

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 93, 1976.

An Act to amend the Liquor Act, 1912. [Assented to, 8th
December, 1976.]

BE

Liquor (Further Amendment).

BE it enacted by the Queen'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 (Further Amendment) Act, 1976".

Schedules. 2. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE CALCULATION OF LICENSE FEES AND OTHER FEES.

SCHEDULE 2.—AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO APPLICATIONS FOR LICENSES, PERMITS AND CERTIFICATES OF REGISTRATION.

SCHEDULE 3.—AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE PAYMENT OF CERTAIN LICENSE FEES AND OTHER FEES BY INSTALMENTS.

SCHEDULE 4.—AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED CLUB.

SCHEDULE 5.—AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE STATUS IN REGISTERED CLUBS OF PERSONS OVER 18 YEARS OF AGE.

SCHEDULE 6.—MISCELLANEOUS AMENDMENTS TO THE LIQUOR ACT, 1912.

Amendment of Act No. 42, 1912. 3. The Liquor Act, 1912, is amended in the manner set forth in Schedules 1–6.

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4. Any undertaking recorded—

- (a) by the clerk of the licensing court on a spirit merchant's license or on a permit under section 57A or 57C of the Liquor Act, 1912, granted or renewed before the commencement of this Act; or
- (b) in the records kept by the licensing court in respect of the granting or renewal before that commencement of any such license or permit,

Under-
takings
given on
grant of
spirit
merchants'
licenses
and permits
under
section 57A
or 57C of
the Liquor
Act, 1912.

shall, for the purposes of sections 23A and 125 of the Liquor Act, 1912, as amended by this Act, be deemed to be a condition or provision imposed by the licensing court on the grant of the license or permit.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
THE CALCULATION OF LICENSE FEES AND OTHER FEES.

- (1) (a) Section 3, definition of "Persons authorised to sell liquor"—

After the definition of "Near relative or connection", insert :—

"Persons authorised to sell liquor" means licensees and holders of permits or certificates of registration under this Act and includes persons authorised to sell liquor by the law of any other State or any Territory of the Commonwealth.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE
CALCULATION OF LICENSE FEES AND OTHER FEES—
continued.

(b) Section 3 (2), (3)—

At the end of section 3, insert :—

(2) A reference in this Act to the amount paid or payable by or on behalf of any person for any liquor is a reference—

(a) except as provided in paragraph (b), to the sum of—

- (i) the amount paid or payable by or on behalf of that person for that liquor;
- (ii) any amount paid or payable by or on behalf of that person for or for the hiring of any containers or packages (including corks, stoppers and labels attached thereto) in which that liquor is contained or packed when it is delivered to or purchased by or on behalf of that person or is to be contained or packed for sale or disposal by or on behalf of that person (whether or not any such amount is paid or payable to the supplier of that liquor);
- (iii) any amount paid or payable for the packing or for the handling of that liquor and any such containers or packages or for putting it or them into the

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE
CALCULATION OF LICENSE FEES AND OTHER FEES—
continued.

state in which it is or they are
when it is or they are delivered
to or purchased by or on be-
half of that person (whether or
not any such amount is paid or
payable to the supplier of that
liquor);

- (iv) any amount paid or payable by
or on behalf of that person as
freight or other delivery
charges in respect of the
delivery of that liquor, being
an amount so paid or payable
to the supplier of that liquor
but not being an amount so
paid or payable to that sup-
plier as reimbursement for
those freight or delivery
charges if those freight or
delivery charges are paid or
payable by that supplier to a
common carrier; and
- (v) any amount paid or payable for
duties or sales tax in respect of
that liquor; or

- (b) where the board is of the opinion that
any amount paid or payable for any
thing or for the doing of any thing
referred to in paragraph (a) (i), (ii),
(iii) or (iv) is less than the value of
that thing or of the doing of that thing,

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE
CALCULATION OF LICENSE FEES AND OTHER FEES—
continued.

as the case may be, such amount as is determined by the board having regard to the circumstances in which that liquor was delivered to or purchased by or on behalf of that person.

(3) A reference in this Act to any amount paid or payable by or on behalf of any person for any liquor includes any amount paid or payable by any other person for the acquisition of that liquor for sale, supply or disposal by that firstmentioned person.

(2) (a) Section 21 (1) (b)—

Omit “gross amount (including any duties and sales tax thereon) paid or payable”, insert instead “amount paid or payable by or on behalf of the licensee”.

(b) Section 21 (1) (b)—

Omit “other licensed persons”, insert instead “other persons authorised to sell liquor”.

(c) Section 21 (1) (d)—

Omit “gross amount (including any duties and sales tax thereon) paid or payable by”, insert instead “amount paid or payable by or on behalf of”.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE
CALCULATION OF LICENSE FEES AND OTHER FEES—
continued.

(d) Section 21 (1) (d)—

Omit “persons licensed to sell liquor” where firstly occurring, insert instead “persons authorised to sell liquor”.

(e) Section 21 (1) (d)—

Omit “In this paragraph the expression ‘persons licensed to sell liquor’ includes not only persons licensed under this Act but also persons licensed to sell liquor in any State or Territory of the Commonwealth of Australia, under any law for the time being in force in such State or Territory.”.

(f) Section 21 (1) (g)—

Omit “gross amount (including any duties and sales tax thereon) paid or payable”, insert instead “amount paid or payable by or on behalf of the licensee”.

(g) Section 21 (1) (i)—

Omit “gross amount (including any duties and sales tax thereon) paid or payable”, insert instead “amount paid or payable by or on behalf of the licensee”.

(h) Section 21 (1) (l)—

Omit “gross amount (including any duties and sales tax thereon) paid or payable by”, insert instead “amount paid or payable by or on behalf of”.

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Liquor (Further Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE
CALCULATION OF LICENSE FEES AND OTHER FEES—
continued.

(i) Section 21 (1) (n)—

Omit “gross amount (including any duties and sales tax thereon) paid or payable by”, insert instead “amount paid or payable by or on behalf of”.

(j) Section 21 (1) (q)—

Omit “gross amount (including any duties and sales tax thereon) paid or payable by”, insert instead “amount paid or payable by or on behalf of”.

(k) Section 21 (1A)—

Omit “gross”.

(l) Section 21 (1A)—

Omit “(g), (i), (l) and (n)”, insert instead “(d), (g), (i), (l), (n) and (q)”.

(3) (a) Section 22 (1) (a)—

Omit “total amount paid or payable therefor, including any duties and sales tax thereon”, insert instead “amount paid or payable therefor”.

(b) Section 22 (1) (c)—

After “person”, insert “from whom delivery of such liquor was taken or”.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE
CALCULATION OF LICENSE FEES AND OTHER FEES—
continued.

(c) Section 22 (2)—

Omit “persons licensed to sell liquor” where firstly occurring, insert instead “persons authorised to sell liquor”.

(d) Section 22 (2)—

Omit “, including any duties and sales tax thereon,”.

(e) Section 22 (2)—

Omit “In this subsection the expression ‘persons licensed to sell liquor’ includes not only persons licensed under this Act, but also persons holding any permit or certificate of registration under this Act and persons licensed to sell liquor in any State or Territory of the Commonwealth of Australia, under any law for the time being in force in such State or Territory.”.

(4) (a) Section 34 (2) (c)—

Omit “persons licensed to sell liquor” where firstly occurring, insert instead “persons authorised to sell liquor”.

(b) Section 34 (2) (c)—

Omit “In this paragraph the expression ‘persons licensed to sell liquor’ includes not only persons licensed under this Act, but also persons holding any permit or certificate of registration under this Act and persons licensed to sell liquor in any

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE
CALCULATION OF LICENSE FEES AND OTHER FEES—
continued.

State or Territory of the Commonwealth, under any law for the time being in force in such State or Territory.”.

(5) (a) Section 78H (2)—

Omit “gross amount (including any duties and sales tax thereon) paid or payable”, insert instead “amount paid or payable by or on behalf of the holder of the permit”.

(b) Section 78H (3A)—

Omit “gross”.

(6) (a) Section 150A (1) (b)—

Omit “gross amount (including any duties and sales tax thereon) paid or payable”, insert instead “amount paid or payable by or on behalf of the club or the secretary of the club”.

(b) Section 150A (2B)—

Omit “gross”.

(7) (a) Section 151A (a)—

Omit “total amount paid or payable therefor, including any duties and sales tax thereon”, insert instead “amount paid or payable by or on behalf of the club or the secretary of the club for the liquor”.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE
CALCULATION OF LICENSE FEES AND OTHER FEES—
continued.

(b) Section 151A (c)—

After “person”, insert “from whom delivery of
such liquor was taken or”.

(8) (a) Section 152H (1)—

Omit “gross amount (including any duties and
sales tax thereon) paid or payable”, insert instead
“amount paid or payable by or on behalf of the
holder of the permit”.

(b) Section 152H (4)—

Omit “gross”.

(9) (a) Section 168B (1)—

Omit “the holder of any license or permit under
this Act or to a registered club”, insert instead
“persons authorised to sell liquor”.

(b) Section 168B (1) (a)—

Omit “holder of a license or permit or registered
club to whom or to which”, insert instead “person
authorised to sell liquor to whom”.

(c) Section 168B (1) (b)—

Omit “holder of a license or permit and to each
such registered club”, insert instead “person”.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE
CALCULATION OF LICENSE FEES AND OTHER FEES—
continued.

(d) Section 168B (1) (c)—

Omit “(including any duties) by each such holder of a license or permit and by each such registered club”, insert instead “by each such person”.

(10) Section 168c—

Omit “holders of licenses or permits or to registered clubs”, insert instead “persons authorised to sell liquor”.

(11) Section 168D (1)—

Omit “holders of licenses or permits issued under this Act or to registered clubs”, insert instead “persons authorised to sell liquor”.

Sec. 3.

SCHEDULE 2.

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND CERTIFICATES
OF REGISTRATION.

(1) (a) Section 10 (1)—

After “license” where firstly and thirdly occurring, insert “, permit or certificate of registration”.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

(b) Section 10 (1)—

After “Part III”, insert “, a permit or a certificate of registration”.

(c) Section 10 (1)—

Omit “every such applicant”, insert instead “, except in the case of an application relating to a registered club or to prescribed premises as defined in section 152A (1), the applicant, or in the case of an application relating to a registered club or prescribed premises as defined in section 152A (1), the secretary of the registered club or the person nominated pursuant to section 152C (2) (b) (iii), as the case may be,”.

(d) Section 10 (1)—

Omit “section 35”, insert instead “any other provision of this Act”.

(2) Section 23 (3)—

Omit the subsection.

(3) Section 26B (1)—

Omit “paragraphs (d) to (g) of section 29”, insert instead “section 29 (1) (d) to (g)”.

(4) Section 26C (1)—

Omit “paragraphs (e) to (g) of section 29”, insert instead “section 29 (1) (e) to (g)”.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

(5) Section 27 (2)—

Omit “paragraph (iii) of section 29”, insert instead
“section 29 (1) (iii)”.

(6) (a) Section 29—

After “application” where firstly occurring, insert
“(not being an application made by the secretary
of a registered club for a permit under section
57A)”.

(b) Section 29 (2), (3)—

At the end of section 29, insert :—

(2) The provisions of sections 140 and 141
apply to and in respect of an application for the
grant of a permit under subsection (1) to the
secretary of a registered club in the same way as
they apply to and in respect of an application
for a certificate of registration of a club.

(3) An objection to the granting of an appli-
cation for the renewal of a license or permit
under this Part may be made notwithstanding
that the application has not been made.

(7) (a) Section 30 (1)—

Omit “paragraph (d) of section 29”, insert
instead “section 29 (1) (d)”.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

(b) Section 30 (1A)—

Omit “paragraph (e) of section 29”, insert
instead “section 29 (1) (e)”.

(c) Section 30 (1B)—

Omit “paragraph (f) of section 29”, insert
instead “section 29 (1) (f)”.

(d) Section 30 (4)—

Omit “paragraph (e) of section 29”, insert
instead “section 29 (1) (e)”.

(8) Section 31—

Omit the section, insert instead :—

31. (1) Where—

(a) the court decides to grant an application for
a new license, it shall authorise the issue
by the clerk of the court; or

(b) an application (being an application for the
renewal of a license) is, pursuant to section
35, dealt with by the court and it decides
to grant the application, it shall authorise
the issue by the secretary of the board,

Issue of
licenses.

to the applicant of a license or a renewed license in
accordance with its decision.

(2) The court shall record its decision in such
manner as it thinks fit.

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Liquor (Further Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

(9) (a) Section 32—

Omit “by the clerk of the court”.

(b) Section 32—

Omit “paid to him”, insert instead “paid, in the case of a new license, to the clerk of the court or, in the case of a renewed license, to the secretary of the board”.

(c) Section 32—

Omit “is paid to the clerk of the court”, insert instead “has been duly paid in accordance with the foregoing provisions of this section”.

(10) (a) Section 34 (2) (a)—

Omit the paragraph.

(b) Section 34 (2) (b), (d)—

Omit “paragraph (e) of section 29” wherever occurring, insert instead “section 29 (1) (e)”.

(11) Section 35—

Omit the section, insert instead :—

Renewals of
licenses.

35. (1) A licensee (other than a licensee under a booth license or a limited public hall license) who makes an application to the secretary of the board for the renewal of his license is entitled to obtain the renewal of his license unless an objection to the renewal of his license is upheld by the licensing court.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

(2) An application referred to in subsection (1) for the renewal of a license may be granted on or after the first day of June next preceding the due date for the expiry of the license—

- (a) by the secretary of the board if there has not, on or before the thirty-first day of May next preceding the due date for the expiry of the license, been lodged with him, as referred to in section 167 (4), a copy of any notice of objection to the renewal of the license; or
- (b) by the licensing court if the secretary of the board has not granted the application pursuant to paragraph (a).

(3) Notwithstanding section 10, a licensee need not attend in person before the court on an application for the renewal of his license to which objection has been taken unless notice of the objection was served on the licensee on or before the thirty-first day of May next preceding the due date for the expiry of the license.

(12) (a) Section 36 (1)—

Omit the subsection.

(b) Section 36 (2)—

Omit “application for the renewal of a license has been made by a licensee who has complied with the requirements of subsection (1) and the

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 2—*continued.*

**AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.***

application has not been heard and determined by the court”, insert instead “an application for the renewal of a license has not been granted”.

(c) Section 36 (2)—

Omit “clerk of the licensing court”, insert instead “secretary of the board”.

(13) Section 38 (2) (a)—

Omit “and section 36”.

(14) (a) Section 57A (1)—

Omit “, but may be renewed from time to time by a further grant”.

(b) Section 57A (1A), (1B), (1C), (1D)—

After section 57A (1), insert :—

(1A) The holder of any such permit who makes application to the secretary of the board for the renewal of the permit is entitled to obtain the renewal of the permit unless an objection to the renewal of the permit or the renewal of the license or certificate of registration held by that holder is upheld by the licensing court.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

(1B) An application for the renewal of any such permit may be granted on or after the first day of June next preceding the due date for the expiry of the permit—

- (a) by the secretary of the board if there has not, on or before the thirty-first day of May next preceding the due date for the expiry of the permit, been lodged with him, as referred to in section 167 (4), a copy of any notice of objection to the renewal of the permit or, as the case may be, the license or certificate of registration; or
- (b) by the licensing court if the secretary of the board has not granted the application pursuant to paragraph (a).

(1C) Notwithstanding section 10, the holder of any such permit need not attend in person before the court on the application for the renewal of his permit to which objection has been taken unless notice of the objection was served on the holder on or before the thirty-first day of May next preceding the due date for the expiry of the permit.

(1D) The provisions of sections 139, 140 and 141 apply to and in respect of a permit (being a permit held by the secretary of a registered club) under subsection (1) and the holder thereof in the same way as the provisions of those sections apply to and in respect of a certificate of registration of a registered club and the secretary of a registered club.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

(15) (a) Section 57C (2)—

Omit “, but may be renewed from time to time by a further grant”.

(b) Section 57C (2A), (2B), (2C)—

After section 57C (2), insert :—

(2A) The holder of any such permit who makes application to the secretary of the board for the renewal of the permit is entitled to obtain the renewal of the permit unless an objection to the renewal of the permit or the renewal of the license held by that holder is upheld by the licensing court.

(2B) An application for the renewal of any such permit may be granted on or after the first day of June next preceding the due date for the expiry of the permit—

- (a) by the secretary of the board if there has not, on or before the thirty-first day of May next preceding the due date for the expiry of the permit, been lodged with him, as referred to in section 167 (4), a copy of any notice of objection to the renewal of the permit or the license; or
- (b) by the licensing court if the secretary of the board has not granted the application pursuant to paragraph (a).

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

(2C) Notwithstanding section 10, the holder of any such permit need not attend in person before the court on the application for the renewal of his permit to which objection has been taken unless notice of the objection was served on the holder on or before the thirty-first day of May next preceding the due date for the expiry of the permit.

(16) (a) Section 78F (2) (a)—

Omit “paragraph (e)”, insert instead “subsection (1) (e) thereof”.

(b) Section 78F (2) (b)—

After “omitting”, insert “from subsection (1) thereof”.

(c) Section 78F (3)—

Omit “paragraph (f) of section 29”, insert instead “section 29 (1) (f)”.

(17) (a) Section 78G (1)—

Omit “If the court decides to grant the application it shall authorise the issue by the clerk of the court to the applicant of a permit”, insert instead :—

Where—

- (a) the court decides to grant an application for a new permit, it shall authorise the issue by the clerk of the court; or

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SCHEDULE 2—*continued.*AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

- (b) an application (being an application for the renewal of a permit) is, pursuant to section 35, as applied by section 78I, dealt with by the court and it decides to grant the application, it shall authorise the issue by the secretary of the board,

to the applicant of a permit or a renewed permit

- (b) Section 78G (1)—

After “authorise the clerk of the court”, insert “or the secretary of the board, as the case may be,”.

- (c) Section 78G (2)—

Omit “by the clerk of the court nor shall he endorse any permit unless the fee payable in respect thereof has been paid to him”, insert instead “nor shall any permit be endorsed under this Act unless the fee payable in respect thereof has been paid to the clerk of the court or the secretary of the board, as the case may be”.

- (18) (a) Section 131—

Omit “fails to give notice as prescribed in section 36 of his intention to apply for a renewal of his license or, having given such notice, fails to apply in pursuance thereof”, insert instead “fails to apply for the renewal of his license”.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

(b) Section 131—

Omit “to give notice or”.

(19) (a) Section 137 (1)—

Omit “at least ten days before applying for such renewal”, insert instead “on or before the due date for the expiry thereof”.

(b) Section 137 (1)—

Omit “clerk of the licensing court for the licensing district in which the premises of the club are situate”, insert instead “secretary of the board”.

(c) Section 137 (3)—

Omit the subsection, insert instead :—

(3) The application may, if in the circumstances the licensing court or the secretary of the board, as the case may be, thinks it reasonable so to do, be dealt with under section 139 notwithstanding that the prescribed notice was not delivered to the secretary of the board on or before the due date for the expiry of the certificate of registration.

(d) Section 137 (4)—

Omit “clerk of the licensing court”, insert instead “secretary of the board”.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

(20) Section 138 (1)—

After “Part”, insert “for the grant of a certificate of registration of a club”.

(21) (a) Section 139 (1)—

Omit “Subject to subsection (2) where application is made for the grant or renewal of a certificate of registration of a club”, insert instead “Where an application is made for the grant of a certificate of registration of a club or where an application for the renewal of such a certificate may, under subsection (2), be granted only by the licensing court,”.

(b) Section 139 (2), (2A)—

Omit section 139 (2), insert instead :—

(2) An application for the renewal of a certificate of registration of a club may be granted on or after the first day of June next preceding the due date for the expiry of the certificate—

- (a) by the secretary of the board if there has not, on or before the thirty-first day of May next preceding the due date for the expiry of the certificate of registration, been lodged with him, as referred to in section 167 (4), a copy of any notice of objection to the renewal of the certificate; or

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

(b) by the licensing court if the secretary
of the board has not granted the
application pursuant to paragraph (a).

(2A) Notwithstanding section 10, the secre-
tary of a registered club need not attend in person
before the court on an application for the renewal
of the club's certificate of registration to which
objection has been taken unless notice of the
objection was served on the secretary on or
before the thirty-first day of May next preceding
the due date for the expiry of the certificate of
registration.

(22) Section 140 (4)—

After section 140 (3), insert :—

(4) An objection to the renewal of a certificate
of registration may be made notwithstanding that an
application for the renewal has not been made.

(23) Section 146—

Omit the section.

(24) Section 150A (4)—

Omit the subsection.

SCHEDULE

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SCHEDULE 2—*continued.*AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

(25) (a) Section 152E (1)—

After “grant”, insert “or renewal”.

(b) Section 152E (1)—

After “application for”, insert “the grant or renewal of”.

(c) Section 152E (4)—

After section 152E (3), insert :—

(4) An objection to the granting of an application for the renewal of a permit may be made notwithstanding that the application has not been made.

(26) (a) Section 152G (2)—

Omit “clerk of the court”, insert instead “secretary of the board”.

(b) Section 152G (3) (b)—

Omit the paragraph.

(27) Section 158—

After “by the” where firstly occurring, insert “secretary of the board or”.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—*continued.*

(28) Section 167 (4), (5), (6)—

Omit section 167 (4), insert instead :—

(4) No objection shall be heard—

- (a) against any application (other than an application for the renewal of a license, permit or certificate of registration) unless notice of the objection, signed by each objector, has been given to the clerk of the licensing court and to the applicant at least three clear days before the time appointed for the hearing of the application to which the notice applies; or
- (b) against an application for the renewal of a license, permit or certificate of registration unless notice of the objection, signed by each objector, has been given to the clerk of the licensing court, to the secretary of the board and to the applicant on or before the thirty-first day of May next preceding the due date for the expiry of the license, permit or certificate.

(5) Nothing in—

- (a) subsection (4) (a) prevents the licensing court from hearing any objection, against an application referred to in subsection (4) (a), that may arise during the hearing of an application if the applicant is given notice of the objection and if the hearing of the application is adjourned, where the

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 2—continued.

**AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
APPLICATIONS FOR LICENSES, PERMITS AND
CERTIFICATES OF REGISTRATION—continued.**

applicant so requests, for such period, not being less than three clear days, as the court thinks fit; or

- (b) subsection (4) (b) prevents the licensing court from hearing any objection against an application referred to in subsection (4) (b) if the application has not been granted under this Act by the secretary of the board.

(6) The clerk of the court shall, forthwith after its receipt by him, forward every notice of objection received by him otherwise than from the inspector to the inspector for inquiry and report.

(29) Section 170 (2)—

Omit “clerk of the licensing court”, insert instead “secretary of the board”.

Sec. 3.
SCHEDULE 3.
**AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO THE
PAYMENT OF CERTAIN LICENSE FEES AND OTHER FEES
BY INSTALMENTS.**

(1) Section 23B—

Before Division 3 of Part III, insert :—

23B. (1) The person by whom the license fee for the renewal of any license is payable may, by notice in writing given to the person to whom the license

Postpone-
ment of
payment
of part of
license fee.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
THE PAYMENT OF CERTAIN LICENSE FEES AND OTHER
FEES BY INSTALMENTS—*continued.*

fee is payable and on or before the date (in this section referred to as "the due date"), being the twentieth day of June next preceding the date of expiry of the license, elect to postpone payment of so much of the license fee as is an amount (in this section referred to as "the postponed amount") equal to—

- (a) where the license fee is exactly an even number of dollars—one-half of the license fee; or
- (b) where the license fee is not exactly an even number of dollars—one-half of the highest even number of dollars next below the license fee.

(2) A person who makes an election referred to in subsection (1)—

- (a) is, if on or before the due date he pays the license fee less the postponed amount to the person to whom the license fee is payable, entitled to postpone payment of the postponed amount until the thirtieth day of November next following the due date; and
- (b) if, on that day, he has not paid the difference between the license fee, as originally fixed or as reassessed, as the case may be, and the portion of the license fee paid by him on or before the due date, ceases, until he pays that difference, to be a person authorised to sell liquor by the license, permit or certificate in respect of which the license fee was fixed or reassessed.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
THE PAYMENT OF CERTAIN LICENSE FEES AND OTHER
FEES BY INSTALMENTS—*continued.*

(3) Where a person has made an election referred to in subsection (1) in respect of the license fee payable for the renewal of a license—

- (a) a reference in section 23 (6) (a) to the difference between the reassessed license fee and the original license fee shall, if the reassessment of the original license fee was made before the thirtieth day of November next following the due date, be construed, for the purpose of making a refund in relation to the original license fee to which the election relates, as a reference to the difference between the portion of the original license fee paid by that person on or before the due date and the portion that would have been payable by him on or before that date had the reassessed license fee been the original license fee;
- (b) a reference in section 23 (6) (b) or (c) to the difference between the original license fee and the reassessed license fee shall, if the reassessment of the original license fee was made before the thirtieth day of November next following the due date, be construed, for the purpose of determining the liability of any person referred to in section 23 (6) (b) or (c) in relation to the original license fee to which the election relates, as a reference to the difference between the portion that would have been payable by that person on or before the due date had

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
THE PAYMENT OF CERTAIN LICENSE FEES AND OTHER
FEES BY INSTALMENTS—*continued.*

the reassessed license fee been the original
license fee and the portion of the original
license fee paid by him on or before the due
date;

- (c) section 32 shall be construed as if after the
words "the fee payable" wherever occurring
there were inserted the words ", less the
postponed amount referred to in section
23B,";

- (d) section 36 (2) shall be construed as if—

- (i) after the words "equal to the fee"
there were inserted the words ", less
the postponed amount referred to in
section 23B."; and

- (ii) the words "proportion to the sum so
lodged as that period bears to one
year and shall refund the balance to
the applicant." were omitted there-
from and there were inserted instead
the following :—

proportion—

- (a) where the decision of the
licensing court is given
before the postponed
amount referred to in sec-
tion 23B has been paid—
to the sum so lodged as
that period bears to six
months; or

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 3—continued.

**AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
THE PAYMENT OF CERTAIN LICENSE FEES AND OTHER
FEES BY INSTALMENTS—continued.**

- (b) where that decision is given after that postponed amount has been paid—to the aggregate of the sum so lodged and that postponed amount as that period bears to one year, and shall refund the balance to the applicant.

(c) section 170 (2) shall be construed—

- (i) as if the words “sum equal to the fee payable for renewal of the license, together with a further sum of forty dollars as security for costs.” were omitted therefrom and there were inserted instead the following :—

sum—

- (a) where the notice of intention to appeal is lodged before the thirtieth day of November next following the expiry of the license—equal to the fee, less the postponed amount referred to in section 23B, that is payable for the renewal of the license; and

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
THE PAYMENT OF CERTAIN LICENSE FEES AND OTHER
FEES BY INSTALMENTS—*continued.*

- (b) where the notice of intention to appeal is lodged on or after that day—equal to the fee that is so payable,

together with a further sum of \$40 as security for costs.

and

- (ii) as if after the words “proportionate part of the license fee” there were inserted the words “or proportionate part of the license fee, less the postponed amount referred to in section 23B, as the case may require,”.

(2) Section 150A (9), (10)—

After section 150A (8), insert :—

(9) The provisions of section 23B (1) and (2) apply to and in respect of fees payable for the renewal of a certificate of registration of a club as if a reference in those provisions to a license fee were a reference to a fee for a certificate of registration.

(10) Where a registered club has made an election referred to in section 23B (1), as applied by subsection (9), in respect of the fee payable for the renewal of its certificate of registration—

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
THE PAYMENT OF CERTAIN LICENSE FEES AND OTHER
FEES BY INSTALMENTS—*continued.*

- (a) the reference in subsection (6) (a) to the difference between the reassessed fee and the original fee shall, if the reassessment of the original fee was made before the thirtieth day of November next following the due date referred to in section 23B (1), be construed, for the purpose of making a refund in relation to the original fee to which the election relates, as a reference to the difference between the portion of the original fee paid by that person on or before the due date and the portion that would have been payable by him on or before that date had the reassessed fee been the original fee; and
- (b) a reference in subsection (6) (b) to the difference between the original fee and the reassessed fee shall, if the reassessment of the original fee was made before the thirtieth day of November next following the due date referred to in section 23B (1), be construed, for the purpose of determining the liability of the registered club, under subsection (6) (b), in relation to the original fee to which the election relates, as a reference to the difference between the portion that would have been payable by that person on or before the due date had the reassessed fee been the original fee and the portion of the original fee paid by him on or before the due date.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 3—*continued.*

**AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
THE PAYMENT OF CERTAIN LICENSE FEES AND OTHER
FEES BY INSTALMENTS—*continued.***

(3) (a) Section 152H (3)—

Omit “is final and conclusive unless, in its absolute discretion, it re-assesses the amount in which case its re-assessment is final and conclusive”, insert instead “, subject to subsection (5), is final and conclusive”.

(b) Section 152H (5)—

Omit the subsection, insert instead :—

(5) The provisions of section 23 (2), (4), (5), (6), (7) and (8) and of section 23B (1) and (2) apply to and in respect of fees payable for, or for the renewal of, a permit and the fixing and reassessment thereof—

(a) as if a reference in those provisions to a license fee were a reference to the fee for a permit;

(b) as if, where an election referred to in section 23B (1) is made by the holder of a permit, the provisions of section 23 (6) (a), (b) and (c) were required to be construed in the manner provided by section 23B (3) (a) and (b) with respect to the fee paid or payable for the renewal of that permit; and

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
THE PAYMENT OF CERTAIN LICENSE FEES AND OTHER
FEES BY INSTALMENTS—*continued.*

- (c) as if a reference in section 23 (8) to
a license were a reference to a permit.
-

Sec. 3.

SCHEDULE 4.

AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED
CLUB.

- (1) Section 134A (4) (a)—

After “subsection (2)”, insert “or (3)”.

- (2) Section 134A (4) (a)—

Omit :—

Any application under this paragraph shall be made within three years from the date of commencement of the Liquor (Amendment) Act, 1969, or such further time as the licensing court may in special circumstances allow.

Where a club has made an application under this paragraph it shall not be entitled to make any further application under this paragraph.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 4—continued.

**AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
THE MAXIMUM NUMBER OF MEMBERS OF A
REGISTERED CLUB—continued.**

(3) Section 134A (4) (b) (iii)—

Omit “of the commencement of the Liquor (Amendment) Act, 1969,” insert instead “on which the hearing of the application commenced”.

(4) Section 134A (4) (b) (iv)—

Omit the subparagraph.

SCHEDULE 5.

Sec. 3.

**AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
THE STATUS IN REGISTERED CLUBS OF PERSONS OVER
18 YEARS OF AGE.**

(1) (a) Section 135 (1) (hi)—

Omit the paragraph, insert instead :—

(hi) no person under such age (not being less than eighteen years of age) as may be specified in the rules of the club shall use or operate or be allowed to use or operate poker machines in the club premises;

(b) Section 135 (1)—

Omit “Provided further that a club shall not admit members in accordance with paragraph (i) under the age of twenty-one years unless the members proposing and seconding the admission of such members have attained the age of twenty-one years.”.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 5—continued.
**AMENDMENTS TO THE LIQUOR ACT, 1912, RELATING TO
THE STATUS IN REGISTERED CLUBS OF PERSONS OVER
18 YEARS OF AGE—continued.**
(2) Section 149A—

Omit "Except in the case of a person who has attained the age of eighteen years and has served outside Australia as a member of the armed forces of the Commonwealth, any person under twenty-one years", insert instead "A person under eighteen years".

(3) Section 149B (1)—

Omit "twenty-one", insert instead "eighteen".

Sec. 3.
SCHEDULE 6.
MISCELLANEOUS AMENDMENTS TO THE LIQUOR ACT, 1912.
(1) Section 15A—

After "liquor", insert ", subject to any conditions and provisions imposed on the grant of the license,".

(2) Section 23A—

After section 23, insert :—

Conditions
and pro-
visions
attached
to certain
licenses
and
permits.

23A. Any condition or provision imposed by the court on the grant of a license or a permit under section 57A or 57C—

- (a) shall attach to any renewal of the license or permit; and
- (b) may be revoked or varied on application made to the court by the licensee or holder of the permit or by an inspector.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 6—*continued.*

MISCELLANEOUS AMENDMENTS TO THE LIQUOR ACT, 1912—*continued.*

(3) (a) Section 57A (1)—

Omit “the purposes for which such permit was granted are”, insert instead “any condition or provision to which the permit is subject is”.

(b) Section 57A (2)—

Omit “prescribed by”, insert instead “and provisions referred to in”.

(c) Section 57A (2A)—

After “conditions”, insert “and provisions”.

(d) Section 57A (2A) (a)—

Omit “and”.

(e) Section 57A (2A) (b)—

Omit “premises” where lastly occurring, insert instead “premises; and”.

(f) Section 57A (2A) (c)—

After section 57A (2A) (b), insert :—

(c) such other conditions and provisions as are imposed by the court on the grant of the permit.

(4) (a) Section 57C (1)—

After “section”, insert “but subject to such conditions and provisions as are imposed by the court on the grant of the permit”.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE LIQUOR ACT, 1912
—*continued.*

(b) Section 57c (1)—

Omit “the purposes for which the permit was granted are”, insert instead “any condition or provision to which the permit is subject is”.

(c) Section 57c (3)—

After “in force”, insert “, in accordance with any conditions and provisions imposed by the court on the grant of the permit,”.

(5) Section 69 (1)—

Omit “two gallons”, insert instead “nine litres”.

(6) (a) Section 125 (3), (4)—

Omit “whatever under this Act, or any permit under Part IIIA” wherever occurring, insert instead “, permit or certificate of registration under this Act”.

(b) Section 125 (5), (6)—

After section 125 (4), insert :—

(5) In subsection (4), “conduct” includes a breach of a condition or provision imposed by the court on the grant of a license.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 6—*continued.*

MISCELLANEOUS AMENDMENTS TO THE LIQUOR ACT, 1912
—*continued.*

(6) Subsections (1), (2) and (4) apply so as to enable a complaint in respect of conduct, being a breach of a condition or provision imposed by the court on the grant of a permit under section 57A to a registered club, to be made and dealt with as if, in those subsections and in section 123, as applied by subsection (2) to a complaint referred to in subsection (1), a reference—

(a) to a licensee were a reference to the secretary of that club; and

(b) to a license (except the reference to a license lastly occurring in subsection (4)) were a reference to a certificate of registration.

(7) (a) Section 133 (1)—

Omit “and Part VIII”, insert instead “, Part VIII and section 131”.

(b) Section 133 (1)—

At the end of the subsection, insert :—

In applying section 131, the reference in that section to a license fee shall be construed as a reference to a fee for a certificate of registration.

SCHEDULE

Liquor (Further Amendment).

SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE LIQUOR ACT, 1912
—*continued.*

(8) Section 152o—

Omit “and 63”, insert instead “, 63 and 131”.

(9) Section 170 (5) (a)—

After “club,” where secondly occurring, insert “or an application for a permission under section 51B,”.
