and by adding at the end of the same section the following words :—“ The application for such license shall be made to the quarterly meeting of the licensing court held next after the expiration of thirty days from the date of the publication of the notification in the Gazette of the grant of the prayer of the petition ” ;

Sec. 8 (1) (c).

- (4) 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 ” ;

(5)

- (5) (a) by omitting from section nine the words **George V,**  
 “three years” and inserting in lieu thereof **No. 42.**  
 the words “six years”; and Sec. 9.

- (b) by omitting from paragraph (b) of the same  
 section the word “district” and inserting  
 in lieu thereof the word “electorate”;

- (6) by omitting section ten and inserting in lieu Sec. 10.  
 thereof the following new section:—

10. (1) The board may, during the said Power to  
 period of six years, reduce the number of reduce  
 publicans’ licenses in force in any electorate licenses.  
 in which the number of such licenses is in  
 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  
 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  
 number of licenses in any electorate below the  
 said statutory number for such electorate;

- (7) by omitting section eleven and inserting in Sec. 11.  
 lieu thereof the following new section:—

11. (1) The statutory number of publicans’ Statutory  
 licenses shall be— number of  
licenses—

- (a) in the case of an electorate for which five basis of ascer-  
 members are returned to the Legislative tainment.  
 Assembly, one for each two hundred  
 and fifty of the first one thousand  
 electors on the electoral roll for the  
 time being for such electorate (as last  
 revised in accordance with the Parlia-  
 mentary Electorates and Elections Act,  
 1912), and a further three for each sub-  
 sequent two thousand of such electors;  
 and

- (b) in the case of an electorate for which  
 three members are returned to the  
 Legislative

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Legislative Assembly, one for each two hundred and fifty of the first one thousand of such electors on such roll, 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 for the time being on such roll as so revised shall be conclusive evidence of such number;

Sec. 16.

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

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

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

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

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

Sec. 21.

(9) (a) by inserting in the second line of subsection one of section twenty-one after the words "shall be" the words "based on"; and

(b)

- (b) by omitting from subsection three of section twenty-one the word "court" and inserting in lieu thereof the word "board"; George V,  
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- (10) by omitting subsection two of section twenty-two, and inserting in lieu thereof the following new subsection :— Sec. 22.
- (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 before the decision of the board is given 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;
- (11) by inserting at the end of section twenty-three the words "and any such mortgagee shall be entitled to be represented, and to call evidence"; Sec. 23.
- (12) by inserting at the end of section twenty-nine the following new subsection :— Sec. 29.
- (4) (a) The notice required to be given by an officer of the board, under subsection 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 mentioned in such notice, shall be entitled to receive such compensation, or to make any claim



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claim in respect thereof as owner, lessee, sublessee, or licensee, against the board or against the compensation 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 compensation 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 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 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 of which the claim is made, or in a case where the owner is a partial or qualified owner or is under any disability or where the owner neglects or refuses to deduce or verify his title within one month after being requested in writing so to do, 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 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 under this section may be made by summons in chambers in the Supreme Court in its equitable jurisdiction by the person making the claim, or the person named in the notice, or by any person claiming to be entitled thereto, and such court may make such order in relation thereto, and with regard to the costs of the application, as is just.

(f)

(f) The expression “partial or qualified owner,” as used in this subsection, includes any tenant for life, or in tail, or married woman restrained from alienation or anticipation, or lunatic, or idiot, infant, trustee without power of sale, or feoffee in trust for charitable or other purposes, and executor or administrator, and any other person not entitled to sell the premises the subject of the claim for compensation ;

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- (13) by omitting subsection three of section thirty and inserting in lieu thereof the following new subsection :—

(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 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 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 agreement 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 immediate lessor, and in such event such last-mentioned lease or agreement shall be deemed to have been 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,

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may, notwithstanding any covenant or agreement 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 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.

- (14) 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)";

Sec. 33.

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

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).

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

(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

preceding thirty-first day of December, or in respect of the portion of the said twelve months during which he held such license—

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

(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 ;

- (17) (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
- (b) by omitting from the same section the word "thirtieth" and inserting in lieu thereof the word "thirty-first" ;

(18)

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New  
Division 3.

Colonial  
wine  
licenses.

- (18) by inserting after section thirty-six the following new Division and section:—

DIVISION 3.—*Colonial wine licenses.*

36A. (1) During the period commencing on the first day of January, one thousand nine hundred and twenty-three, and ending on the 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 ;
- (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 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, unless the board otherwise deems necessary in the public interest, 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-three.

(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 ;
- (b) a summons under section seventeen shall be served upon the licensee only and it shall not be necessary to serve any

any owner, lessee, sublessee, or mortgagee with a copy of such summons or with a notice thereof; George V,  
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- (c) the owner, lessee, sublessee, and mortgagee of premises in respect of which a license is held shall not be entitled, except by leave of the board, to be heard by the board under section eighteen, and notice of the hearing may, if the board think fit, be given to such owner, lessee, sublessee, or mortgagee;
- (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":

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;

- (19) (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-two, and no longer"; Sec. 94.
  - (20) 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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