

THE LICENSING ACT, 1917.

(No. 1322 of 1917.)

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ANNO OCTAVO

GEORGII V REGIS.

A.D. 1917.

No. 1322.

An Act to consolidate the Laws relating to the Supplying of Intoxicating Liquors and the Exercise of Local Option with regard thereto, and the Licensing of Billiard and Bagatelle Tables and for other purposes.

[Assented to, November 15th, 1917.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited for all purposes as the "Licensing Act, 1917." Short title.

2. This Act is divided into parts and divisions relating to the following subject matters, as follows :— Division of Act.

PART I.—Preliminary.

PART II.—Licensing Districts.

PART III.—The Licensing Court.

PART IV.—Classes of Licences and How Granted, Renewed, Transferred, Transmitted, Removed, and Forfeited.

DIVISION I.—Licence Required for Sale of Liquor :

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PART VI.—Rights, Duties, and Liabilities of Licensees and Others, and Offences.

PART VII.—Tied Houses and Onerous Leases.

PART VIII.—Limitation of Number of Licences—

DIVISION I.—Local Option Polls :

DIVISION II.—The Enforcing of the First Resolution :

DIVISION III.—Effect of Other Resolutions :

DIVISION IV.—General.

PART IX.—Adjustment of Rents consequent on Earlier Closing of Licensed Premises.

PART X.—Legal Proceedings and Evidence.

PART XI.—Regulations and Forms.

Repeal.

970 of 1908, s. 3.

Exception.

3. The several Acts mentioned in the Schedule A hereto are hereby repealed, except as to any matter or thing lawfully done or commenced to be done under the said Acts, or any of them: Provided that all offences against the said Acts, or any of them, committed before the passing of this Act, shall be punishable in the same manner as if this Act had not been passed, and all licences and certificates issued or granted, things done, notices given, and proceedings had, under the authority or by virtue of any of the said Acts, and not expired at the time of the passing of this Act, shall confer and involve the same rights, privileges, liabilities, and effects as if this Act had been in force when they were granted, issued, done, given, or had, and as if they were granted, issued, done, given, or had under the authority or by virtue of this Act; and all Licensing Districts, Local Option Districts, the Licensing Court, clerks to the Licensing Court, and inspectors constituted or appointed shall, subject to anything which is lawfully done under this Act, continue notwithstanding the passing of this Act.

4. In

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PART I.

4. In this Act, except where the subject matter or context, or other provisions of this Act, require a different construction, the following terms, in inverted commas, have the respective meanings hereinafter assigned to them, that is to say—

Interpretation
clause.

Ibid., s. 4, with
additions.

“ Bar-room ” means any room in which liquor is kept and in or from which liquor is directly supplied to customers :

“ Clerk ” means the Clerk of the Licensing Court :

“ Court ” means the Licensing Court :

“ District ” means Licensing District :

“ Elector ” means a person who is registered as an elector on a House of Assembly electoral roll :

“ Electoral District ” means an Electoral District for the election of members or a member to serve in the House of Assembly :

“ Gazette ” means *The South Australian Government Gazette* :

“ General election ” means a parliamentary general election for the return of members pursuant to writs issued upon the dissolution or expiry of the House of Assembly :

“ Immediate neighborhood ” means within a radius of two hundred yards from the front door of the house in respect of which application is made for a licence, or from the front door as shown on the deposited plan of a proposed house in respect of which such application is made, if such house or proposed house is or is proposed to be situate within a town, as hereinafter defined ; or if not situate or proposed to be situate within a town as so defined, then within a radius of one mile from the front door of such house or proposed house :

“ Inspector ” means an inspector of licensed premises appointed under this Act :

“ Justice ” means Justice of the Peace for the said State :

“ Licence ” means licence granted under this Act :

1236 of 1915, s. 22.

“ Licensed person ” or “ licensee ” means a person holding a licence of any class granted under this Act which is for the time being in force and authorises the act or matter referred to :

Ibid.

“ Licensed premises ” means premises in respect of which a licensed person is licensed :

Ibid.

“ Liquor ” means brandy, gin, rum, whisky, cordials containing spirits, wine, cider, perry, mead, ale, porter, beer, or any other spirituous, malt, vinous, or fermented liquors, but does not include any liquor which does not contain more than two per centum of proof spirit :

Ibid.

“ Mead,” means mead made from honey the produce of the said State, and “ wine,” “ cider,” and “ perry ” mean wine, cider, and

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and perry made from fruit grown in the said State, such mead wine, cider, or perry not containing a greater proportion than thirty-five per centum of proof spirit :

“ Minister ” means the Attorney-General for the time being of the said State :

“ Owner of licensed premises ” includes a *cestui que* trust, and means the person for the time being receiving or entitled to receive the rents of such premises, whether on his own account or as agent, trustee, or attorney for any other person :

“ President,” except in Division II. of Part VIII., and in Part IX., means the President of the Licensing Court :

“ Previously unlicensed premises ” or “ premises previously unlicensed ” means premises not at the time licensed :

Ibid.

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

Ibid.

“ Sale ” includes sale, barter, exchange, and retailing :

Ibid.

“ Sale of liquor is prohibited by law ” means sale of liquor in licensed premises is prohibited by this Act :

“ Sell ” includes sell, barter, exchange, and retail :

“ Town ” means any city or corporate town within the said State, or any town, township, or village within the said State containing not less than forty dwelling-houses within a radius of one mile from some point in such town, township, or village, or any place proclaimed as a town for the purposes of this Act by the Governor :

“ Treasurer ” means the Treasurer for the time being of the said State :

Ibid.

“ Unlicensed person ” means a person other than a licensed person (as hereinbefore defined).

PART II.

PART II.

LICENSING DISTRICTS.

Licensing Districts
may be proclaimed.
970 of 1908, s. 5.

5. The Governor may, by Order published in the *Gazette* from time to time, declare that any area in such Order defined shall constitute a Licensing District, and may from time to time alter and vary the boundaries of or altogether abolish any district continued or constituted by or under this Act, and in such Order shall be mentioned the day from which such Order shall take effect.

PART

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PART III.

PART III.

THE LICENSING COURT.

6. (1) There is hereby constituted a Court, to be called the Licensing Court, which shall be a court of record and shall have a seal, which shall be judicially noticed.

The Licensing Court.
1236 of 1915,
Part II., s. 6.

(2) The Court shall have jurisdiction throughout the State.

(3) The Court shall consist of three members to be appointed by the Governor.

(4) Of such members—

(a) two shall be appointed to be “State” members of the Court, that is to say—to be members thereof in whatever Licensing District the Court may exercise its jurisdiction—and

(b) the person for the time being constituting the third member shall be the District member appointed, as hereinafter mentioned, for the particular Licensing District in which, or in respect of premises within which, the Court is at the time exercising its jurisdiction.

(5) Of the two State members of the Court, one, who at the time of his appointment shall be a Special Magistrate or a practitioner of the Supreme Court who has been admitted as such practitioner for at least seven years, shall be appointed by the Governor to be the President of the Court.

(6) The Governor shall, for each Licensing District, appoint a Special Magistrate to be the “District” member of the Court: Provided that a Special Magistrate may be appointed to be the District member for two or more Districts.

(7) No person who is a brewer, maltster, distiller, wine maker, or licensed dealer in liquor, or in partnership with any such person or persons, or directly or indirectly interested as owner or part owner or manager of any house licensed or as to which application for a licence has been made, shall be a member of the Court, or adjudicate on the hearing of any information, complaint, appeal, or matter under this Act.

Disqualification of
certain persons.

970 of 1908, s. 9.

(8) Any person disqualified by the last preceding subsection of this Act from being a member of the Court, or from adjudicating on the hearing of any information, complaint, appeal, or matter under this Act, who becomes a member of the Court, or adjudicates on such hearing, shall be guilty of an offence against this Act, and shall, for every such offence, forfeit and pay the sum of One Hundred Pounds, with full costs of suit, which may be sued for and recovered by action of debt in any Court of competent jurisdiction by anyone who will sue for the same.

Penalty on disquali-
fied person
adjudicating.

Ibid., s. 108.

(9) (a) Notwithstanding anything in this Act, no person shall be disqualified to be a member of the Court, or of a Special

Membership of a
club not of itself to
disqualify for Court.

Court 1236 of 1915, s. 54.

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Court, or to adjudicate on the hearing of any information, complaint, or appeal, merely by being a member of a club, or of the committee of management of a club, which is registered under this Act or was licensed under any Act hereby repealed, or as to which an application for registration or a licence has or had been made.

No difference if club owns registered premises.

(b) For the purposes of this section it shall make no difference that the club is or was the owner of the premises in respect of which the club is or was registered or licensed, or in respect of which an application for registration or for a licence has or had been made.

Club members not to adjudicate when club interested.

(10) Notwithstanding anything in this section no member of a club shall be qualified—

(a) to act as a member of the Court when an application for the registration of such club, or any application in respect of the registration of such club is heard, inquired into, or determined by the Court;

(b) to be a member of any Special Court constituted for the purpose of effecting a reduction of the number of licences in the Local Option District in which the premises in respect of which such club is registered are situated: Provided that this subdivision of this subsection shall not apply unless the number of registrations of such clubs in such Local Option District is to be reduced; or

(c) to adjudicate on the hearing of any information, complaint, appeal, or matter in which such club is interested or concerned, or relating to anything alleged to have been done or omitted to be done on the premises of such club.

Ibid., s. 6.

(11) Each State member of the Court shall be appointed for a term of five years, and may, from time to time, be reappointed for a further term of five years.

(12) Subject to subsection (11) of this section, a State member of the Court shall not be removed from office except in the same manner and upon such grounds as a Judge of the Supreme Court is by law liable to be removed from office; but any such member may resign at any time.

(13) In case of the illness or absence from the State of any member of the Court the Governor may appoint a person qualified to fill the seat of such member, to be the deputy of such member during such illness or absence; and whilst acting in that capacity, such deputy shall have all the jurisdiction, functions, powers, privileges, and duties of such member.

(14) In case of a difference of opinion between the members of the Court, the decision of the majority shall be deemed to be the decision of the Court.

(15) In

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PART III.

(15) In case a vacancy occurs in the membership of the Court, or a deputy member is appointed, during the pendency of any matter, such matter may nevertheless continue and be determined as if the member appointed to fill the vacancy, or the deputy member (as the case may be), had been a member of the Court throughout such matter.

(16) The members of the Court shall be paid such salaries as are fixed by the Governor, and shall be entitled to such travelling and other allowances and expenses as are prescribed.

7. The Governor may appoint a Clerk, and such (if any) other officers as he deems necessary, of the Court, and may also, if he deems it necessary, appoint a Clerk, and such (if any) other officers as he deems necessary, of the Court for each or any district or districts.

Clerk and officers of the Court.

Ibid., s. 8.

8. (1) The Licensing Court shall hold annual and quarterly meetings for each Licensing District; and the meetings for any District shall be held on such days and at such places as are from time to time fixed for such District by the Court by notification published in the *Government Gazette*: Provided that it shall not be obligatory for the Court to hold a quarterly meeting in any case unless notice of some application to be made at such meeting has been given to the Clerk, or the Court has been made aware, at least seven days before the date fixed for the meeting, of some other business to be dealt with thereat

Meetings of the Court.

Ibid., s. 9.

Amended by 1269 of 1916, s. 3.

(2) Whenever, by reason of the absence of the Court, a meeting is not held on the day fixed therefor, the Clerk shall, except in the case of a meeting which, pursuant to this section, the Court is not obliged to hold, and may, in such a case also, if he is made aware of any business to be dealt with at the meeting, adjourn the meeting to a day and time within a period of twenty-eight days. The Clerk shall enter in the minute book of the Court a memorandum of the adjournment, and forward a copy of such memorandum forthwith to the Attorney-General.

(3) When a meeting of the Court is not held, any plans required to be deposited with the Clerk at such meeting may be deposited with him on the day fixed for such meeting, and the deposit thereof in such case shall have the same effect as if the Court had met.

(4) Where the day fixed for the annual or a quarterly meeting of the Court falls upon a public holiday it shall be lawful for the Attorney-General, by notice in the *Gazette*, to alter the day for holding such meeting to a day to be named in such notice.

9. (1) Annual meetings shall be held for the consideration of applications for all licences other than packet licences, which meetings may respectively be adjourned for any time that may appear to be necessary; but no decision as to granting licences shall be given on any other day than the day of meeting, or on a day to which such meeting has been adjourned, and when the Court is assembled for the consideration of applications as aforesaid. (2) I. Quarterly

Annual meetings of Court.

970 of 1908, s. 10.

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Quarterly meetings.

- (2) I. Quarterly meetings shall be held for the consideration of—
- (a) such applications as aforesaid :
 - (b) applications for permission to transfer any existing licences other than packet licences :
 - (c) applications for permission to remove any existing licences other than packet licences :
 - (d) applications for the issue of licences for new premises :
- II. Quarterly meetings may be adjourned as the Court may find necessary :
- III. The Court at such quarterly meeting shall not have power or authority—
- (a) to receive or consider any application by any person whose application has been rejected at the preceding annual meeting :
 - (b) to receive or consider any application by any person whose application has been rejected on personal grounds at any preceding quarterly meeting :
 - (c) to grant any licence under this Act to any person or premises with regard to whom or in respect of which a licence has been refused at the preceding annual or quarterly meeting, on the ground that such premises are not required for the accommodation of the public :

except when the Court at such preceding annual or quarterly meeting has given permission to the applicant to renew his application, or to prefer a new application, in respect of new or other premises at such quarterly meeting.

Adjourned meetings.

(3) Every adjourned meeting shall be deemed to be a continuation of the annual meeting or quarterly meeting (as the case may be).

Special meetings.

(4) Special meetings of the Court may be held at any time and place for the purpose of considering and determining informations for forfeiture of licences under the provisions of this Act.

Decisions of the Court to be final.

1236 of 1915, s. 11.

10. Any determination, order, or decision of the Court shall be final, and shall not be removable to any other Court by *certiorari* or otherwise; and no determination, order, decision, or proceeding of any kind whatever of the Court shall be challenged, appealed against, reviewed, quashed, or called in question in any other Court or tribunal on any account whatever other than excess or want of jurisdiction.

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PART IV.

CLASSES OF LICENCES, AND HOW GRANTED, RENEWED, TRANSFERRED, TRANSMITTED, REMOVED, AND FORFEITED.

DIVISION I.—LICENCE REQUIRED FOR SALE OF LIQUOR.

DIVISION I.

11. Subject to the provisions of section 13 of this Act, no person shall directly or indirectly sell, or permit to be sold within the said State, less than five imperial gallons of liquor, or mead, wine, cider, or perry, nor shall any person keep or maintain any billiard, bagatelle, or billiard-bagatelle table for hire, or as a means of gain or profit, without being licensed so to do under this Act.

No liquor to be sold in quantities of less than five gallons, or billiard or bagatelle table to be kept, without a licence.

970 of 1908, sec. 11.

12. No person in any office or situation under or in the employ of the Government of the said State, or of the Commonwealth of Australia, and no member of the Police Force or inspector, and no sheriff's officer or other person employed to execute any legal process, and no licensed auctioneer shall be licensed under this Act.

Who disqualified from holding licences.

Ibid., s. 12.

13. (1) The provisions of this Act relating to the sale of liquor shall not apply to—

Exceptions to application of Act.

Ibid., s. 13.

(a) the sale of spirituous or distilled perfume, *bona fide* as perfumery :

(b) the prescription or administration of any liquor simply as medicine or for medicinal purposes by or under the direction of any known or practising physician, surgeon, or pharmaceutical chemist, within the meaning of "The Pharmacy Act of 1891" or any Act amending or substituted therefor.

(2) No licence shall be required under this Act by any person who is the occupier of a vineyard or orchard for the sale or delivery by himself or his servants, in quantities of not less than two imperial gallons of mead, wine, cider or perry manufactured by such person from honey or fruit produced or grown in the Commonwealth of Australia : Provided that such mead, wine, cider, or perry is—

I. neither sold nor delivered to any person in a state of intoxication :

II. neither sold nor delivered to any person to whom it is by this Act made unlawful to sell or supply liquor :

III. not consumed on any premises in the possession or occupation of such occupier of a vineyard or orchard or his servants :

IV. not sold or delivered during any day or time during which the sale of liquor is prohibited.

(3) No licence shall be required by the master or commander of any steamer or other vessel for the supply of any allowance of liquor to the crew of such steamer or vessel.

(4) This

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DIVISION I.

Limitation of
application of Act.
Ibid.

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(4) This Act shall not apply—

- I. to the sale or supply of liquor in the Parliamentary refreshment rooms by the permission and under the control of the proper authority; or
- II. to the sale or supply of liquor to any member of the Defence Forces in any canteen established under a permit issued by the proper authority.

DIVISION II.

Nature of licences.
Ibid., s. 15.
Adapted.

DIVISION II.—CLASSES OF LICENCES AND FEES.

14. The licences to be granted by virtue of this Act shall be of eleven classes, and shall be denominated as follows:—

- (a) "Publican's Licence," which shall be in the form No. 1 of Schedule B:
- (b) "Storekeeper's Licence," which shall be in the form No. 2 of Schedule B:
- (c) "Wine Licence," which shall be in the form No. 3 of Schedule B:
- (d) "Storekeeper's Australian Wine Licence," which shall be in the form No. 4 of Schedule B:
- (e) "Packet Licence," which shall be in the form No. 5 of Schedule B:
- (f) "Registration of a Club," which shall be in the form No. 6 of Schedule B:
- (g) "Brewer's Australian Ale Licence," which shall be in the form No. 7 of Schedule B:
- (h) "Distiller's Storekeeper's Licence," which shall be in the form No. 8 of Schedule B:
- (i) "Billiard-table Licence," which shall be in the form No. 9 of Schedule B:
- (j) "Railway Licence," which shall be in the form No. 10 of Schedule B.
- (k) "Special Licence" which shall be in the form No. 11 of Schedule B.

1269 of 1916, s. 3.

Publican's licence.
970 of 1908, s. 16.
1279 of 1917, s. 4.

15. (1) Every publican's licence shall authorise the person thereby licensed to sell and dispose of any liquor in any quantity, in the house or on the premises therein specified, in the manner hereinafter mentioned.

(2) The

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DIVISION II.

(2) The annual fee to be paid for a publican's licence shall be as provided in Division III. of Part IV. of this Act.

16. (1) Every storekeeper's licence shall authorise the person thereby licensed to sell and dispose of liquor in the house, or on the premises therein specified, in quantities of not less than one gallon of one kind of spirits, or one dozen reputed quart bottles, or two dozen reputed pint bottles of wine or other fermented liquor, to be taken away at one time by one person, and not to be drunk in or about the house, or on the premises in which such liquor is sold.

Storekeeper's licence.
Ibid., s. 17.

(2) The annual fee to be paid for a storekeeper's licence shall be Ten Pounds.

Annual fee for store-keeper's licence.
Ibid., s. 17.

17. (1) Every wine licence shall authorise the persons thereby licensed to sell in the house or shop, or on the premises therein specified, mead, wine, cider, or perry, in any quantity, for consumption on the premises or otherwise.

Wine licence.
Ibid., s. 18.

(2) The annual fee for a wine licence shall be Ten Pounds.

Annual fee for wine licence.
Ibid., s. 18.

18. (1) Every storekeeper's Australian wine licence shall authorise the person thereby licensed to sell on the premises therein specified mead, wine, cider, or perry, produced and manufactured in the Commonwealth of Australia, in quantities of not less than one reputed quart bottle, to be taken away at one time by one person, and not to be drunk on the premises in which such liquor is sold.

Storekeeper's Australian wine licence.
Ibid., s. 19.

(2) The annual fee for a storekeeper's Australian wine licence shall be Five Pounds.

Annual fee for store-keeper's Australian wine licence.
Ibid., s. 19.

19. No person holding a storekeeper's or a storekeeper's Australian wine licence shall, whilst continuing to hold the same, be capable of holding a wine licence, and if any wine licence is at any time granted and issued to any person holding a storekeeper's or a storekeeper's Australian wine licence, such wine licence shall be void and of no effect.

Licensee under store-keeper's or store-keeper's Australian wine licence not to hold wine licence.
Ibid., s. 20.

20. (1) Every packet licence shall authorise the master or commander of any steamer or other vessel thereby licensed to sell and dispose of liquor in any quantity to any passenger on board such steamer or vessel during any voyage or passage, but not, in the case of a steamer or vessel plying only from port to port within the said State, whilst such steamer or vessel is at her berth or moorings nor until she has proceeded on her voyage or passage, and not—

Packet licence.
Ibid., s. 21.

(a) in the case of a steamer or vessel not on a voyage extending, or to extend, for a greater distance, from start to finish, than forty miles, or

1236 of 1915, s. 27.

(b) in

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(b) in the case of a steamer or vessel on the River Murray or the lakes connected therewith,

during any day or time during which the sale of liquor is prohibited by law.

Annual fee for
packet licence.

970 of 1908, s. 21.

Registration of club.

Ibid., s. 22.

(2) The annual fee for a packet licence shall be Ten Pounds.

21. The effect of a registration of a club and the annual fee payable therefor shall be as provided in Division XII. of this Part.

Brewer's Australian
ale licence.

970 of 1908, s. 23.

22. (1) Every brewer's Australian ale licence shall authorise the person thereby licensed to sell and dispose of liquor on the premises therein specified in quantities of not less than two gallons of one kind of spirits or one dozen reputed quart bottles, or two dozen reputed pint bottles, of wine or other fermented liquor, to be taken away at one time by one person, and not to be drunk in or about the house or premises in which such liquor is sold. Such licence shall be granted only to a brewer of ale, stout, or other fermented liquor, or to any manufacturer of cordials containing spirits who at any time prior to the passing of the Licensing Act Further Amendment Act, 1915, has held a brewer's colonial ale licence.

1236 of 1915, s. 28.

Annual fee therefor.

(2) The annual fee for a brewer's Australian ale licence shall be Ten Pounds.

Holder of such
licence not to hold
wine licence or store-
keeper's licence.

970 of 1908, s. 23.

(3) No person while holding a brewer's Australian ale licence shall be capable of holding a storekeeper's licence or a wine licence. Any grant of either of such last-mentioned licences to a person holding a brewer's Australian ale licence shall be void and of no effect.

Provisions applic-
able to brewer's
Australian wine
licences.

Ibid.

(4) All the provisions of this Act relating to a storekeeper's licence shall apply to a brewer's Australian ale licence, except where inconsistent with or inapplicable to such licence.

Distiller's store-
keeper's licence.

970 of 1908, s. 24.

23. (1) Every distiller's storekeeper's licence shall authorise the distiller thereby licensed to sell and dispose of liquor on the premises therein specified, in quantities of not less at one time than two gallons of one kind of spirits, or one dozen reputed quart bottles, or two dozen reputed pint bottles of wine or other fermented liquor to be taken away at one time by one person, and not to be drunk in or about the house or premises in which such liquor is sold. Such licence shall be granted only to a person holding a distillation licence under any statutory enactment in force in the Commonwealth of Australia.

Annual fee therefor.

(2) The annual fee for a distiller's storekeeper's licence shall be Ten Pounds.

Holder of distiller's
licence not to hold
storekeeper's or wine
licence.

Ibid.

(3) No person, while holding a distiller's storekeeper's licence, shall hold a storekeeper's licence or wine licence. Any grant of either of such last-mentioned licences to a person holding a distiller's storekeeper's licence shall be void and of no effect.

(4) All

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(4) All the provisions of this Act relating to a storekeeper's licence shall apply to a distiller's storekeeper's licence, except where inconsistent with or inapplicable to such licence.

Provisions applicable to distiller's storekeeper's licences.

Ibid.

24. (1) Every billiard-table licence shall authorise the person thereby licensed to keep, set up, and maintain, on the premises described in such licence, billiard, bagatelle, and billiard-bagatelle tables, or any of them, and to allow such tables to be used only between the hours of eight in the morning and eleven at night, but not at any time on any Sunday, Christmas Day, or Good Friday.

Billiard-table licence.
970 of 1908, s. 25.

(2) The annual fee for a billiard-table licence shall be Five Pounds; but every holder of a publican's licence or club licence shall be entitled to a billiard licence in respect of his licensed premises without the payment of any fee.

Annual fee for billiard-table licence.

Ibid

25. Every railway licence shall authorise the person thereby licensed to sell and dispose of any liquor, in any quantity, on the premises therein specified, in the manner hereinafter mentioned.

Railway licence.

26. Notwithstanding anything in this Act contained, after any reduction of the number of licences of any class in a Local Option District in pursuance of a resolution adopted at any local option poll taken in such district, the annual fee to be paid for a licence of such class in respect of premises situated in such district shall be increased in accordance with the scale set forth in Schedule C to this Act.

Increase of fees consequent upon local option reduction.

Ibid., s. 26.

27. The fees for all licences, certificates, and permits under this Act shall be paid to the Treasurer.

Fees to be paid to Treasurer.

970 of 1908, s. 27.

28. Every licence, other than a packet licence, or a special licence, shall, without regard to the date thereof, commence and take effect from the day on which the same is actually issued by the Treasurer, as in this Act mentioned, and, if not previously forfeited, shall be in force until the expiration of a period of fourteen days immediately following the next succeeding annual meeting of the Court sitting in or for the Licensing District within which the premises in relation to which such licence is issued are situated, but no longer, and every packet licence shall, if not previously forfeited, be in force for twelve months from the date of its issue.

Licences to take effect from date of issue.

Ibid., s. 28.

29. (1) Where any annual meeting of the Licensing Court held for the consideration of applications for licences other than packet licences is adjourned pursuant to subsection (1) of section 9 of this Act to a day later than the fourteenth day immediately following the date of such meeting, the Court may grant a special licence to any person applying at such meeting for a renewal of his licence under this Act whose application has not been disposed of on or before the said fourteenth day.

Provision for special licence where renewal held over pending determination of objection.

1269 of 1916, s. 3.

(2) Such

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(2) Such special licence shall be under the hand of the clerk of the Court, and may be granted for such period, not exceeding three months, as the Court thinks fit, and the period for which any such licence is granted shall be specified therein.

(3) Such special licence shall have the same effect as if the licence the renewal whereof is applied for had been renewed in favor of the person named in the special licence for the period specified in such special licence.

Licences for part of the year.
970 of 1908, s. 29.

30. In the case of any licence being issued for a period of less than one year, a proportionate amount only of the licence fee shall be payable by the licensee.

DIVISION III.

DIVISION III.—FEES FOR PUBLICANS' LICENCES.

Method of determining annual fee.

31. The annual fee to be paid for a publican's licence shall be as follows:—If the house or premises described in the licence are situate within the limits of a Municipal Corporation or District Council, and the same are assessed by such Corporation or District Council for rating purposes at an annual value of not exceeding the amount mentioned in the first column of this section, the annual fee for such licence shall be the amount specified in the second column opposite to the annual value mentioned in such first column.

First Column. Annual Value.	Second Column. Licence Fee.
£100	£15
£200	£20
£300	£30
£400	£35
Over £400	£40

If the house or premises are not situated within the limits of any such Corporation or Council, the annual fee for such licence shall be Fifteen Pounds.

Of determining the licence fee where Part II. of the Land Value Assessment Act is in operation.
No. 1279 of 1917, s. 5.

32. When the house or premises described in a publican's licence are situated within a Municipality in which Part II. of the Land Value Assessment Act, 1893, is in operation, the annual fee to be paid for the licence shall be determined as follows:—

(a) In case the house or premises were, before the coming into operation of the said Part II., assessed by the Corporation for rating purposes, such house or premises shall be deemed to be assessed at the annual value shown by the last assessment thereof made before the coming into operation of the said Part II.:

(b) In any other case the Treasurer shall cause an assessment of the house or premises to be made in such manner as he deems convenient, and such house or premises shall, for

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for the purpose of determining such annual fee, be deemed to be assessed at the annual value shown by such assessment,

and in either case the fee to be paid shall be the same as if the house or premises were assessed by the Corporation for rating purposes at the annual value shown as aforesaid.

33. If dissatisfied with the annual value assessed as mentioned *Ibid.* in section 32 hereof, the licensee may, or if dissatisfied with the annual value assessed as mentioned in paragraph (a) of the said section the Treasurer may, appeal against the assessment to the Local Court, and the said Court shall assess the annual value, and the value so assessed shall be the annual value for determining the amount of such annual fee.

34. If the annual value as assessed by the Local Court is different from that shown by the assessment appealed against, the Treasurer shall repay to, or shall be entitled to recover from, the licensee any excess or deficiency (as the case may be) in the fee already paid by the licensee, and such excess or deficiency may be recovered as a debt in any Court of competent jurisdiction.

35. Any assessment made under sections 32 or 33 or both, *Ibid.* whether by the Treasurer or the Local Court, shall be merely for the purpose of determining the licence fee, and shall be made according to the principles laid down in section 222 of the Municipal Corporations Act, 1890.

36. When the licence fee payable in respect of any house or *Ibid.* premises for any year has been determined under sections 32 or 33 hereof in case there is an appeal, such fee shall be the fee payable upon any subsequent renewal of the licence or the subsequent grant of a fresh licence in respect of the same house or premises unless the licensee or the Treasurer appeals to the Local Court against the assessment upon which the fee was determined, in which case the fee determined upon the assessment made by the Court on such appeal shall be the fee for each year until altered pursuant to the assessment made on a later appeal.

37. A fee determined under this division shall be deemed to be *Ibid.* the fee fixed by section 31, within the meaning of Schedule C.

38. Any licence fee paid before the passing of Licensing Acts *Ibid.* Further Amendment Act, 1917, in respect of any such house or premises as hereinbefore mentioned, shall be deemed to have been the proper fee, and to have been lawfully paid and received.

39. In this division "Local Court" means the Local Court of *Ibid.* Full Jurisdiction nearest to the house or premises.

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DIVISION IV.—APPLICATIONS FOR LICENCES, MEMORIALS, AND OBJECTIONS.

Application for licences, other than packet licences, to be made to Court. 970 of 1908, s. 30.

40. Applications for all licences, except packet licences, or for any licence, except a packet licence, being transferred or removed, shall be made to and considered by the Court for the district in which the premises licensed or proposed to be licensed are situated.

Packet licence to be granted by Treasurer. *Ibid.*, s. 31.

41. Packet licences shall be issued by the Treasurer to the master or commander of any steamer or other vessel making passages and conveying passengers from any place within the State or its dependencies to any other place, upon payment of the licence fee hereinbefore mentioned, and upon receiving the certificate of a Special Magistrate or two Justices, in the form in Schedule D hereto.

Application for publican's or wine licence for new premises to be commenced by deposit of plans and notice. *Ibid.*, s. 32.

42. (1) Every person desirous of procuring a publican's or wine licence under this Act, in respect of premises which have not yet been previously licensed, shall, at the meeting of the Court immediately previous to the meeting at which application for a licence is to be made, deposit with the Clerk plans of the buildings erected or proposed to be erected on such premises, and showing exactly in such plans—

(a) the site of such premises :

(b) the boundaries thereof :

(c) the situation thereon of the front door of such buildings :

(d) words indicating which is or is to be the front door.

(2) Such plans shall be—

I. upon paper of the width of twenty-four inches :

II. certified as correct by such person and by an architect or surveyor :

III. open to public inspection without fee.

(3) Such person shall—

(a) within fourteen days of the deposit of such plans cause notice of such deposit to be given by two advertisements in each of two daily and two weekly newspapers published in the said State :

(b) during the whole of the interval between such deposit and the next meeting of the Court post and keep posted on the outer door of the premises in respect of which the application is intended to be made, or, in case the said premises

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premises have not been erected or completed, upon a notice board placed on a conspicuous part of the land upon which it is intended to erect or complete such premises, a notice in such of the forms contained in Schedule E hereto as is applicable :

- (c) at the time of depositing such plans, deliver to the Clerk a duplicate of such notice, accompanied by a certificate in the form of Schedule F hereto, of at least three known householders residing within a radius of one mile of the said premises, or intended premises.

(4) The Clerk shall forthwith cause notice of the deposit of such plans to be inserted in two consecutive numbers of the *Gazette*. The cost of so inserting such notice shall be paid by the applicant.

43. (1) Every such person, having complied with the requirements of the next preceding section, may, at the annual or quarterly meeting of the Court held next after the deposit of such plans, apply to such Court for a licence in respect of the premises specified in such plans, and the Court shall thereupon—

Court to grant or refuse licence, or to decide whether licence will be granted to premises erected in accordance with plans.

Ibid., s. 33.

- (a) if the premises have already been erected or completed, grant or refuse the application :
- (b) if the premises have not then been erected or completed, decide whether a licence will be granted to such premises when erected or completed in accordance with such deposited plans to the satisfaction of and within a reasonable time to be then fixed by the Court.

(2) If any application is rejected upon the ground—

- (a) that the plans so deposited do not meet with the approval of the Court, or
- (b) that the premises erected or proposed to be erected are not, or would not, in its opinion, be suitable to the locality,

the Court shall, upon the request of the applicant or his counsel, state in what particulars—

- i. the plans do not meet with its approval, or
- ii. the buildings or proposed buildings are unsuitable.

(3) When the Court has decided at any meeting that a licence will be granted to any premises not then erected or completed, such premises, upon being erected or completed in accordance with the deposited plans within the time fixed by the Court, shall, for the purpose of regulating the mode of application for a licence thereto, be deemed to be previously licensed premises.

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Application for other
licences.

Ibid., s. 34.

44. Every person applying for a licence, other than a publican's, wine, club, or packet licence, in respect of any premises which have not been previously so licensed, shall, not less than twenty-eight days next before the meeting of the Court at which the application is to be made, post, and during the whole of the interval, keep posted a notice, in such of the forms contained in Schedule E hereto as is applicable, on the outer door of the premises, or on a notice board on a conspicuous part of such premises, if the house or store has not been erected or completed; and shall, at least twenty-eight days before such meeting, deliver to the Clerk a duplicate of such notice, accompanied by a certificate in the form of Schedule F hereto, of at least three known householders residing within a radius of one mile of the premises.

Memorial against
new licence.

Ibid., s. 35.

45. No licence under this Act, other than a billiard or packet licence, in respect of previously unlicensed premises, shall be granted if a memorial, in the form of Schedule G hereto, or to the like effect, against the granting of the same, signed by at least two-thirds of the electors resident in the immediate neighborhood of such premises, is presented to the Court at the meeting at which the application for such licence is made. The genuineness of the signatures to such memorial shall be verified on oath before such Court. No memorial shall be received unless it is signed by twenty qualified persons at the least: Provided always that if there are less than thirty persons qualified to sign such a memorial as aforesaid residing in the immediate neighborhood (the onus of proof whereof shall lie on the person or persons objecting to the grant of the licence), the "immediate neighborhood" shall, for the purposes of such memorial and all proceedings connected therewith, mean within a radius of one mile from the front door, or proposed front door, of such premises.

Memorial and copy
for service to be
lodged.

Ibid., s. 36.

46. Every such memorial against the granting of a licence, with a copy thereof for service on the applicant, shall be lodged with the Clerk within sixty days after the time when the applicant has deposited with the said Clerk plans of any building which it is proposed to erect, or in respect of which it is intended to apply for a licence, if the licence for which it is intended to apply is a publican's or wine licence; or within fourteen days after such time if the licence for which it is intended to apply is a licence other than a publican's or wine licence; and such Clerk shall forthwith cause such copy memorial to be forwarded by post to the applicant.

Certified list of
electors to be
evidence.

Ibid., s. 37.

47. Any person applying for a licence, or notifying his intention to oppose the granting of a licence, shall, on application to the Returning Officer of the Electoral District for the House of Assembly, or to the Returning Officers of the Electoral Districts (if more than one), in which the immediate neighborhood of the premises in respect of which he intends to apply for or oppose the granting of a licence is situate (or to other the officer or officers under any Act for the time being in force whose duty it is to keep the Electoral Roll

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Roll for such District or Districts), and on payment to each such Returning Officer (or other officer as aforesaid) of the sum of Ten Shillings and Six Pence, and a further sum of Three Pence for each folio of seventy-two words of the lists herein mentioned, be furnished by such Returning Officer (or other officer or officers as aforesaid) with a list of the electors residing within the said immediate neighborhood, or so much thereof as lies within his Electoral District (or within the District for which he keeps the Electoral Roll, as the case may be), certified under the hand of such Returning Officer (or other officer as aforesaid) to be a true list of such resident electors; and such certified list or lists (if more than one) shall be *prima facie* evidence of the number and names of the electors residing within the immediate neighborhood and qualified to sign such memorial as aforesaid.

48. A licence having been refused by reason of a memorial having been presented in terms of this Act against the granting of a licence or licences, it shall not be lawful for the Court, at any sitting within two years after such refusal, to entertain an application from any person or persons in respect of the premises for which a licence has been refused, nor after that period unless a memorial has been presented in favor of granting a licence or licences, signed by at least two-thirds of the electors resident in the immediate neighborhood (within the meaning of section 45 of this Act) of such premises, and the genuineness of the signatures is verified, as provided for in case of a memorial under section 45 of this Act.

Where licence refused by reason of memorial, no licence to be subsequently issued except on memorial by majority of electors.

Ibid., s. 38.

49. Any unlicensed person desirous of procuring any licence other than a club or packet licence, in respect of previously licensed premises, shall, twenty-eight days at least before the date of the meeting at which he intends to apply for such licence, post on the outer door of the premises, and keep posted there until such meeting, a conspicuous notice in such of the forms contained in Schedule E hereto as is applicable, and shall deliver to the Clerk a duplicate of such notice, accompanied by a certificate, in the form of Schedule F hereto, of at least three known householders residing within a radius of a mile of such premises.

Manner of application by new applicant for licence in respect of previously licensed premises.

Ibid., s. 39.

50. Any householder who gives a certificate under section 42 or 49 which is untrue in any particular shall be liable to a penalty not exceeding Five Pounds.

Untrue certificate.

Ibid., s. 40.

51. Any licensed person, other than the holder of a packet licence, desirous of procuring a renewal of his licence under this Act shall, twenty-eight days at least before the annual meeting of the Court, deliver to the Clerk a notice in such of the forms in Schedule E hereto as is applicable.

Manner of application for renewal of any licence.

Ibid., s. 41.

52. Upon the receipt of any notice of application, the Clerk shall file the same, and shall forthwith cause notice of such application and the particulars thereof to be forwarded to the Commissioner of Police, and to an Inspector.

Notice of application to Commissioner of Police and Inspector.

53. The

Ibid., s. 42.

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Notice to be given of
time for making
objections.

Ibid., s. 43.

Form of notice.

Proceedings on con-
sideration of applica-
tion to be public.

Ibid., s. 44.

53. The Clerk shall give notice by advertisement in the *Gazette* published not less than five weeks before the annual meetings of the Court, requiring all persons having any complaint against the management or condition of any licensed premises, or the licensee thereof as such licensee, to forward such complaint to the Clerk at least fourteen days before the annual meeting, and to attend at such annual meeting to substantiate such complaint. Such notice may be in the form of Schedule H hereto.

54. (1) The proceedings on the consideration of—

(a) any application for any licence under this Act :

(b) any objection to such application :

(c) every application to renew, transfer, or remove any such licence :

(d) any objection to any such application

shall be public.

(2) The Court at its annual or quarterly meetings, or at any adjournment thereof, shall

(a) hear, inquire into, and determine—

i. all such applications :

ii. all such objections :

(b) hear on oath such witnesses as are called.

(3) The Court at any such meeting may—

(a) grant, subject to this Act, such licences to such persons as are approved by the Court :

(b) direct the holder of a licence to

i. supply additional accommodation at his premises :

ii. make repairs therein

in such manner and within such reasonable time as it deems fit.

Personal attendance
for renewal or
transfer of licence
not requisite unless
notice of objection
given.

Ibid., s. 45.

55. Subject to section 71 hereof, and without diminishing the effect of section 69, no person, having given the notice by this Act prescribed, shall be required to attend the Court for the purpose of procuring a renewal or transfer of his licence, or of a licence, unless notice of objection to the application, stating the grounds thereof, has been given to the Clerk in duplicate. Upon receipt of such notice of objection the Clerk shall forthwith forward one part thereof, by post, to the applicant.

Notice of objection
to be served.

Ibid., s. 46.

56. No person shall be heard, either personally or by counsel, in support of any objection to the grant, renewal, transfer, or removal of a licence before the Court unless notice in writing of such objection, stating the nature and grounds thereof, signed by the objector,
and

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and giving his place of residence and occupation or style, has been delivered to the Clerk and to the person who has given the notice of application prescribed by this Act at least fourteen clear days before the day on which such application is to be heard.

57. The objections to the grant or renewal of a licence of which notice may be given are the following :—

Objections to
licences and renewals.

Ibid., s. 47.

I.—*Publicans' Licences.*

(1) As to all applications—

(a) that the applicant is—

I. of bad fame or character :

II. interested in keeping a brothel or house of ill-fame :

III. of drunken or dissolute habits :

IV. not a fit and proper person to be licensed :

(b) that the applicant has within six months previously been deprived of a licence under this Act or any Act hereby repealed :

(c) that there is direct means of communication between any store, shop, office, or dwelling house and the premises mentioned in the application or the appurtenances thereof or any premises within the same enclosure as the premises mentioned in the application :

(d) that the said premises, or any adjacent store, shop, or house owned or occupied by the applicant (whether there is or is not any such means of communication between such adjacent store, shop, or house and the said premises) is—

I. of a disorderly character : or

II. frequented by prostitutes, thieves, or persons of bad character :

(e) that the licensing of the premises is not required for the accommodation of the public.

(2) As to applications for premises not previously licensed—

(a) That such premises are in the vicinity of a church or other place of public worship, or a hospital, or school, and would, if licensed, be the cause of inconvenience or annoyance to the persons using or frequenting such church, place of worship, hospital, or school :

(b) that the quiet of the locality in which such premises are situated will be disturbed if a licence is granted for the sale of liquor in such premises (this objection shall not be entertained unless a petition against the granting of such licence for such premises has been presented to the
Court,

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Court, signed by at least two-fifths of the electors residing in the immediate neighborhood of such premises):

- (c) that, if such premises are situated in or within ten miles of the city of Adelaide, the same have not at least two moderate-sized sitting-rooms and two sleeping-rooms, properly ventilated and furnished, constantly ready and fit for the accommodation of members of the public, independent of the rooms occupied by the applicant and his family:
 - (d) that the said premises have not decent and separate places of convenience for both males and females, or have not urinals on or near the premises for the use of the customers thereof, so as to prevent nuisances and offences against decency.
- (3) As to applications for renewal of licences or by new applicants for previously licensed premises—
- (a) That the management of the licensed premises in such particulars as are specified in the notice has not been satisfactory:
 - (b) that any direction of the Court as to additional accommodation has not been complied with.
- (4) As to applications for licences for premises not previously licensed, and for renewal of licences—
- (a) That, if such premises are situated more than ten miles from the city of Adelaide, such premises have not at least one sitting-room and two sleeping-rooms properly ventilated and furnished, constantly ready and fit for the accommodation of travellers, and separated from any bar by a space of at least twelve feet, with a separate entrance:
 - (b) that such premises have not decent and separate places of convenience for both males and females, or have not urinals on or near to the premises for the use of the customers thereof, so as to prevent nuisances and offences against decency:
 - (c) that there is not a stable on the premises capable of containing at least four horses, with a sufficient quantity of hay and corn: Provided that want of stable accommodation shall not be an objection as to premises within the limits of a municipality whose population numbers two thousand or over.

II.—*Wine Licences.*

- (1) As to all applications—
- (a) that the applicant is—
 - I. of bad fame or character:
 - II. interested in keeping a brothel or house of ill-fame:

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III. of drunken or dissolute habits :

IV. not a fit and proper person to be licensed :

(b) that he has been within six months previously deprived of a licence under this Act or under any Act hereby repealed :

(c) that the licensing of the premises is not required for the accommodation of the public.

(2) As to applications for renewal of licences, or by new applicants for previously licensed premises—

(a) that the management of the licensed premises in such particulars as are specified in the notice has not been satisfactory :

(b) that any direction of the Court as to additional accommodation has not been complied with.

(3) As to applications for licences for premises not previously licensed—

(a) that such premises are in the vicinity of a church, or other place of worship, or a hospital, or school, and would, if licensed, be the cause of inconvenience or annoyance to the persons using or frequenting such church, or place of worship, hospital, or school :

(b) that the quiet of the locality in which such premises are situated will be disturbed if a wine licence is granted for such premises (this objection shall not be entertained unless a petition against the granting of such licence for such premises is presented to the Court, signed by at least two-fifths of the electors residing in the immediate neighborhood of such premises).

III.—*All Licences, except Publicans', Wine, and Packet Licences.*

(1) As to all applications—

(a) that the applicant is—

I. of bad fame or character :

II. interested in keeping a brothel or house of ill-fame

III. of drunken or dissolute habits :

IV. not a fit and proper person to be licensed :

(b) that he has been within six months previously deprived of a licence under this Act or any Act hereby repealed :

(c) that the licensing of the premises is not required for the accommodation of the public,

(2) As to applications for renewal of licences—That the management of the licensed premises, in such particulars as are specified in the notice, has not been satisfactory.

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Duties of Clerk at meetings.

Ibid., s. 48.

58. (1) The Clerk shall—

- (a) attend all the meetings of the Court:
- (b) minute the results of the proceedings:
- (c) prepare a list of applications to be heard at each meeting of the Court:
- (d) lay such list before the President:
- (e) sign a licence in respect of every application for a licence granted by the Court in such of the forms contained in Schedule B hereto as is applicable:
- (f) record such signing of such licence together with the date of such signing on the said list:
- (g) forthwith after such recording forward such licence to the Treasurer or his deputy hereinafter referred to:

Duties of President at meetings.

(2) (a) The President shall record the granting of every application at the time of such granting by writing under his hand opposite to or against the name of the applicant in the said list:

(b) Such recording by the President shall be a valid authority to the Clerk to sign any licence pursuant to clause (e) of subsection (1) of this section.

(3) The Treasurer shall either—

- (a) attend every annual and quarterly meeting of the Court, or
- (b) appoint a deputy to attend every such meeting.

(4) Every such deputy shall attend every such meeting.

Treasurer or deputy to issue licences.

(5) The Treasurer or deputy, as the case may be, shall issue and deliver every such licence forwarded to him by the Clerk pursuant to clause (g) of subsection (1) of this section, but shall first—

- (a) receive the annual fee payable in respect of such licence:
- (b) receive the sum of Two Shillings and Sixpence as a fee for each such licence:
- (c) record at the foot of the licence the date of such issuing and delivering.

Until fee paid, person entitled to licence deemed unlicensed.

If not paid within two months licence void.

Ibid., s. 49.

59. Until the sum payable for a licence is paid to the Treasurer, or such deputy as mentioned in section 58 hereof, and the licence is actually issued by him, the person entitled to such licence shall be deemed unlicensed, and in case the sum is not paid within two calendar months after the date of the meeting at which the same was granted the grant thereof shall be wholly void, and the licence shall not be issued.

List of licences issued and notice of non-payment of fees to be published in *Gazettes*.

60. The Treasurer shall cause a list of all licences issued, and also notice of the non-payment of any licence fees as mentioned in the next

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next preceding section, to be inserted in the *Gazette*, on the first, second, or third day of its publication after the issue of the licences, or after the expiration of the said period of two calendar months, as the case may be.

Ibid., s. 50.

DIVISION V.—TRANSFER OF LICENCES.

DIVISION V.

61. If any person who—

Transfer of licences.
Ibid., s. 51.

- (1) holds a licence other than a club or packet licence; or
- (2) has a certificate under section 64 hereof; or
- (3) has given notice of entry to the Clerk under subsection 2, section 64 hereof

desires to have the licence transferred to some person other than himself; or

if any person who—

- (4) has such certificate; or
- (5) has given such notice of entry

desires to have the licence transferred to himself,

every such person shall, twenty-eight days before any quarterly meeting,

- (6) deliver to the Clerk a notice in the form of Schedule J hereto, or as near thereto as circumstances will permit;
- (7) post on the outer door of the licensed premises a duplicate of such notice;
- (8) deliver to the Clerk a certificate from three known householders residing within a radius of one mile of the licensed premises in favor of the intended transferee, which certificate shall be in the form of Schedule F hereto.

The Clerk shall forthwith cause every such application for transfer to be advertised in two consecutive numbers of the *Gazette* issued previously to the date of the meeting of the Court to which such application is to be made.

62. The objections to a transfer, of which notice may be given, are the following:—

Nature of objections
to transfers.

- (1) That the licence of the person proposing to transfer the same is liable to be forfeited for offences against this Act, or any Act hereby repealed;
- (2) that the person to whom it is proposed to have the licence transferred—

Ibid., s. 52.

- (a) is of bad fame or character,
- (b) is interested in keeping a brothel or house of ill-fame,
- (c) is of drunken or dissolute habits,
- (d) is not a fit and proper person to be licensed,
- (e) has within six months previously been deprived

of

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of a licence under this Act, or any Act hereby repealed, as being personally incapable or unfit to hold the same ;

(3) that the lease under which the holder of the licence occupies his house contains a covenant or prohibition against transferring the licence, or assigning, or subletting without the consent of the lessor, and that such consent has not been obtained ;

(4) that any direction of the Court as to additional accommodation has not been complied with.

Court may transfer licence.

Ibid., s 53.

63. (1) The Court assembled at any quarterly meeting may, upon the application of—

(a) any holder of a licence,

(b) any holder of a certificate under section 64 hereof,

(c) any person who has given notice of entry to the Clerk pursuant to subsection 2 of section 64 hereof,

upon being satisfied that the provisions of this Act have been complied with, transfer the licence to the proposed transferee.

(2) The Clerk shall thereupon sign a certificate in the form of Schedule K hereto, and forward such certificate to the Treasurer.

(3) The transferee shall pay to the Treasurer the sum of Twenty Shillings, whereupon the Treasurer shall issue the certificate to the transferee.

(4) Upon such issue and upon such payment the transferee shall thereafter have and exercise the same privileges and be subject to the same liabilities and penalties as if such licence had been originally granted to him.

(5) Upon such issue and upon such payment the person whose licence is so transferred shall cease to be a licensed person under this Act in respect of the premises mentioned in such licence, but shall remain liable for any act or omission done, caused, permitted, or made by him prior to such transfer.

DIVISION VI.

Transmission of licences.

Ibid., s. 54.

DIVISION VI.—TRANSMISSION OF LICENCES.

64. (1) On the happening to the holder of any licence other than a club or packet licence, or of a certificate under this section, of any of the events mentioned in the first column of this subsection, or on any such holder doing, permitting, or suffering any of the acts, matters, or things mentioned in such first column, the person specified in the second column opposite to the events, acts, matters or things mentioned in such first column shall be entitled to enter upon the licensed premises of such holder, and may, subject to obtaining a certificate of a Special Magistrate or Justices as hereinafter mentioned, continue and carry on the business thereof until the meeting of the Court held next after

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after the expiration of twenty-eight days from such entry, at which meeting an application shall be made by such person who has so entered for a transfer of the licence, or for a licence, as the case may require, and the proceedings to obtain such transfer or licence shall be the same, or as nearly as may be, and the Court shall have and exercise the same discretion as in ordinary cases of applications for a transfer or licence.

First Column.	Second Column.
<p>I. On death :</p>	<p>I. The legal personal representative (or his nominee or assign), or the widow, widower, or any child of the deceased :</p>
<p>II. On insolvency, statutory assignment, or composition whereby the estate of a licensed person becomes an asset for the benefit of his creditors :</p>	<p>II. The assignee, trustee, or other person in whom the estate becomes vested, or his nominee or assign :</p>
<p>III. On sickness or other infirmity, whereby the licensed person becomes disabled personally to conduct the business of the licensed premises :</p>	<p>III. The wife or husband, or any child, or the nominee of the licensed person :</p>
<p>IV. On the lunacy of any licensed person :</p>	<p>IV. The committee of such person or the nominee of such committee :</p>
<p>v. On sale of the licensed premises :</p>	<p>v. The purchaser or his nominee :</p>
<p>VI. On surrender, forfeiture, recovery by legal process, or other determination of the right of the licensed person to the possession of the licensed premises, or upon the licensed person yielding up possession of the premises before the expiration of the licence, or allowing such premises to become vacant :</p>	<p>VI. The landlord, mortgagee, or other person who may be <i>bona fide</i> entitled to the licensed premises or the possession thereof, or the nominee or agent of any such landlord, mortgagee, or other person :</p>
<p>VII. On the neglect or refusal of the licensed person to give notice of application for the renewal of his licence, or, having given such notice, on his neglecting to apply at the annual meeting for such renewal, or, on his having so applied, his being refused</p>	<p>VII. The landlord, mortgagee, or other person prejudiced thereby :</p>

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First Column.

Second Column

a renewed licence merely on personal grounds, or having been granted a licence, on his refusing or neglecting to pay the licence fee within thirty days from the meeting of the Court at which the licence was granted :

VIII. On the neglect or refusal of a person to whom a certificate has been granted as hereinafter mentioned to make application for a transfer of the licence or for a licence (as the case may require), or upon the refusal of the Court to transfer the licence or to grant a licence (as the case may require) to such person.

VIII. The landlord, mortgagee, or other person prejudiced thereby.

(2) Every person entering upon any licensed premises, and continuing the business thereof under the provisions of this section, shall, within seven days after such entry, give notice thereof in writing to the Clerk, and shall, on receiving notice from the said Clerk, attend before a Special Magistrate or two Justices, at a time and place to be specified in such last-mentioned notice; and if such Special Magistrate or Justices are satisfied that such person is a desirable person to hold a certificate, and that he has not been previously refused a licence by any Court, such Special Magistrate or Justices may, in his or their discretion, grant to such person a certificate, in the form of Schedule L hereto, and such person shall, so long as such certificate continues in force, be deemed a licensed person, and shall be subject to the same liabilities and penalties as if he held a licence under this Act, and such certificate shall whilst in force be deemed to be the licence of such person.

(3) The time specified in the notice last mentioned in subsection (2) of this section shall be not less than fourteen days after the Clerk has received the notice first mentioned in such subsection; and the Clerk shall send to the Commissioner of Police and to an Inspector particulars of the notice in this subsection first referred to

(4) If in the event mentioned in subdivision v. of the said first column the Special Magistrate or Justices refuse to grant a certificate as aforesaid to the purchaser or his nominee, upon an application made in accordance with subsection (2) of this section, the purchaser shall, notwithstanding any agreement to the contrary, be entitled to recover any money or other thing whatsoever paid or delivered to the vendor, or to any person on behalf of the vendor, on account of the purchase or agreement for the purchase, whether by

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by way of deposit or payment or part payment of the purchase-money, or by way of earnest or otherwise to bind the agreement.

(5) Any person entering upon premises in consequence of any of the events mentioned in subdivision VII. of the said first column shall, within seven days after obtaining such certificate as aforesaid, present or send the same to the Treasurer, and pay the same licence fee as would have been payable if the licence had been granted at the annual meeting of the Court; and in the event of a licence being granted by the Court at a subsequent meeting, no further fee shall be payable in respect of such licence for that licensing year.

(6) Any person entering upon premises within the twenty-eight days immediately preceding an annual meeting of the Court in consequence of any of the events mentioned in any subdivision except VII. of the said first column, shall, within seven days after obtaining such certificate as aforesaid, present or send the same to the Treasurer, and pay the same licence fee as would have been payable if such certificate had been a licence granted at such annual meeting; and in the event of a licence being granted by the Court at a subsequent meeting, no further fee shall be payable in respect of such licence for that licensing year.

(7) From and after the entry of any person under the provisions of this section upon any premises, until the grant to such person of a certificate as aforesaid, such person shall be deemed a licensed person, and shall be subject to the same liabilities and penalties as if he held a licence under this Act, and such certificate, when granted, shall be subject to the same indorsements as if it had been in force at the time of such entry.

(8) The production of a notice of entry given by any person under this section shall be sufficient proof, in any proceedings for any offence against this Act, that such person has entered upon the premises therein mentioned, and that he is carrying on the business thereof.

(9) Whenever a Special Magistrate or Justices grant a certificate under this section, he or they shall forthwith send particulars of the same to the Clerk.

DIVISION VII.—REMOVAL OF LICENCES.

DIVISION VII.

65. (1) If any person holding—

- (a) any licence under this Act, except a packet or railway licence, or
- (b) a certificate under section 64,

is desirous of removing his business to other suitable and convenient premises, he shall, within twenty-eight days before any annual or quarterly meeting of the Court,

- (c) deliver to the Clerk a notice in the Form No. 1 in Schedule M hereto :
- (d) post

Removal of licence to other premises.

Ibid., s. 55, as amended by 1236 of 1915, s. 29.

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(d) post and keep posted until such meeting, on—

- I. the outer door of the licensed premises :
- II. the outer door of the premises to which it is proposed to remove the licence :

a duplicate of such notice.

(e) if the last-mentioned premises have not been erected or completed, the duplicate notice shall be so posted and kept posted upon a notice board placed on a conspicuous part of the land upon which it is intended to erect or complete such premises.

(2) In case the licence sought to be removed is a publican's or wine licence, he shall with such notice deliver to the Clerk plans of the premises to which it is proposed to remove such licence, and the Clerk shall take proceedings thereon similar to those hereinbefore directed with regard to applications for licences.

(3) The plans to be delivered under subsection (1) of this section shall comply with all the requirements as to plans contained in section 42 of this Act.

(4) Nothing herein contained shall be construed to make it obligatory on the holder of a licence who puts up new premises of the same or superior accommodation to, and on the site of his licensed premises, to apply for a removal of his licence to such new premises.

Nature of objections
to removal of licence.
Ibid. s. 56.

66. (1) The objections to a removal of which notice may be given are the following :—

- (a) That the licensing of the house to which it is proposed to remove the licence is not required for the accommodation of the public :
- (b) That it is in the vicinity of a church or other place of public worship, or a hospital, or school, and would, if licensed, be the cause of inconvenience or annoyance to persons using or frequenting such church, place of worship, hospital, or school :
- (c) That the quiet of the locality in which such house is situated will be disturbed, if a licence is granted for the sale of liquor in such house (but such last-mentioned objection shall not be entertained unless a petition against the removal of such licence to such house is presented to the Court signed by at least two-fifths of the electors in the immediate neighborhood of such house) :
- (d) That the lease under which the holder of the licence occupies his house contains a covenant or prohibition against removing the licence to any other house without the consent of the lessor, and that such consent has not been obtained :

(e) That

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(e) That there is direct means of communication between any store, shop, office, or dwelling-house and the premises mentioned in the application or the appurtenances thereof or any premises within the same enclosure as the premises mentioned in the application :

(f) That the said premises or any adjacent store, shop, or house, owned or occupied by the applicant (whether there is or is not any such means of communication between such adjacent store, shop, or house and the said premises) is of a disorderly character, or frequented by prostitutes, thieves, or persons of bad character.

(2) If the application is for the removal of a publican's licence Ct. s. 55, ante notice of the following objections may be given, in addition to the foregoing, namely :—

(a) If the premises are situated in or within ten miles of the city of Adelaide, that they have not, at least, two moderate-sized sitting-rooms and two sleeping-rooms, properly ventilated and furnished, constantly ready and fit for the accommodation of members of the public, independent of the rooms occupied by the applicant and his family :

(b) If such premises are situated more than ten miles from the city of Adelaide—

I. that they have not, at least, one sitting-room and two sleeping-rooms, properly ventilated and furnished, constantly ready and fit for the accommodation of travellers, and separated from any bar by a space of at least twelve feet, with a separate entrance :

II. that there is not a stable on the premises, capable of containing, at least, four horses, with a sufficient quantity of hay and corn (but want of stabling accommodation shall not be an objection to premises within the limits of a Municipality whose population numbers two thousand or over).

(c) Wherever such premises are situated, that they have not—

I. decent and separate places of convenience for both males and females :

II. urinals on or near the premises, for the use of the customers thereof, so as to prevent nuisances and offences against decency.

67. (1) (a) Any person having complied with the provisions of section 65 may, at the meeting of the Court held next after the delivery of the notice required by that section, apply for the

Procedure on application for removal.
1236 of 1915, s. 30.

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the removal of his licence or his certificate under section 64 in accordance with such notice, and the provisions of section 43, *mutatis mutandis*, shall apply to such application: Provided that in case the premises to which it is proposed to remove the licence have not at the time of the application been erected or completed, then, if the Court decides that the application will be granted when such premises have been erected or completed as mentioned in section 43, the application shall be adjourned to be finally dealt with at a subsequent meeting of the Court held after such premises have been so erected or completed.

Effect of removal.

(b) When an application for removal is granted a certificate shall be issued in the form in Schedule N hereto, and thereupon and on payment of the sum of Twenty Shillings for such certificate, the holder of the licence or of the certificate under section 64 shall be authorised to carry on business thereunder in the premises to which the licence or certificate is removed, instead of in his former house, in the same manner as if the licence had been originally granted in respect of the premises to which the licence or certificate is so removed, according to the tenor and effect of the licence; and the premises in respect of which the licence was originally granted shall thereupon cease to be licensed.

No removal from
one Local Option
District to another.

Ibid., s. 31.

(2) No licence shall be removed from premises situated within any Local Option District to premises situated within another Local Option District. If not later than seven days before the meeting to consider the application, a petition is presented to the Minister signed by at least twenty or one-fifth (whichever is the lesser number) of the electors residing in the immediate neighborhood of the premises to which it is proposed to remove the licence, praying that a poll of electors be taken on the question whether the licence shall or shall not be removed to such premises, the application shall be adjourned to be finally dealt with at a meeting of the Court held after a poll has been taken as provided by subsection (3) hereof, and shall not be granted unless such poll results in a majority in favor of the removal.

(3) If a petition is presented as mentioned in subsection (2) hereof the Minister shall, by notice published in the *Gazette*—

- (a) define an area within which the poll shall be taken,
- (b) fix the date for taking the poll and the hours when it shall open and close,
- (c) prescribe the place at which such poll shall be taken, and
- (d) appoint a returning officer and such other officers as may be necessary for the purposes of the poll.

The poll shall be taken, in accordance with such notice and in manner prescribed, of the electors residing within the area defined by such notice; and the result shall be published in the *Gazette*, which shall be conclusive evidence that the poll was duly held and of the result thereof.

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DIVISION VIII.—PROCEDURE ON HEARING OF APPLICATIONS.

68. The provisions of this Act as to the proceedings upon an application for a licence shall apply as nearly as possible to the proceedings upon an application for the transfer of a licence or the removal of a licence from one house to another.

69. (1) No licence shall be renewed nor shall any application be granted as a matter of course; and upon the hearing of any application for the grant, renewal, transfer, or removal of a licence, whether notice of objection has been delivered or not, and whether objection is taken at the hearing or not, the Court shall hear, inquire into, and determine the application and all such objections (if any) on the merits, and shall grant or refuse the application upon any ground which, entirely in the exercise of its discretion, it deems sufficient; and against such grant or refusal there shall be no appeal.

(2) It shall not be necessary for the Court to state the ground or reason for its decision to grant or refuse such application; or, if refused, to state upon what (if any) particular objection the application is refused.

(3) No compensation shall be payable to any person by reason of the refusal of the Court to grant any application.

70. (1) The applicant, or any person objecting to the grant of a licence, or to the renewal, transfer, or removal, of a licence, may obtain, at the office of the Clerk, summonses for witnesses; such summons shall be in the form in Schedule O hereto, or to the like effect.

(2) The Court may direct that any person, whose evidence it deems desirable to have, be summoned to attend and give evidence in the matter of any application for the grant, renewal, transfer, or removal of a licence. The Clerk shall thereupon issue such summons as mentioned in subsection (1), and cause the same to be served upon such person. The provisions of sections 284 and 285 of this Act shall apply to every person summoned to attend and give evidence under this subsection.

71. The applicant for the grant, renewal, transfer, or removal of a licence may be summoned under the next preceding section hereof to attend and give evidence upon the hearing of the application; and, whether summoned or not, such applicant may, if present at the hearing, be called as a witness. All the provisions of the next preceding section and of the sections therein mentioned shall apply to any applicant so summoned and to any applicant present at the hearing.

72. The Court, assembled at an annual or quarterly meeting, may order that any person objecting to any application, and failing to support such objection to its satisfaction, shall pay to the applicant

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Procedure on application for transfer or removal same as on application for licence.
970 of 1908, s. 58.

Discretion of Court as to all applications.
Ibid., s. 59.

Need not state grounds for decision.

No compensation on non-renewal of licence

Witnesses may be summoned.
Ibid., s. 60

Applicant may be required to give evidence.
Ibid., s. 61.

Costs may be given against unsuccessful objector.
Ibid., s. 62.

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applicant a sum not exceeding Ten Pounds, for the costs incurred by such applicant in supporting such application; and such costs may be recovered in the same manner as any sum of money ordered to be paid by any order of Justices: Provided always that no such order shall be made where such objection is made by any member of the Police Force or any inspector.

Special permits to carry on licensed premises.

Ibid., s. 63.

73. (1) If any person entitled to apply for the renewal of any licence in respect of any premises fails to make application therefor to the Court within the proper time, it shall be lawful for a Special Magistrate, if satisfied that such failure arose through illness, accident, or misadventure, to grant to such person a certificate which shall authorise such person to carry on the business of such premises until the next quarterly meeting of the Court, and such person shall, during the period such certificate continues in force, be deemed a licensed person, and shall be subject to the same liabilities and penalties as if he held a licence under this Act, and such certificate shall whilst in force be deemed to be the licence of such person.

(2) Such person shall, within seven days after obtaining such certificate, present or send the same to the Treasurer, and pay the same licence fee as would have been payable if such certificate had been a licence granted at the annual meeting of the Court, and in the event of a licence being granted by the Court at a subsequent meeting no further fee shall be payable in respect of such licence for that licensing year.

DIVISION IX.

DIVISION IX.—SPECIAL AUTHORITIES TO SELL LIQUOR.

Five days' certificate may be granted in certain cases.

Ibid., s. 64.

74. If any two Justices living within ten miles of any licensed premises or any Special Magistrate approves of any person (holding at the time a publican's or wine licence for such premises) selling liquor or mead, wine, cider, and perry, as the case may be, in any booth or building at any fair, military encampment, agricultural exhibition, races, regatta, rowing match, cricket ground, or other place of public amusement, for a period not exceeding five days, such Justices or Special Magistrate, upon being satisfied that such licensed person has first obtained the consent and approval of the stewards, committee of management, or other persons having the conduct, control, or management of such fair, encampment, agricultural exhibition, races, or other amusement, and of the officer of the Police Force in charge of the station nearest the licensed premises, may signify their or his approval in writing, by a certificate in the form contained in Schedule P hereto, and thereupon and upon payment, by any person holding a publican's licence, for such certificate of a fee of One Pound for the first day and Ten Shillings for every subsequent day for which the certificate is granted, and, by any person holding a wine licence, for such certificate of a fee of Ten Shillings for each day for which the certificate is granted, it shall be lawful for such licensed person to sell liquor, or mead, wine, cider, and perry accordingly, in such booth or building, for the number of days specified in such certificate: Provided always that
nothing

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nothing herein contained shall be construed as an authority for selling or supplying any liquor to any person to whom it is by this Act made unlawful to sell or supply liquor, or for admitting such person to any such booth or building, or for allowing him to remain therein, or for selling or supplying any liquor during any day or time during which the sale of liquor on licensed premises is prohibited by law: Provided further that this section shall not apply to the occasion of any cadets' military encampment, or of any races, regatta, rowing, or other match, or sports held in connection with any college or school or any association of which the members are, or may be, of less than twenty-one years of age.

75. Any Special Magistrate or two Justices may, by a certificate in duplicate, give permission to the master or commander of any steamer or other vessel (in respect of which a packet licence has not been granted, or is not subsisting), on the occasion of any excursion or trip by such steamer or vessel, to sell liquor on such steamer or vessel for a period not exceeding one day. Every person obtaining such permission shall forward one of such certificates in a prepaid registered letter, together with a fee of One Pound, to the Commissioner of Police, within twenty-four hours after obtaining the same; and the person to whom such certificate is granted may sell liquor on the said steamer or vessel during the period therein mentioned: Provided that nothing herein contained shall be construed as an authority for selling any liquor to any person to whom it is by this Act made unlawful to sell or supply liquor, or for admitting such person to any bar on such steamer or other vessel, or for allowing him to remain therein, or for supplying or selling any liquor during any day or time during which the sale of liquor on licensed premises is prohibited by law.

Packet certificates.
Ibid., s. 65.

76. Notice of the grant of any certificate under the next preceding section hereof, giving the name of the person to whom, and the name of the steamer or vessel in respect of which, the same has been granted, and also the name of the Special Magistrate or Justices by whom the same has been granted, shall be published by the Commissioner of Police in the *Gazette* as soon as practicable after he receives notice of the grant thereof.

Certificates to be
gazetted.
Ibid., s. 66.

77. If the holder of a licence is desirous of leaving the said State for a time, and of appointing a person to act for him during his absence, such holder may give notice of such desire to the Clerk, stating the time he requires to be absent, and the name and description of the person he wishes so to be appointed to act for him, and shall, on receiving notice from the said Clerk, attend before a Special Magistrate with the person he wishes to be appointed, and if such Special Magistrate in his discretion deems such person to be a desirable person to act, and if such person has not been previously refused a licence on personal grounds by the Court or by any Licensing Bench constituted under the provisions of The Licensing Act, 1908, such Special Magistrate may grant a certificate, in the form of

Schedule

Provision for carrying on business during absence of licensed person.
Ibid., s. 67.

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Schedule Q hereto, permitting such person so to act for the holder during his absence, for such time, not exceeding twelve months, as such Special Magistrate in his discretion allows: Provided always that the person so permitted to act shall be liable to the same liabilities and penalties as if he were the holder of a licence under this Act, and as if the licence of the person who appointed him to act were the licence of the person so permitted to act.

1236 of 1915, s. 32.

The power by this section conferred on a Special Magistrate may also be exercised by any two Justices.

Certificates to sell
liquor on goldfields.
970 of 1908, s. 68.

78. (1) If the Special Magistrate nearest to any goldfield approves of any person holding a publican's licence selling liquor or any person holding a wine licence selling mead, wine, cider, and perry, on such goldfield, in any erection or building to be approved by such Special Magistrate, the said Special Magistrate may, upon being satisfied that such licensed person has first obtained the consent of the officer in charge of such goldfield, grant one or more certificate or certificates, in the form contained in Schedule R hereto, to sell liquor, or mead, wine, cider, and perry, as the case may be, in a stated place on such goldfield for the residue of the term of the applicant's licence, subject to a fee of Five Pounds for a publican's licence, and One Pound for a wine licence, being paid into the hands of the officer in charge of such goldfield before any such sale is made. Such officer shall pay all fees so received to the Treasurer.

Renewal of such
certificates.

(2) Such certificates may on like payment be renewed from time to time for a further term of not exceeding six months by the Court for the district in which such goldfield is situate at any annual or quarterly meeting, so long as the person holding the same holds a licence under this Act: Provided that any person holding such certificate for premises situate within one mile from the nearest boundary of any town or township which is proclaimed, or from any hotel for which a licence is obtained, shall, after thirty days' notice by the Clerk, and although the period for which such certificate was granted has not expired, cease to be entitled to sell any liquor under such certificate: No certificate shall be granted to any person in respect of premises situate on Crown lands unless such person has lawful authority to occupy such Crown lands.

DIVISION X.

DIVISION X.—FORFEITURE OF LICENCES.

Licences, how abso-
lutely forfeited.
Ibid., s. 69.

79. (1) If any person holding a licence under this Act is convicted of any felony, such licence shall immediately thereupon be forfeited and void.

(2) If any person holding a publican's licence—

(a) permits any person whomsoever, other than a member of his family, to manage, superintend, or conduct the business of his licensed premises during his absence for a longer period than one month, without the previous consent in writing of a Special Magistrate or two Justices; or

(b) whether

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- (b) whether residing in such licensed premises or not, permits any unlicensed person to become virtually or in effect the keeper thereof; or
- (c) suffers such licensed premises to become ruinous or dilapidated; or
- (d) neglects or fails to comply with any direction of the Court as to additional accommodation;

then, upon information by any person and on proof of the facts to the satisfaction of the Court or of any Special Magistrate or any two Justices, the Court, Special Magistrate, or Justices shall, by an order under the hand of the Clerk, or under his or their hand or hands, declare such licence to be forfeited, and such licence shall thereupon cease to be of any force or effect: Provided that if such licensed premises have become ruinous or dilapidated by reason of fire, tempest, or other cause beyond the control of the holder of such licence, then such licence shall not be declared forfeited until a reasonable time has elapsed for such holder to repair or reinstate such licensed premises.

Exception.

80. (1) If any person holding a licence under this Act is within a period of two years convicted two several times of offences for which his licence is liable to be forfeited as in this Act provided (whether such convictions are in respect of the same kind of offence or not), the Special Magistrate or Justices by whom such person is convicted for the second offence, or the Court for the district in which the licensed premises in respect of which such person holds a licence are situate, may, or if any person holding a licence under this Act is within a period of three years convicted three several times of such offences as in this section before mentioned, the Special Magistrate or Justices by whom such person is convicted for the third offence, or the Court as in this section before mentioned shall, upon information by any person and on proof of the convictions, by an order under his or their hand or hands, or the hand of the Clerk, which order may be in the form of Schedule S hereto, declare such licence to be forfeited, and such licence shall thereupon cease to be of any force or effect, and the person whose licence is so forfeited shall thereupon be disqualified for a term of two years from holding any licence under this Act.

Licence may be forfeited if holder twice, and shall be if thrice, convicted within two or three years.

Ibid., s. 70.

(2) No such declaration of forfeiture shall be made by the Court except upon information lodged with the Clerk within four months after such second or third conviction (as the case may be) as aforesaid, and upon seven days' notice of the hearing of such information, and of the time and place of the meeting of the Court being given by the Clerk to the holder of such licence.

Procedure to obtain forfeiture.

(3) An order for forfeiture under this section may be made, but shall not be enforced, while any appeal against such second or third conviction (as the case may be) is pending; but if such conviction is upheld on appeal such order shall take effect from the time when such appeal is disposed of.

81. (1) An

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Forfeiture of licence
at quarterly meeting
1236 of 1915, s. 56.

81. (1) An inspector may apply to the Court to forfeit any licence on the ground that the management of the licensed premises has not been satisfactory.

(2) The Court may hear and inquire into the application at any quarterly meeting for the district wherein the licensed premises are situate: Provided that notice in writing, stating the particulars in which it is alleged that the management of the premises has not been satisfactory, and signed by the applicant, has been delivered to the Clerk of the Court (or if there is a clerk of the Court for such district, to such clerk) and to the licensee, at least fourteen days before the day fixed for such meeting.

(3) If the Court is satisfied that the management of the premises has not been satisfactory, and is of opinion that the licence should be forfeited, the Court shall, by an order signed by the President or by the Clerk, declare such licence to be forfeited, and such licence shall thereupon cease to be of any force or effect.

Offence of transferor
who transfers to wife
and *vice versa*, to be
deemed offence of
transferee as regards
liability to forfeiture.
970 of 1908, s. 71.

82. If, after any holder of a licence under this Act has been convicted of any offence for which his or her licence is liable to be forfeited, as in this Act provided, such holder procures the transfer of such licence to his or her wife or husband (as the case may be), and after such transfer such wife or husband is convicted of any offence or offences, the licence of the transferee shall be under the same liability to forfeiture as if the transferee had been the holder of the licence at the time the transferor was convicted of such offence, and had been convicted in the place of the transferor.

Forfeiture not a
waiver of penalty.
Ibid., s. 72.

83. Nothing in this Act shall prevent the infliction of any pecuniary penalty or any term of imprisonment to which any person whose licence is forfeited would be liable, or shall in any way limit the power of the Court to refuse any licence to such person.

Forfeiture for not
depositing fresh plan
of premises.
Ibid., s. 73.

84. (1) Upon granting the renewal of any publican's or wine licence the Court may impose the condition that the licensee shall deposit new plans of his licensed premises with the Clerk: Provided that no such condition may be imposed within five years of the first grant of such a licence in respect of such premises, nor within five years of the last deposit of plans thereof as mentioned in this section.

(2) In such case the licence shall at the expiration of six months after such renewal become forfeited and void unless in the meantime the licensee has deposited with the Clerk such plans of his licensed premises as would be necessary if he were applying for a publican's or wine licence in respect thereof as premises which had not been previously licensed.

Landlord in case of
forfeiture of licence
by tenant to be
allowed to carry on
business.
Ibid., s. 74.

85. (1) In case the person who holds a licence which is forfeited under this Act is a tenant or a mortgagor of the premises in respect of which such licence is forfeited, it shall be lawful for a Judge of the Supreme Court, on an *ex parte* application
by

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by the owner or superior landlord, or other person entitled to the reversion of the said premises, or the mortgagee, and on proof by affidavit or otherwise of such forfeiture, to make an order authorising the owner or superior landlord, or other person entitled to the reversion of the said premises, or the mortgagee, or the agent of either of such persons, to enter and take possession of the said premises; and thereupon the person mentioned in such order may enter upon the said premises, and continue and carry on the business thereof until the meeting of the Court for the district in which the premises are situated held next after the expiration of twenty-eight days from the time of such entry, at which meeting an application may be made by such person in possession for a new licence; and the proceedings to obtain such licence shall be the same as in ordinary cases for obtaining a licence for previously licensed premises.

(2) The person authorised by such order to enter and take possession shall until such meeting of the Court be deemed to be a licensed person, and such order shall be deemed to be his licence, and he shall be liable to the same liabilities and penalties as if he were the holder of a licence under this Act.

And deemed to be licensed.

DIVISION XI.—GENERAL.

DIVISION XI.

86. (1) A company incorporated under the laws of the said State, and with the sole object of carrying on the business of a licensed victualler, may hold a publican's licence in respect of one hotel only.

Incorporated company may hold publican's licence.
Ibid., s. 75.

(2) Upon applying for any such licence the company shall submit to the Court the name of a person as its manager of the licensed premises, and for the purpose of objections such person shall be deemed to be the applicant. The licence shall state the manager's name, and the approval in writing of the President shall be necessary before any change of manager will be recognised for the purposes of this Act.

Manager of licensed premises to be approved by the Court.

(3) For the purposes of this Act the manager of the licensed premises shall be deemed to be the person licensed in respect of the premises or the holder of the licence thereof; and such premises shall be deemed to be his licensed premises or the premises in respect of which he is licensed or holds a licence.

Manager deemed to be licensee.

(4) In addition to the manager the company shall be responsible to pay the amount of any fines or penalties incurred or inflicted in consequence of any offence upon the licensed premises against this Act or any Act amending this Act, and the same may be enforced by distress in manner provided by the Ordinance No. 6 of 1850.

Company liable for fines and penalties.

87. (1) No application for the grant, renewal, or transfer of a publican's or wine licence to a single female shall be entertained, nor shall any such licence be held by a single female, unless she is—

No publican's or wine licence to be held by a woman, except in certain cases.

(a) at the time of the passing of this Act the holder of such a licence, or

(b) at

Ibid., s. 76.

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(b) at the time of the passing of this Act the owner or lessee of premises in respect of which such a licence is current at the time of the passing of this Act.

1236 of 1915, s. 33. In this section the term "single female" includes a widow.

(2) This section shall not apply to any widow who—

(a) at the commencement of this Act is the holder of a publican's or wine licence or is the owner or lessee of premises in respect of which such a licence is then current; or

(b) is the widow of any person who at the time of his death is the holder of such a licence or is the owner or lessee of premises in respect of which such a licence is current at the time of his death.

No licence granted to a minor.

Ibid., s. 55.

88. After the commencement of this Act no licence of any class shall be granted to any person who is under the age of twenty-one years, unless such person is a licensee at the time of such commencement.

Costs may be ordered.

970 of 1908, s. 77.

89. Any Special Magistrate, Justices, or the Court who or which hears any information for forfeiture of a licence may, if he, they or it thinks fit, order any person whose licence is forfeited to pay costs to the person on whose information such forfeiture is ordered; or in case any such information is dismissed, may order the person (other than a member of the Police Force or an inspector) laying such information to pay costs to the holder of the licence.

Clerk of Court in which forfeiture ordered to forward particulars to the Clerk.

Ibid., s. 78.

90. The clerk of the court of summary jurisdiction in which any forfeiture of a licence is ordered, or, if there is no clerk, then the Special Magistrate or Justices declaring such forfeiture, shall, within seven days after such forfeiture, report the same to the Clerk: Provided that in case the person whose licence is so declared forfeited appeals against such forfeiture, no such report shall be made until after such appeal is disposed of.

Clerk to publish particulars of applications.

Ibid., s. 79.

91. (1) The Clerk—

(a) shall cause a report to be inserted in the first, second, or third number of the *Gazette* published next after each annual and quarterly meeting of the Court showing—

- I. the date of such meeting:
- II. the names of all applicants:
- III. the nature of the applications:
- IV. the names and situations of the premises in respect of which the applications were made:

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v. the manner in which the applications were disposed of, including (if the Court so directs), in case of a refusal, the particular objection or objections (if any) on account of which the refusal was made; and

(b) shall cause particulars of every forfeiture of a licence and of the issue of every certificate or other authority under this Act to sell or supply liquor or carry on the business of any licensed premises so situated of which he receives notice or has knowledge to be inserted in the first, second, or third number of the *Gazette* published next after he receives notice or acquires knowledge of such events.

And of forfeitures and certificates.

Ibid.

(2) The Clerk shall file duplicates of the reports referred to in subsection (1) (a) of this section as a record which shall be open for inspection by any person at the office of the Clerk without payment of any fee.

Clerk to keep record of applications.

Ibid.

92. Whenever any licence granted pursuant to this Act is lost or destroyed, the licensee, or the holder of a certificate authorising such holder to carry on business in any licensed premises, may apply to the Court at any quarterly meeting for a duplicate thereof, and the Court if satisfied of the loss or destruction of such licence, and that the same has not been forfeited or transferred or wilfully destroyed, may grant the issue of a duplicate licence; and the Clerk shall make out and forward to the Treasurer, or to some officer appointed by him, a duplicate of the original licence, and such Treasurer or officer shall, upon payment of a fee of One Pound, deliver such duplicate licence to such licensee or holder of a certificate.

Provision for issuing duplicate of lost licence.

Ibid., s. 80.

93. The Court may from time to time make regulations, not inconsistent with this Act, as to the mode of hearing applications for licences, and for the renewal, transfer, and removal of licences, and generally as to the manner of conducting the business of the Court and providing for emergencies. Until such regulations are made, the regulations contained in Schedule T hereto shall be observed by the Court. All such regulations shall, after being approved by the Governor in Council, be published in the *Gazette*. Upon such publication, after approval, every such regulation shall have the full force of law.

Power of Court to make rules and regulations.

Ibid. s. 81.

DIVISION XII.—CLUBS.

DIVISION XII.

94. (1) No liquor shall be sold or supplied by or on behalf of a club in the club premises or kept in or upon such premises unless such club has been duly registered pursuant to this Act, and unless such liquor is sold or supplied to a member of such club, or is supplied to a visitor in the presence and at the expense of a member thereof.

No liquor to be sold in club unless registered or except to a member.

Ibid., s. 83.

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(2) Every person who sells or supplies or keeps liquor, and every member of the committee of management of a club who permits the sale or supply or keeping of liquor, in contravention of this section, shall for every such offence be liable to a penalty of not exceeding Ten Pounds.

No club registered unless Act complied with.

Ibid., s. 84.

95. No club shall be or continue to be registered under this Part of this Act unless all the following conditions exist with respect to it:—

- (a) The club must be a *bona fide* association, body, or company of not less than one hundred persons in the case of a club established in the City of Adelaide, and not less than fifty persons in the case of a club established elsewhere :
- (b) The club must be a body, association, or company associated together for social, literary, political, sporting, athletic, or other lawful purpose :
- (c) The club must be established for the purpose of providing accommodation for the members thereof, or for such members and their guests, upon premises of which such association, body, or company are the *bona fide* occupiers :
- (d) The accommodation must be provided and maintained from the joint funds of the club, and no person must be entitled under its rules or articles to derive any profit, benefit, or advantage from the club which is not shared equally by every member thereof :
- (e) The premises upon which the club is established and the accommodation must be suitable for the purposes of the club :
- (f) No payment or part payment of any secretary, manager, or other officer or servant of the club shall be made by way of commission or allowance from or upon the receipts of the club for liquor supplied :
- (g) A register of members of the club for the time being shall be kept on the club premises as hereinafter required :
- (h) The business and affairs of the club must be under the management of a committee elected for not less than twelve months by the general body of members.
- (i) The books of account, minute books, and other records of the club and of all committees thereof, the register of members, and all other books relating to the transactions, business, rules, and management of the club, shall be written in the English language.
- (j) In the case of a club which existed as a *bona fide* club, and was duly licensed on or before the first day of January, one thousand nine hundred and seven, such club may be registered under this Part of this Act, notwithstanding that it does not comply with the provisions of paragraphs (c) and (d) of this section.

96. (1) No

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96. (1) No club shall be eligible to be registered unless its rules provide that—

- (a) The committee shall hold meetings at least once a quarter, and minutes of all resolutions and proceedings of such committee shall be entered in a book to be kept for that purpose ; Rules of club.
Ibid., s. 85.
- (b) The names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least a week before their election, and an interval of at least two weeks shall elapse between nomination and election of ordinary members ;
- (c) All members shall be elected by the general body of members or by a general or by an election committee, and a record shall be kept by the secretary of the club of the number of the members voting ;
- (d) There shall be a defined subscription of not less than Twelve Shillings per annum payable by members monthly, quarterly, half-yearly, or annually, in advance ;
- (e) Correct accounts and books shall be kept showing the financial affairs of the club and the particulars usually shown in the books of accounts of a like nature ;
- (f) A visitor shall not be supplied with liquor in the club premises unless in the company and at the expense of a member ;
- (g) No person shall be allowed to become an honorary or temporary member of the club, or be relieved of the payment of the regular subscription, except those possessing certain qualifications defined in the rules and subject to conditions and regulations prescribed therein ;
- (h) No person under twenty-one years of age shall be admitted a member of the club except when a club is primarily devoted to some athletic purpose in which case there shall be no limitation of the age of a member. No liquor shall be sold or supplied to any person under twenty-one years of age ;
- (i) No liquor shall be sold or supplied for consumption elsewhere than in the club premises unless such liquor is removed from the club premises by the member purchasing the same ; and
- (j) No person under eighteen years of age, except boys who are being trained as waiters or messengers and are not allowed to serve behind the bar, shall be employed in the premises of such club.

(2) The Governor may, by Proclamation, declare that any club named therein which is mainly devoted to some athletic purpose, and the management of which is vested in trustees, shall be exempted from

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from compliance with paragraphs (b) and (c) of this section, and with paragraphs (c) and (h) of section 95, and such trustees shall, for the purposes of this Division, be deemed the elected committee of the club.

Manner of application for registration.
Ibid., s. 86.

97. The secretary, steward, or manager of a club desiring to be registered under this Act shall, twenty-eight days before the meeting of the Court at which he intends to apply for a certificate—

- (a) post on the outer door of the premises in respect of which such certificate is intended to be applied for a notice in the form applicable in Schedule E hereto; and
- (b) deliver to the Clerk a duplicate of such notice, accompanied by a certified copy of the rules of such club and a statutory declaration by the secretary, steward, or manager of the names and addresses of the committee of management thereof and of the number of *bona fide* members of the club at the date of application.

Application for renewal.
Ibid., s. 87.

98. (1) The secretary, steward, or manager of a club desiring to obtain a renewal of its certificate of registration shall, twenty-eight days at least before the annual meeting of the Court, deliver to the Clerk a notice in the form applicable in Schedule E hereto.

(2) Such notice shall be accompanied by the following documents—

- (a) A printed copy of all rules of the club certified as correct by the secretary, steward, or manager:
- (b) A statutory declaration by the secretary, steward, or manager of the names and addresses of the members of the committee of management, and of the number of *bona fide* members of the club at the date of the application.

Notice of application to Commissioner of Police and inspector.
Ibid., s. 88.

99. When application is made for the grant or renewal of any such certificate of registration the Clerk shall file the same and forthwith cause notice of such application and the particulars thereof to be forwarded to the Commissioner of Police and an inspector.

Inspection of club premises.
Ibid., s. 89.

100. The inspector, on receipt of any such notice, may inspect the premises of the club and the register of its members, and satisfy himself by proper inquiries that such premises are in a satisfactory condition, and that the provisions of this Division are being duly observed.

Notice to be given of time for making objections.
Ibid., s. 90.

101. The Clerk shall, by advertisement in the *Gazette* published not less than five weeks before the annual meetings of the Court, give notice requiring all persons having any complaint against the management or condition of any registered club, or of the premises thereof, to forward such complaint to the Clerk at least fourteen days

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days before the annual meetings, and to attend at such annual meetings to substantiate such complaint. Such notice may be in the form of Schedule H hereto.

Form of notice.

102. (1) Every applicant for registration of a club not previously registered shall—

Personal attendance of applicant required.

- (a) Attend the Court on the hearing of his application ; and,
- (b) If required by the Court verify upon oath the averments contained in such application.

Ibid., s. 91.

(2) No applicant for a renewal of a certificate of registration of a club who has given notice as required by this Act shall be required to attend the Court for the purpose of obtaining a renewal of the certificate of registration unless notice of objection to the application, stating the grounds, has been duly served as required by section 106.

103. (1) The proceedings on the consideration of any application or any objection to an application for a certificate of registration of a club, and also of every application or objection to any application to renew such certificate or change the premises, shall be public.

Proceedings on consideration of application.

Ibid., s. 92.

(2) The Court assembled at its annual or quarterly meetings, or at any adjournment thereof—

- (a) shall hear, inquire into, and determine on the merits all such applications, and also all objections which are made to any such applications :
- (b) shall hear on oath such witnesses as are called :
- (c) shall grant or refuse the application entirely in the exercise of its discretion, and against such grant or refusal there shall be no appeal :
- (d) may direct that such additional accommodation shall be supplied in or repairs made to such club premises and in such manner and within such reasonable time as it deems fit.

(3) It shall not be necessary for the Court to state the ground or reason for its decision to grant or refuse such application, or, if refused, to state upon what (if any) particular objection the application is refused.

Need not state grounds for decision.

(4) No compensation shall be payable to any person by reason of the refusal of the Court to grant any application.

No compensation for non-renewal of licence.

104. (1) At the hearing of an application for grant or renewal of registration objections may, subject to section 106, be taken upon one or more of the following grounds :—

Objections to grant or renewal of registration.

Ibid., s. 93.

- (a) That the application made by the club or the rules of the club or any of them are in any respect specified in such objection not in conformity with this Act :

(b) That

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- (b) That the club has ceased to exist or that the number of members is less than one hundred or fifty, as the case may be, according to the locality in which the premises are situated :
- (c) That the club is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose or mainly for the supply of liquor :
- (d) That there is frequent drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner :
- (e) That illegal sales of liquor have taken place in the club premises :
- (f) That persons who are not members are habitually admitted to the club premises, merely for the purpose of obtaining liquor :
- (g) That a licence of any class or a certificate of registration under this Act, or any Act hereby repealed, in respect of the premises occupied or proposed to be occupied by the club, has been forfeited or cancelled, or the renewal thereof has been refused within twelve months next preceding the formation of the club, or next preceding the application :
- (h) That the supply of liquor to the club is not under the control of members of the committee appointed by the members :
- (i) That any of the rules of the club are habitually broken :
- (j) That the rules have been so changed as not to be in conformity with the provisions required by this Act to be embodied in the rules :
- (k) That persons are habitually admitted as members without an interval of at least two weeks between nomination and election :
- (l) That any other specified provision of this Division has not been complied with.

(2) For the purpose of determining whether a club is conducted in good faith as a club, the Court shall, amongst other things, have regard to the nature of the premises occupied by the club.

Who may take objections.

Ibid., s. 94.

105. (1) An objection to the grant or renewal of the registration of a club may be taken by—

- (a) An inspector :
- (b) The council of the Municipality or District Council District within which the club premises are situate :
- (c) A ratepayer of property situate within one mile from such premises.

(2) The signature to any objection under paragraph (c) of subsection (1) shall be witnessed by a Justice.

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106. No objector shall be heard against any application unless notice in writing of the objection has been given to the Clerk and to the applicant at least fourteen days before the time appointed for the hearing of the application to which such notice applies.

Notice of objection
Ibid., s. 95.

107. (1) Upon proof being made to the satisfaction of the Court of the matters mentioned in sections 95 and 96 hereof, the Court may grant to the applicant a certificate of registration for such club.

Bench may grant
certificate of
registration.
Ibid., s. 96.

(2) The Clerk shall forthwith sign a certificate in the Form No. 6 in the Schedule B hereto, and forward the same to the Treasurer or some officer appointed by him.

(3) Such certificate shall state the name of the person who is then the secretary, steward, or manager of the club; and until receipt by the Clerk of a notice in writing of change of secretary, steward, or manager as provided by section 110, such certificate shall be *prima facie* evidence that such person is the secretary, steward, or manager of the club.

108. The annual fee to be paid for a certificate of registration of a club shall be the same as the annual fee for a publican's licence, and be determined by the assessed value in the same way as the fee for a publican's licence is determined.

Annual fee for clubs.
Ibid., s. 97.

109. Until the annual fee for the certificate of registration of a club is paid to the Treasurer or to an officer appointed by him for the purpose, and the certificate is actually issued, the club shall be deemed unregistered.

Club unregistered
until certificate
actually issued.
Ibid., s. 98.

110. (1) The committee of management of a registered club shall—

Notice to be given of
change of steward or
manager and certi-
fied copy of amend-
ments or alteration
of rules to be for-
warded within four-
teen days.

(a) within fourteen days after any change in the secretaryship, stewardship, or managership thereof forward notice in writing of such change to the Clerk, and such notice shall be *prima facie* evidence of the appointment of the person named therein as the secretary, steward, or manager of such club:

Ibid., s. 99.

(b) within fourteen days from the making of any amendment or alteration in the rules of such club forward to the said Clerk a certified copy of every such amendment or alteration.

(2) Every member of any committee which fails to comply with this section shall be liable to a penalty not exceeding Five Pounds.

111. (1) Upon the information of an inspector or of an inspector or sub-inspector of police, the secretary, steward, or manager, or other person conducting or managing a club, may be called upon to show cause before any Special Magistrate or two Justices why the certificate of registration of the club should not be cancelled.

Upon complaint
certificate of
registration may be
cancelled.
Ibid., s. 100.

(2) Upon

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(2) Upon the hearing of the information, if it is proved that—

- (a) the conditions of sections 95 and 96 or any of such conditions have not substantially been fulfilled with respect to the club; or
- (b) that any one or more of the grounds set forth in section 104 exists with respect to the club or the premises thereof; or
- (c) if three or more convictions for offences for which a licence under this Act is liable to be forfeited as provided by section 80, or against this Division, have been made in respect of any acts or omissions in connection with the club;

the said Special Magistrate or Justices shall cancel the certificate of registration, or if two such convictions have been made the said Special Magistrate or Justices may cancel the certificate.

Certificate to be produced for indorsement of convictions, and upon hearing of complaint for forfeiture thereof.

Ibid., s. 101

112. (1) Every secretary, steward, manager, or other person conducting or managing a club shall, on the hearing of any charge against himself or against any member of the committee of management of the club for any offence against this Act, produce the certificate of registration of the club to the Special Magistrate or Justices hearing such charge.

(2) If the secretary, steward, manager, or other person conducting or managing the club, or any member of such committee is convicted of any offence, such Special Magistrate or Justices shall indorse a memorandum of such conviction on such certificate.

(3) If the secretary, steward, or manager of or other person conducting or managing the club refuses or neglects to produce such certificate upon the hearing of such charge, he shall for every such offence be liable to a penalty not exceeding Twenty Pounds.

Steward or manager to produce certificate, register, and rules of club on demand of Inspector or Inspector of Police.

Ibid., s. 102.

113. The steward, secretary, manager, or other person for the time being conducting or managing any club who refuses or neglects to produce to any inspector or any inspector or sub-inspector of police, when demanded, the certificate of registration for the club, or the register of existing members, or a certified copy of the rules of the club shall for every such offence be liable to a penalty not exceeding Ten Pounds.

Certificate of removal.

Ibid., s. 103.

114. (1) The premises of a registered club may be changed under the authority of a certificate of removal.

(2) When such club desires to remove from the premises occupied by it to other premises the secretary, steward, or manager shall, at least twenty-eight days before applying for a certificate, deliver to the Clerk, and also post, and keep posted until the application is made, on the outer door of the club premises and of such other premises, a notice in the Form No. 2 in Schedule M, or in a form to the like effect.

(3) If

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(3) If on any such application a notice of objection has not been duly given, the Clerk shall issue the certificate of removal, but if notice of objection is so given the application shall be dealt with by the Court as provided by section 103.

Application, how dealt with.

(4) The only objection that may be taken to any such application shall be that the proposed premises are not suitable for a club, or the objection set out in paragraph (g) of section 104.

What objections may be taken.

(5) If the premises of a club are by fire, tempest, or other calamity, or by dilapidations, or by reason that such premises are being repaired or rebuilt, rendered unfit for the purposes thereof, the club may, without application to the Court, remove to other premises under its existing certificate for any period not extending beyond the currency of the certificate. Notice of such removal and of the reason therefor shall be forthwith given by the secretary, steward, or manager to the Clerk.

115. The provisions of this Act or any amendments thereof (other than sections 94 to 114), shall not apply to any club established before the first day of January, nineteen hundred, which at the time of the passing of the Licensing Acts Further Amendment Act (No. 2), 1915, was used *bona fide* for residential purposes and had no bar-room on the club premises.

Exemption of certain clubs.

1236 of 1915, s. 65.

116. In the case of a club established before the first day of January, one thousand nine hundred, which is—

Exemption of residential and athletic clubs.

970 of 1908, s. 104.

(a) used *bona fide* and mainly for residential purposes, or

(b) used mainly for the purpose of playing any athletic game or sport approved by the Governor and carried on during the day time in the open air,

the Governor may, by proclamation, exempt such club and any building used in connection therewith from any of the provisions of this Act other than sections 94 to 114: Provided that the Governor may at any time, by proclamation, cancel such exemption, if he considers that such club should no longer be so exempted.

117. Any secretary, steward, or manager of a club, or any person purporting to be secretary, steward, or manager of a club, who makes any untrue statement in any notice or declaration under the provisions of this Division, knowing the same to be untrue, shall be liable to be imprisoned for any term not exceeding twelve months, with or without hard labor.

Punishment for false statement in notice or declaration.

Ibid., s. 105.

118. For the purposes of the provisions of this Act, other than this Division—

Application of other provisions of Act.

Ibid., s. 106.

(a) Registrations of clubs shall be deemed to be a class of licences under this Act;

(b) The registration of a club shall be deemed to be a licence under this Act;

(c) The

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- (c) The secretary, steward, or manager named in the certificate of registration of a club or in such notice as mentioned in section 110 shall be deemed to be the person licensed in respect of the premises of such club or the holder of the licence thereof; and
- (d) The premises of a registered club shall be deemed to be the licensed premises of the secretary, steward, or manager, or the premises in respect of which he is licensed or holds a licence:

Provided that Division X. of this Part shall not apply to any club registered under this Act.

DIVISION XIII.

Licences for premises
at Renmark.

Ibid., s. 107.

DIVISION XIII.—LICENCES AT RENMARK.

119. (1) No licence shall be granted in respect of any previously unlicensed premises situated in that portion of the said State which is comprised and described in "The Chaffey Brothers Irrigation Works Act, 1887," and in the schedule thereto, unless—

- (a) The Governor has consented to the grant of such licence; and
- (b) A petition has been presented to the Court signed by not less than a majority of the electors resident within the said portion of the said State, praying that such licence be granted; and
- I. Setting forth the purposes to which any profits of the business to be carried on under the said licence are intended to be applied;
 - II. Nominating the first members of the Committee in this section after mentioned; and
 - III. Stating the mode of appointing subsequent members of such Committee.

(2) Upon the presentation of such petition, and upon being satisfied that the Governor has consented as aforesaid, the Court may in its discretion grant such licence upon the following conditions, but not otherwise, namely:—

- (a) That arrangements be made for the said business being vested in and managed by a committee in trust to carry on the said business, and to apply the profits thereof for the purposes set out in the petition:
- (b) That the said purposes be approved by the Treasurer.
- (3) Upon such arrangements being made to the satisfaction of the Treasurer, and upon such purposes being approved by him, the Treasurer may issue the said licence.
- (4) The Treasurer may from time to time entirely or partially change or vary the purposes to which the profits of the said business shall

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shall be applied, and upon receiving notice in writing of such change or variation the Committee shall, until receipt of notice of further change or variation, use any profits not already applied and any future profits accordingly: Provided that the Treasurer shall not make any such change or variation except upon petition setting forth the proposed change or variation and signed by two-thirds at least of the electors resident within the said portion of the said State.

(5) A licence granted and issued as provided by this section may be renewed or transferred, or be removed to other premises situated in the said portion of the said State, upon the Court being satisfied that the Committee is at the time fully constituted, and that the business is being properly managed by the Committee, and that the profits (if any) are being applied for the purposes for the time being in force in respect thereof: Provided that notwithstanding anything in this section, such renewal, transfer, or removal shall be entirely at the discretion of the Court.

(6) The provisions of subsections (4) and (5) of this section shall apply to all licences granted in respect of premises situated in the said portion of the said State, whether granted before or after the passing of this Act, and whether such premises were licensed or not at the time of the passing of this Act, and to the businesses carried on under such licences.

PART V.

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RAILWAY LICENCES.

120. The South Australian Railways Commissioner (in this Part hereafter referred to as "the Commissioner") may, from time to time, demise for refreshment-rooms, for any period not exceeding seven years, upon such terms and conditions as may appear to him expedient, any premises at any railway station in South Australia vested in him as such Commissioner.

Commissioner may
lease refreshment-
rooms.
398 of 1887, s. 2.

121. The Treasurer may issue to any lessee under the last preceding section a licence to be called a Railway Licence, in form No. 10 of Schedule B hereto, which licence shall authorise the holder thereof to sell and dispose of liquor in any quantity, at such refreshment-rooms upon such days and during such hours as may be authorised by such licence, any law relating to the sale of such liquors to the contrary notwithstanding.

Treasurer may grant
licences.
Ibid., s. 3.

122. (1) No Railway Licence shall authorise the sale or supply of any liquor except during the times specified in the licence.

Times of sale.
1236 of 1915, s. 24.

(2) The times so specified shall have reference to certain trains specified in the licence, and each of such times shall commence on the actual arrival of the train and shall continue for not more than fifteen

fifteen

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fifteen minutes after such arrival of such train at the station ; and none of such times shall include any day or time during which the sale of liquor is prohibited by law, or any part of any such day or time.

Period of licence.
970 of 1908, s. 14.

123. No Railway Licence shall be granted or issued for a longer period than twelve calendar months from the day of the issue thereof, or shall continue in force for any longer period.

Licence fee.
398 of 1887, s. 4.

124. The annual licence fee for a Railway Licence shall be Ten Pounds.

Forfeiture of
licences.
Ibid., s. 5.

125. Every Railway Licence shall determine and become forfeited on the holder thereof becoming insolvent, or making any assignment for the benefit of his creditors, or on his lease becoming determined, or on his being convicted within a period of nine months for three several offences against this part of this Act.

Summary recovery
of possession.
Ibid., s. 6.

126. The Commissioner may, on the expiration or forfeiture of any lease under this Part of this Act, by any writing under his hand, authorise any person to take possession of the premises mentioned in such lease on behalf of the Commissioner ; and it shall be lawful for the person so authorised and his assistants, without any further authority, to forcibly eject any person and the goods and effects of any person in possession or occupation of such premises, and to take possession thereof on behalf of the Commissioner.

Penalty on sale of
liquor at
unauthorised hours,
or to railway
employés.
Ibid., s. 7.
1236 of 1915, s. 24.

127. Every lessee under this Part of this Act who shall, directly or indirectly, sell, supply, barter, or exchange by retail, or permit to be sold, supplied, bartered, or exchanged by retail, any liquor at any time or times not authorised by his licence, or during any day or time during which the sale of liquor is prohibited by law, or to any railway employé, contrary to any rule or regulation of the railway service, shall be guilty of an offence against this Part of this Act, and on conviction thereof shall forfeit and pay for every such offence a sum of not less than Two Pounds nor more than Twenty Pounds.

Holder of Railway
Licence licensee
under this Act.
970 of 1908, s. 14.

128. Every person holding a Railway Licence under this Act shall, for the purposes of sections 138, 139, 141, 142, 148, 152, 170, 173, 174, 175, 176, 178, and 213 of this Act, be deemed to be a person holding a licence under this Act, and the refreshment-rooms for which he holds a licence under this Act shall, for such purposes, be deemed to be licensed premises under this Act.

Other offences.
Ibid., s. 14.

129. The provisions of sections 192, 196, 197, 199, 201, and 202 of this Act shall apply to any person licensed under this Part of this Act, to the refreshment-rooms for which he is licensed, to the sale or supply of liquor therein, to the purchase or obtaining, or attempt to purchase or obtain, or drinking of liquor therein, and

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and to the presence of any person therein. A conviction in proceedings taken in relation to the provisions of any one or more of the sections in this section mentioned shall be deemed to be a conviction for an offence against this Part of this Act.

130. The Commissioner may make regulations to be observed by every lessee under this Part of this Act for regulating the quality and variety of the refreshments (including liquor) to be provided by such lessee: to limit the scale of charges to be made therefor: to provide the forms, particulars, terms, and conditions of tendering for any lease, and to provide what covenants, conditions, and provisoes shall be inserted in any lease and generally for carrying this Part of this Act into effect.

Commissioner may
make regulations.
398 of 1887, s. 9.

131. All such regulations shall be published in the *Government Gazette*, and shall thereafter have the force of law; and all regulations for the time being in force shall, for all purposes, be incorporated with and form part of this Part of this Act.

Regulations to be
published in *Gazette*.
Ibid., s. 10.

132. No Railway Licence shall hereafter be issued unless the same shall have been previously granted by the Court, which grant, in the discretion of the Court, may be obtained in like manner as in the case of the grant of a wine licence.

Licence to be
granted by the
Court.
Ibid., s. 11.

PART VI.

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RIGHTS, DUTIES, AND LIABILITIES OF LICENSEES
AND OTHERS, AND OFFENCES.

133. Every person holding a publican's licence shall keep his Christian and surnames and the words "Licensed Dealer in Wines and Spirits," and every person holding a wine licence shall keep his Christian and surnames and the words "Licensed Dealer in Australian Wines," legibly painted, in letters not less than three inches in length, on some conspicuous part of the front of his licensed house; and every person holding a publican's licence shall have a lamp fixed in front of such house, and either opposite to or over the principal or entrance door thereof, and at a distance of not less than seven feet from the ground (such lamp, unless electricity, gas, or mineral oil is used therein, to contain at least two burners), and shall keep such lamp well cleaned and trimmed, and, if situate within a corporate town, alight continuously from sunset during such time as he is authorised to keep such house open for the sale of liquor, or, if not situate within any corporate town, alight from sunset to sunrise throughout the year; and any person failing to observe any of the provisions of this section shall be liable to a penalty of not less than

Names to be kept up
and also lighted
lamps.
970 of 1908, s. 109.

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Ten Shillings nor more than Ten Pounds for every offence: Provided that—

(a) No person holding a publican's licence shall be liable to a penalty by reason of his lamp having ceased to be alight after six o'clock in the evening, unless he has been called upon by some person to and has neglected to relight the same:

Governor may make regulations respecting lamps, on recommendation of Marine Board or similar authority.

(b) The Governor may, upon the recommendation in writing of the Marine Board, or of any body to which the powers of such Board are hereafter transferred, make regulations respecting the lamps required to be kept by licensed persons residing near the sea-coast; and upon such regulations being published in the *Gazette* and notice thereof being given to any licensed person affected thereby, such person shall forthwith make such alterations as are necessary to comply with such regulations, and such compliance shall free and discharge the licensed person acting under the authority thereof from any penalties to which he might otherwise be liable in respect of any lamp; but any licensed person failing to comply with such regulations within a reasonable time after such notice shall be liable to a penalty of not less than Ten Shillings nor more than Ten Pounds for every night or part of a night during which he so fails.

Only one bar-room except by permission of Court.

Ibid., s. 110.

134. (1) No licensee shall sell or supply liquor in more than one bar-room in or upon his licensed premises, or shall have more than one bar-room in or upon such premises, unless he has obtained the permission of the Court so to do.

For the purposes of this section, a room divided into compartments by wooden partitions, if approved by the Court, shall be one room if there are doors in the partition giving at all times direct access from one such compartment to the other.

Application.

(2) Every applicant for such permission shall, with the notice of his application deposit with the Clerk a plan showing the position of each proposed additional bar-room for which he has not at the time such permission. Notice of application for such permission may be in the form of Schedule U hereto.

Fee.

(3) A fee of Five Pounds shall be paid annually, with and in addition to the fee payable for the licence, in respect of every additional bar-room for which such permission is granted.

Additional bar not part of accommodation.

(4) No such additional bar-room shall be deemed to form any part of the accommodation required by this Act to be provided in any licensed premises.

Subletting bar.

(5) No licensee shall let or sublet any bar-room or the right to sell liquor on his licensed premises.

(6) (a) Any

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- (6) (a) Any licensee on whose licensed premises any liquor is sold or supplied in more than one bar-room, or on whose licensed premises there is more than one bar-room, except as permitted under the provisions of this Act, and after payment of the fees hereinbefore required to be paid, and any licensee who lets or sublets any bar-room or the right to sell any liquor on his licensed premises shall be liable to a penalty for a first offence of not less than Five nor more than Twenty Pounds, and for every subsequent offence of not less than Twenty Pounds : Penalty.
- (b) A separate offence shall be deemed to be committed upon every day upon which, contrary to this section, liquor is sold or supplied, or a bar-room exists, or liquor is sold by any person to whom any bar-room or the right to sell liquor is let or sublet :
- (c) A separate offence shall be deemed to be committed in respect of every bar-room in which liquor is sold, or which exists contrary to the provisions of this section.

(7) Whenever a licence is transferred the transfer shall be deemed also to apply to any permission under this section, for the time being in force, to use an additional bar-room on the licensed premises. 1236 of 1915, s. 35.

135. If any person holding a publican's licence refuses to receive any corpse which is brought to his licensed premises for the purpose of a coroner's inquest being held thereon (the licensed premises not being within two miles of a police station), such licensed person shall be liable to a penalty of not less than One Pound nor more than Twenty Pounds : Provided that nothing herein contained shall make it compulsory upon any licensed person to receive a corpse in an offensive state of decomposition, or the corpse of a person reasonably supposed to have died of an infectious disease. Corpses not to be refused under a penalty.
970 of 1908, s. 111.

136. No *bona fide* property of any traveller, guest, or inmate of any premises, in respect of which a publican's licence has been granted under this Act, or of any person who has entrusted such traveller, guest, or inmate therewith, and being in or on such premises or any part thereof, or in or on any place used or occupied therewith, shall be liable to be distrained or seized for or in respect of the rent of such premises or place ; and if such property is so distrained or seized, any Special Magistrate or two Justices may inquire into any complaint made in respect of such seizure or distress in a summary manner, and order such property to be restored, and award reasonable costs to the complainant, and may levy such costs by distress and sale of the goods or effects of the person so distraining or seizing as aforesaid ; but nothing herein contained shall extend to deprive licensed persons of their lien on any such property for their own lawful demands. Stranger's goods not to be liable to the rent of licensed houses.
Ibid., s. 112.
Justices may order restoration of goods.
And award costs.

137. No

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Tippling clause.
Ibid., s. 113.

137. No person holding a publican's or wine licence shall recover any debt or demand for or on account of any liquor, unless such debt has been *bona fide* contracted at one time to the amount of Twenty Shillings or upwards; nor shall any debt for liquor be recovered where the value of the liquor actually delivered at one time does not amount to Twenty Shillings, notwithstanding such debt or any part thereof has been secured or agreed to be paid, unless—

- (1) a written order for the same is proved to have been given by the purchaser before the liquor or wine was delivered; or
- (2) it is clearly shown that the purchaser was then resident in the licensed premises; or
- (3) that the purchaser was when such liquor was supplied a *bona fide* traveller within the meaning of section 195 hereof:

Provided that any person who at the time of being supplied with liquor, on demand of payment made by such holder or by his servant or agent, refuses to pay a reasonable sum therefor shall be deemed a rogue and vagabond, and shall be liable to be dealt with as such under the enactments relating to rogues and vagabonds.

Penalty on licensed persons taking pledges, &c., or payment in anything except coin or bank notes, &c.

Ibid., s. 114.

138. If any person holding a publican's or wine licence takes or receives in payment or as a pledge, for any liquor or entertainment supplied in or from the licensed premises, anything except coin commonly current, or the note or notes of some known bank or banker, or a cheque or order on some known bank or banker, or a money order or orders, or takes any such note, cheque, or order at less than the full nominal value thereof, he shall forfeit and pay for every such offence a penalty of not less than Ten Pounds nor more than Fifty Pounds.

Unlawful gaming, etc., and presence of certain persons on licensed premises.

1236 of 1915, s. 36.

139. (1) If on any licensed premises, or the appurtenances thereof, any person—

- (a) exercises or plays any unlawful game or sport, or
- (b) bets by way of wagering or gaming, or
- (c) gets up or takes part in any sweepstake, or
- (d) exercises, exposes, opens, or shows to be played, thrown, or drawn at, any lottery, or
- (e) plays any game on a Sunday,

the licensee shall be guilty of an offence.

(2) If on any licensed premises, or the appurtenances thereof, any reputed prostitute or thief, or any drunken or disorderly person, or any person in a state of intoxication, is found, the licensee shall be guilty of an offence.

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(3) Any person guilty of an offence under this section shall be liable to a penalty, for the first offence, of not more than Twenty-five Pounds and not less than Five Pounds, and for any subsequent offence, of not more than Fifty Pounds and not less than Ten Pounds.

(4) It shall be a defence to any charge of an offence under this section to show—

(a) that the licensee, or, if at the time of the offence the licensee was not on the premises, the person then in charge thereof, did not know, and could not by the exercise of all practical diligence have known, that (according to the nature of the charge) the act alleged was taking place, or the person referred to was of the description or in the state alleged, or

(b) that (according to the nature of the charge) the act alleged took place, or the person referred to was on the premises, contrary to the will of the licensee, or, if the licensee was not at the time on the premises, contrary to the will of the person who was then in charge thereof, and that (according to the nature of the charge) the licensee or the person so in charge (as the case may be) took all reasonable steps to prevent such act from taking place, or to prevent the person referred to from being on the premises and to remove her or him therefrom.

140. (1) Any person holding a licence under this Act may refuse to admit to and may turn out of the premises in respect of which his licence is granted any person who is a reputed prostitute or thief, or any person who is drunken, violent, quarrelsome, or disorderly, or any person whose presence on the premises would or might subject the holder of the licence to a penalty under this Act.

Power to exclude or expel certain persons from licensed premises.

970 of 1908, s. 116.

(2) Any such person who, upon being requested in pursuance of this section by the holder of the licence, or his agent or servant, or any member of the Police Force or an inspector, to quit the premises, refuses or fails so to do, shall be liable in respect of each offence to a penalty not exceeding Five Pounds; and all members of the Police Force are required, on the demand of the holder of the licence, or his agent or servant, to expel or assist in expelling every such person from the premises, and may use such force as is required for that purpose.

141. (1) If any person holding a licence under this Act permits drunkenness, or any indecent, violent, quarrelsome, or riotous conduct to take place on his licensed premises or the appurtenances thereof, he shall be liable to a penalty for the first offence of not less than Five Pounds, and for every subsequent offence of not less than Ten Pounds nor more than Fifty Pounds.

Permitting drunkenness or riotous conduct on premises.

Ibid., s. 117.

(2) Where any person is charged under this section with permitting drunkenness on his licensed premises or the appurtenances thereof,

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thereof, and it is proved that any person was drunk on such premises or appurtenances, it shall lie on the person so charged to prove that he and the persons employed by him took all reasonable steps to prevent drunkenness on such premises and appurtenances.

Licenses drunk on premises liable to penalty.

Ibid., s. 118.

142. Any person holding a licence under this Act who is found drunk in any part of his licensed premises or the appurtenances thereof to which the public have access shall be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds.

Theatrical performances, music, or dancing not to take place without permission.

Ibid., s. 119.

143. Notwithstanding the provisions of the Places of Public Entertainment Act, or any amendment thereof, no portion of any premises in respect of which a publican's or wine licence is current, or of the appurtenances thereof, or of any premises adjoining such licensed premises or appurtenances, shall be used as a theatre, concert-room, or ball-room for public entertainment, or be licensed as a place of public entertainment, without the written permission, in the form of Schedule V hereto, of two Justices, one of whom shall be the commissioner, superintendent, or an inspector or sub-inspector of police; and any person who uses or permits to be used any portion of any premises in respect of which such a licence is current, or of the appurtenances thereof, or of any premises adjoining such licensed premises or appurtenances, in contravention of this section, or at any hour not authorised by such permission, shall be liable to a penalty for the first offence of not less than Five Pounds, and for every subsequent offence of not less than Ten Pounds nor more than Fifty Pounds. Every person obtaining any such permission shall pay a fee of Five Shillings to the commissioner, superintendent, or inspector or sub-inspector of police on the issuing thereof, and no such permission shall extend over a longer period than one month: Provided that this section shall not apply to licensed premises or the appurtenances thereof or adjoining premises situate within a municipality, town, or township wherein there is no theatre, town hall, assembly-room, concert-room, or other building suitable for use as a theatre, concert-room, or ball-room for public entertainment, nor to licensed premises or the appurtenances thereof or adjoining premises not situated within a municipality, town, or township: Provided further that when the permission is in respect of premises adjoining (as distinguished from premises within) licensed premises or the appurtenances thereof, the permission may extend over a period longer than one month, but not longer than twelve months, upon payment of a fee of One Pound.

1236 of 1915, s. 37.

Clauses to be set up in bar-room.

970 of 1908, s. 120.

144. (1) Every person holding a publican's or wine licence under this Act shall cause sections 168, 170, 173, and 174 to be printed or fairly written in large, legible, permanent, and conspicuous characters, and affixed in one of the most public parts of every bar-room, in his licensed premises, or, in the case of a wine licence, in one of the most public parts of his licensed premises, and keep the same so affixed, and fair and legible.

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(2) Any person failing to comply with the requirements of this section shall be liable to a penalty of Forty Shillings, and to a further penalty of Ten Shillings for every day during which the said clauses or any of them are not kept affixed, and fair, and legible as aforesaid.

145. (1) No person holding a publican's or wine licence, whose licensed premises are in any city or town within the said State, shall have or keep any retail store or shop on account of himself, or of any other person, which, by door, window, or in any other manner internally communicates or admits of a communication with the licensed premises or any part thereof, or which communicates or admits of communication with such licensed premises externally, save by a separate public outer door or entrance thereto.

Retail stores not to be kept together with public-houses and wine-houses in towns.

Ibid., s. 121.

(2) Any person offending against the provisions of this section shall be liable to a penalty of not more than Five Pounds for every day during which such store or shop is kept as aforesaid.

(3) This section shall not extend to confectioner's shops, or refreshment-rooms, had or kept by the holder of a wine licence, and forming part of his licensed premises.

146. (1) No person holding a publican's or wine licence shall use or keep open, or permit to be used or kept open, any communication, by door, window, passage, or in any other manner (save by a separate public outer door or entrance), between his licensed premises or any part thereof, and any retail store, shop, eating-house, or refreshment-rooms.

No communication for supply of liquor to be kept open between public-houses or wine-houses and stores or eating-houses.

Ibid., s. 122.

(2) Any person offending against the provisions of this section shall be liable to a penalty of not more than Five Pounds for every day during or upon which such communication is, or is permitted to be, used or kept open as aforesaid.

147. (1) (a) Any person (except the occupier or any member of his family dwelling on the premises or any of his servants) who, during any day or time during which the sale of liquor is prohibited by law, drinks liquor in any unlicensed premises (as defined by this section) shall for every such offence be liable to a penalty for the first offence of not more than Five Pounds, and for any subsequent offence of not more than Ten Pounds:

Penalty for drinking on unlicensed premises during prohibited hours.

1236 of 1915, s. 64.

(b) Any person who permits or allows any liquor to be drunk (except by any of the persons excepted as aforesaid) on his unlicensed premises (as defined by this section), during any such day or time as aforesaid, shall be liable to a penalty for the first offence of not less than Five Pounds and not more than Twenty Pounds, and for every subsequent offence of not less than Ten Pounds and not more than Fifty Pounds.

(2) For

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(2) For the purposes of enforcing the provisions of this section any Inspector or any such officer or constable as referred to in section 213 may, at any time during any day or time during which the sale of liquor is prohibited by law, demand entrance into any unlicensed premises or the appurtenances thereof, and if admittance is delayed for such time that it may reasonably be inferred that wilful delay was intended, the occupier of the premises shall be liable to a penalty of not less than Five Pounds and not more than Twenty Pounds; and if such admittance is delayed as aforesaid such Inspector, officer, or constable may break into and enter such premises and any part thereof in which he suspects that an offence against this section is being or has been committed.

(3) In this section "unlicensed premises" means any premises where meals or refreshments are ordinarily sold or disposed of to the public for consumption on the premises, and, without affecting the generality of this definition, includes any café, restaurant, oyster saloon, or other eating-house, not being licensed premises, and any premises which the occupier of such unlicensed premises is permitted to use or uses for the purposes of or in connection with his business.

(4) Nothing in this section shall make lawful anything which would have been a contravention of any of the provisions of this Act or any amendment thereof if this section had not been contained herein.

Persons who have forfeited or been refused licences not to be employed as managers, &c.
970 of 1908, s. 123.

148. If any person holding a publican's or wine licence knowingly employs or permits any person who has forfeited or been deprived of a licence as being personally unfit or incompetent to hold the same under this or any of the Acts hereby repealed, or who, from misconduct or bad character, has been refused a certificate to entitle him to receive a licence to be employed as an overseer or as a manager or superintendent of any licensed premises, or, however called or designated, to appear or act in that capacity, or in any way that may induce customers or the public to believe that he is an overseer or a manager or a superintendent of the same, then and in such case the said licensed person shall be liable to a penalty of not less than Two Pounds nor more than Twenty Pounds.

Licensed persons not to share profits with nor entrust management of house to unlicensed or unauthorised person.
Ibid., s. 124.

149. If any person holding a publican's or wine licence—

- (1) admits any unlicensed person as or to be his partner, or
 - (2) directly or indirectly permits an unlicensed person to participate in the profits of the business of his licensed premises, or
 - (3) directly or indirectly agrees with any unlicensed person to let him have any interest whatever in such premises, or the profits thereof, or
 - (4) remunerates or suffers any unlicensed person to be remunerated for, or in any manner agrees that he shall be remunerated for any services, or on any account,
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in proportion to the profits of the business carried on in such premises or to the quantity of liquors sold or retailed in or from the said premises, or

- (5) abandons the occupation of such licensed premises as his place of residence, and permits any person not duly authorised to manage, superintend, or conduct the business of such premises, or,
- (6) whether residing in such premises or not, permits any unlicensed or unauthorised person to appear to the public as, or to become virtually or in effect, the keeper of the said premises,

then, and in any or either of the said cases, upon proof of the fact to the satisfaction of the Court, a Special Magistrate, or two Justices,

- (7) the licence of the said premises for the then current year shall be declared by it, him, or them to be and the same shall thereupon become and be absolutely void, or,
- (8) at the discretion of the Court or the convicting Special Magistrate or Justices, such licensed person shall forfeit and pay for such offence a penalty of not less than Five Pounds nor more than One Hundred Pounds :

Provided that this clause shall not extend to prohibit a *bona fide* agreement between the holder of a wine licence and the keeper of a confectioner's shop or refreshment-room for the carrying on of their respective trades in partnership on one and the same licensed premises. Exception.

150. If any master or commander of any steamer or other vessel (in respect of which a packet licence has not been granted or is not subsisting) who has obtained permission to sell liquor on such steamer or other vessel fails or neglects to forward one of the certificates for such permission, together with the fee of One Pound to the Commissioner of Police, in manner and at the time by this Act provided, he shall for every such failure or neglect be liable to a penalty not exceeding Ten Pounds. Penalty on master of vessel not forwarding certificate or fee.
Ibid., s. 125.

151. All liquor sold under the authority of this Act, in a quantity not less than half a pint shall, if required by the purchaser, be measured and delivered according to imperial standard measures, and shall, upon demand by the person receiving the same, be remeasured for his satisfaction in the same premises and in the same measures, or any other standard measures he procures, but not if the liquors have been taken to any other room of or away from the licensed premises, or have been partly consumed before a remeasurement is demanded. On failure to measure or remeasure as aforesaid the licensed person shall, for every offence, be liable to a penalty of not more than Five Pounds. Liquors to be sold according to standard measure.
Ibid., s. 126.

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Penalty on holder of wine licence selling liquids containing over 35 per cent. of spirit.

Ibid., s. 127.

Adulterated liquor not to be sold.

Ibid., s. 128.

152. No wine licence shall authorise any person to sell any liquid containing more than thirty-five per centum of proof spirit, or containing any noxious drug, chemical, or other thing; and any person who sells any liquid in contravention of this section shall be liable to pay a penalty of not less than Ten Pounds and not exceeding Fifty Pounds, or to be imprisoned for any period not exceeding six months, with or without hard labor, and, in either case, to have his licence forfeited.

153. (a) Every person who mixes or causes or permits to be mixed with any liquor sold, or offered or exposed for sale by him, any deleterious ingredient, or who sells, or offers, or exposes, or has for sale any adulterated liquor, or liquor containing any ingredient deleterious to health, or has on any premises where liquor is sold or exposed for sale any substance, matter, or thing of a deleterious character, which it may be reasonably inferred is kept for the purpose of adulterating or mixing with liquor, shall be liable for the first offence to a penalty of not less than Twenty Pounds nor more than Fifty Pounds, or to imprisonment for any term not exceeding three months, with or without hard labor; and for the second or any subsequent offence, to a penalty of not less than Fifty Pounds nor more than One Hundred Pounds, or to imprisonment for any term not exceeding six months, with or without hard labor, and also to be declared disqualified perpetually from applying for or obtaining a licence or a renewal, or a transfer of a licence under this Act.

(b) In order to obtain an analysis of any such liquor, substance, matter, or thing, it shall be lawful for any Justice, on information on oath made to him that there is reason to believe that any such liquor is adulterated, or contains any deleterious ingredient as aforesaid, or that any such substance, matter, or thing of a deleterious character is to be found upon any premises, to authorise the seizure of such suspected liquor, substance, matter, or thing, and cause the same, or a sample thereof, to be analysed by some competent person, and to order the forfeiture of the whole of the kind of liquor analysed and found to be adulterated or to contain any deleterious ingredient, and also of any substance, matter, or thing of a deleterious character found in the possession or on the premises of the person offending.

(c) The expense of and attending such seizure, analysis and forfeiture shall be a portion of the costs which such Justice shall have power to order to be paid by any person convicted under this section.

(d) In every proceeding under this section proof of the fact that any liquor was adulterated, or contained any deleterious ingredient, or that any substance, matter, or thing of a deleterious character was found upon the premises shall be *prima facie* evidence that the person in whose possession the same was found, or who at the time occupied the premises whereon the same was found, did sell, or offer, or expose, or have for sale such liquor, or that such substance, matter, or thing of a deleterious character was kept for adulterating or mixing with liquor.

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(e) No person shall be liable to a penalty under this section if he satisfies the Justice that such liquor was when seized in the same condition as it was when it came into his possession by a *bona fide* purchase, and was not adulterated or mixed with any deleterious ingredient by him or any person acting under his authority or in his employ, and that such substance, matter, or thing was not kept for adulterating or mixing with liquor.

154. Any Justice, if any riot or tumult happens, or is expected to take place, may order or direct that any person licensed under this Act, and keeping any house where such riot or tumult happens, or is expected to take place, shall close his house for any time which the said Justice so orders or directs; and any person who does not obey such order or direction of such Justice shall be liable to a penalty of not exceeding Twenty Pounds.

Closing of houses against riot.

Ibid., s. 129.

155. If any person holding a storekeeper's, storekeeper's Australian wine, brewer's Australian ale, or distiller's storekeeper's licence, with intent to evade the provisions of this Act, takes, or carries, or authorises, employs, permits, or suffers any person to take or carry any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit, or of being drunk or consumed in any other premises whatever belonging to or hired, used, or occupied by such licensed person, such liquor shall be deemed and taken to have been drunk or consumed upon the licensed premises of such licensed person, and he shall for every such offence be liable to a penalty of not less than Five Pounds or more than Twenty Pounds.

Penalty for evasion of provisions disallowing consumption of liquor on premises under certain classes of licences.

Ibid., s. 130.

156. If any person who has purchased any liquor from any person holding a storekeeper's, storekeeper's Australian wine, brewer's Australian ale, or distiller's storekeeper's licence, or from the occupier of a vineyard or orchard, drinks such liquor, or opens any bottle or other vessel containing such liquor, in or about the house, or on the premises described in the licence granted to such holder, or on the premises of such occupier, he shall be liable to a penalty of not less than Twenty Shillings nor more than Five Pounds, and every person so offending may be apprehended without warrant by any member of the Police Force.

Persons drinking in the house or store of persons holding certain licences, or of vigneron, liable to penalty, and may be apprehended.

Ibid., s. 131.

157. If any person holding a storekeeper's, wine, storekeeper's Australian wine, brewer's Australian ale, or distiller's storekeeper's licence, sells or retails any liquor, except according to the tenor of and as authorised by his licence, he shall for each offence be liable to a penalty of not less than Ten Pounds nor more than Fifty Pounds.

Penalty for selling liquor otherwise than as authorised by licence.

Ibid., s. 132.

158. Subject to section 75 hereof, if any master or commander of any steamer or other vessel not having a packet licence, or any of the officers or crew of such steamer or other vessel, directly or indirectly sells, or permits to be sold, within the said State, any liquor in any quantity, or if he or any such officers or crew does so contrary

Penalty on master or commander of vessel for retailing without licence.

Ibid., s. 133.

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to the terms of and not as authorised by a licence held by such master or commander, then such master, commander, officer, or member of the crew shall for every such offence be liable to the penalty or imprisonment provided by section 159 for an offence against that section. And every sale of liquor on board such vessel in the circumstances aforesaid shall be deemed to be a sale by the master or commander until the contrary is proved.

Retailing liquor
without a licence.
1236 of 1915, s. 39.

159. If any unlicensed person, except as allowed by this Act, directly or indirectly sells or supplies for profit, or permits to be sold or supplied for profit, any liquor, in any quantity, he shall be guilty of an offence, and shall be liable, for the first such offence, to a penalty of not less than Ten Pounds and not more than One Hundred Pounds, or to be imprisoned for a term not exceeding six months, and for any subsequent offence to be imprisoned for a term not exceeding one year: Provided that this section shall not apply to a sale, in a quantity not less than five imperial gallons, of liquor to a person licensed to sell liquor of the kind which is the subject matter of such sale.

Attempt to evade
last section.
970 of 1908, s. 135.

160. If any unlicensed person—

- (1) gives away or delivers any liquor to any person, under the pretence of such person being a customer for other things, or under any pretence whatever; or
- (2) sells or delivers to any licensed person any liquor in a quantity equal to or more than five imperial gallons, with an understanding that part thereof shall be returned, and the quantity so sold or delivered, after deducting the part returned or to be returned, is or will then be under five imperial gallons—

such unlicensed person shall be guilty of an offence under section 159 of this Act.

Justices may deter-
mine what is retail-
ing.
Ibid., s. 136.

161. The Special Magistrate or Justices sitting at or on the hearing of any information under this Act for retailing without a licence or otherwise than according to the tenor of and as authorised by the licence of the person charged may determine the fact of retailing according to the circumstances of or attending each and every particular case, without direct evidence of money or value having been given for the liquor alleged to have been sold or retailed, or of any particular person having himself so sold or retailed.

Mead, wine, cider, or
perry not to be
carried about for sale.
Ibid., s. 137.

162. No person shall carry about for sale any mead, wine, cider, or perry unless he is the actual owner or occupier of a vineyard or orchard, or a servant in the actual and *bona fide* employ of such owner or occupier, and unless such mead, wine, cider, or perry is the produce of the vineyard or orchard of, and was actually manufactured by, such owner or occupier; and no such owner or occupier shall carry about for sale any mead, wine, cider, or perry except within the

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the limits of a Municipality or District Council. Any person offending against this section shall, for every such offence, be liable to a penalty not exceeding Ten Pounds.

163. Any Justice or any member of the Police Force, or any Inspector, may seize and take away, or cause to be seized and taken away, all such liquors as he has reasonable cause to suspect to be carried about or exposed for sale in any place whatever, by any person not licensed or authorised to sell the same there, and the vessels containing the same, and all the vessels and utensils used for drinking or measuring the same, and any carriage, wagon, cart, dray, barrow, or other means of conveyance, and any horse or other animal employed in drawing or carrying the same, or used or reasonably suspected to be used in the conveyance of such liquor as aforesaid; and any person who carries about or exposes for sale any liquor without a licence shall, upon conviction before any Justice, be liable to a penalty of not less than Ten Pounds nor more than Fifty Pounds, or to be imprisoned for any period not exceeding four months, and such Justice may adjudge such liquor, vessels, and utensils containing the same, and any such carriage, wagon, cart, dray, barrow, or other means of conveyance, and any such horse, or other animal as aforesaid to be forfeited, and may order and direct the same to be sold, and the proceeds thereof, after deducting the expenses of sale, shall be appropriated in the same manner as fines and penalties are by this Act directed to be appropriated.

Liquor carried about or exposed for sale may be seized.

Ibid., s. 138.

164. Any person who keeps, sets up, or maintains any billiard, bagatelle, or billiard-bagatelle table for hire, or as a means of gain or profit, without a billiard-table licence, and any person holding a billiard table licence who permits or allows any billiard, bagatelle, or billiard-bagatelle table on his licensed premises to be used otherwise than during the days and hours authorised, or otherwise than in accordance with the authority conferred by such licence, shall be liable to a penalty for a first offence of not less than Two Pounds nor more than Ten Pounds, and for a second and every subsequent offence of not less than Ten Pounds nor more than Fifty Pounds.

Penalty for keeping billiard-tables, &c., except under the authority of a licence.

Ibid., s. 139.

165. Nothing in this Act shall be held to make it unlawful for a licensee (being the holder of a billiard table licence) to permit any billiard, bagatelle, or billiard-bagatelle table to be used between the hours of six o'clock in the evening and eleven o'clock at night, on any day upon which his said licence authorises him to allow the same to be used, provided that such table is not in any such bar-room or place as mentioned in section 187.

Right to use billiard tables between six and eleven reserved.

1236 of 1915, s. 62.

166. (1) No holder of a billiard table licence, the holder of which is not also the holder of a publican's licence, shall permit or suffer any person who is not a member of the family, or a servant, of such holder, dwelling on his licensed premises, to be or to remain upon his licensed premises at any time when it is not lawful for the licensee to permit or allow the billiard, bagatelle, or billiard-bagatelle tables upon such premises to be used.

Persons not to be in billiard rooms in prohibited hours.

Ibid., s. 63.

(2) Any

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(2) Any licensed person who is guilty of any contravention of this section, and any person who is, during any such time as aforesaid, upon any such licensed premises shall be liable to a penalty not exceeding Twenty Pounds.

(3) In any proceedings for an offence against this section, the presence of any person upon any such licensed premises, at any such time as aforesaid, shall be *prima facie* evidence that the licensee permitted or suffered such person to be upon such premises at such time.

Spiruous or fermented liquors not to be brought on board His Majesty's ships without the commander's consent.

970 of 1908, s. 140.

Penalty on offenders.

167. It shall not be lawful for any person to bring on board any of His Majesty's ships or vessels any spirituous or fermented liquor of any description, without the previous consent of the officer commanding such ship or vessel; and it shall be lawful for any officer in His Majesty's Service, or warrant or petty officer of the Navy, or non-commissioned officer of marines, with or without seamen or persons under his command, to search any boat or vessel hovering about or approaching, or which has hovered about or approached, any of His Majesty's ships or vessels, and if any spirituous or fermented liquor is found on board such boat or vessel to seize such spirituous or fermented liquor, and the same shall be forfeited to His Majesty; and any person who brings any spirituous or fermented liquor on board any of His Majesty's ships or vessels without such previous consent as aforesaid, or approaches or hovers about any of His Majesty's ships or vessels for the purpose of bringing any spirituous or fermented liquor on board the same, without such previous consent, or for the purpose of giving, or selling without such previous consent, spirituous or fermented liquor to men in His Majesty's Service, shall be liable to a penalty not exceeding Ten Pounds for every such offence; and it shall be lawful for any officer in His Majesty's Service, or any such warrant or petty officer or non-commissioned officer as aforesaid, or for any member of the Police Force with or without any warrant or other process, to apprehend, or cause to be apprehended, any such offender or person so acting, and to bring him, or cause him to be brought, before a Special Magistrate or two Justices, for the purpose of having him summarily tried for the same.

Persons not to be Supplied.

Liquor not to be supplied to aborigines.

Ibid., s. 141.

168. Any person who sells, gives, or supplies, or permits to be sold, given, or supplied, any liquor to any aboriginal native of Australia, or half-caste of that race, shall be liable to a penalty of not less than Five Pounds nor more than Twenty-five Pounds for every such offence.

Liquor not to be consumed or possessed by an aboriginal.

1236 of 1915, s. 59.

169. Any aboriginal native of Australia, or any half-caste of that race, who is found drinking liquor, or to have been drinking liquor or in possession of liquor, shall for every such offence be liable to a penalty of not more than Ten Pounds, or to be imprisoned for a first offence for a term not exceeding seven days, and for any subsequent offence for a term not exceeding four weeks.

170. (1) Any

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170. (1) Any licensed person, or any person in the employ of a licensed person, who sells or supplies, or permits to be sold or supplied, any liquor to any person under the age of twenty-one years, shall be liable to a penalty of not less than Five Pounds and not more than Twenty Pounds.

Liquor not to be supplied to a person under 21 years of age.

Ibid., s. 41.

(2) It shall be a defence in any proceedings for an offence under this section to prove that the person charged had reasonable cause to believe that the person to whom the liquor was sold or supplied was not under the age of twenty-one years, provided that he was not under the age of eighteen years.

171. Any person who sends or causes to be sent any person under the age of sixteen years to any licensed premises for the purpose of procuring any liquor, or causes any person under the age of sixteen years to enter or be in any bar-room in any licensed premises for any purpose, shall be liable to a penalty of not less than Five Pounds nor more than Ten Pounds.

Penalty on sending child for liquor.

970 of 1908, s. 143.

172. If any person under the age of sixteen years other than a child of the licensee is for any purpose in any bar-room of any licensed premises, the licensee of such premises shall forthwith remove or cause to be removed such person from such bar-room; and no licensee shall employ any person under the age of eighteen years to sell, supply, or serve liquor in any bar-room, excepting a child of the licensee. Any licensee who fails to comply with this section shall be liable to a penalty of not less than One Pound nor more than Five Pounds.

Person under sixteen not allowed in bar-room.

Ibid., s. 144.

173. Any person holding a licence under this Act, or any person in his employ, who supplies, or permits to be supplied, any liquor to any person in a state of intoxication shall be liable for the first offence to a penalty of not less than Five Pounds; and for every subsequent offence to a penalty of not less than Ten Pounds nor more than Forty Pounds.

Liquor not to be supplied to persons in a state of intoxication.

Ibid., s. 145.

174. Any person holding a licence under this Act, or any person in his employ, who supplies, or permits to be supplied, any liquor to any member of the Police Force whilst on duty, except when such member of the Police Force is a *bona fide* traveller within the meaning of section 195 hereof, shall for every such offence be liable to a penalty not exceeding Five Pounds.

Penalty for supplying liquor to police on duty.

Ibid., s. 146.

175. (1) Upon information in writing made to any Special Magistrate or Justice of the Peace, that any person, by the habitual or excessive use of liquor, wastes his means, or injures or is likely to injure his health, or endangers or interrupts the peace, welfare, or happiness of his family, such Magistrate or Justice shall issue his summons, calling upon such person to appear at a time and place to be therein named, and show cause why an order should not be made forbidding all persons to supply him with liquor. At the time and place named in such summons, any Special Magistrate or two

Order may be obtained forbidding supply of liquor to drunkards.

Ibid., s. 147.

Justices

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Justices of the Peace may investigate the matters contained in such information and hear the evidence adduced in support thereof, and also the evidence (if any) of the person informed against, and of any witnesses called on his behalf; and may adjourn such investigation from time to time, and may, upon proof to his or their satisfaction of the facts alleged in such information, make an order forbidding all persons whomsoever to supply the person named in such order with liquor, or to permit him to be within any licensed premises for the period of twelve months from the date thereof.

Penalty for supplying such drunkards with liquor.

(2) Any person whosoever who, during the currency of any such order, supplies the person named therein with liquor, and any person holding a publican's or wine licence under this Act who permits the person named in any such order to loiter about or frequent his licensed premises, shall be liable for the first offence to a penalty of not exceeding Five Pounds, and for the second offence to a penalty of not less than Ten Pounds, and for any subsequent offence to a penalty of not less than Twenty Pounds.

(3) All proceedings under subsection (1) of this section shall be heard with closed doors.

Warning against supplying liquor.

Ibid., s. 14.

176. (1) If any person by the habitual or excessive use of liquor wastes his means, or injures, or is likely to injure his health, or endangers or interrupts the peace, welfare, or happiness of his family, either parent of such person or any guardian of such person if under the age of twenty-one years, or the wife or husband, or any son, daughter, brother, or sister not under the age of twenty-one years of such person, or a friend (not being under the age of twenty-one years) of any son, daughter, brother, or sister under the age of twenty-one years of such person, may by a notice in writing (hereinafter called a "caveat") signed by such parent, guardian, wife, husband, friend, or son, daughter, brother or sister (hereinafter called "the caveator"), and delivered to the holder of any licence under this Act, warn such holder not to supply liquor to such person (hereinafter called "the subject of the caveat").

(2) If after any holder of a licence has been so warned, and before such notice has been withdrawn by writing signed by the caveator and delivered to such holder, he or his servant or employe supplies the subject of the caveat with any liquor, he or such servant or employe shall be liable for the first offence to a penalty of not exceeding Five Pounds, and for the second and every subsequent offence to a penalty of not less than Five Pounds nor more than Ten Pounds.

(3) Upon information in writing, made to any Special Magistrate or Justice of the Peace by the subject of the caveat that there is no reason why a caveat should be in force concerning him, such Magistrate or Justice shall issue his summons calling upon the caveator to appear at a time and place therein named and show cause why the caveat should not be removed. At the time and place named in such summons any Special Magistrate or two Justices of the Peace may investigate the matter contained in such information
and

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and hear the evidence adduced in support thereof, and also the evidence (if any) of the caveator and of any witnesses called by the caveator, and may adjourn such investigation from time to time; and if satisfied that the subject of the caveat did not prior to the delivery of the caveat, or will not if the caveat is removed, by the habitual or excessive use of liquor waste his means, or injure or endanger his health, or injure or endanger the health, or welfare, or happiness of his family or of any member of his family, such Special Magistrate or Justices may make an order removing the caveat, and thereupon such caveat shall cease to have any force or effect as to anything done after such order.

(4) If upon making such order removing a caveat the Special Magistrate or Justices are satisfied that the caveat was delivered frivolously or maliciously they may order that the caveator pay to the subject of the caveat such damages and costs of the information and hearing as they deem reasonable.

(5) Upon the death of the caveator, or if the caveator has been absent from the said State for a period of not less than six months, the caveat shall have no force or effect as to anything done after such death or after the expiration of such period, as the case may be.

177. (1) Any person, whether a licensed person or not, who supplies liquor in any quantity to any person knowing, or having reason to know, that such liquor, or any part thereof, is intended to be sold or supplied contrary to any provision of this Act, shall be liable to a penalty for the first offence of not more than Twenty-five Pounds, and for any subsequent offence of not more than One Hundred Pounds.

Penalty for supplying liquor to be illegally disposed of.
1236 of 1915, s. 60.

(2) In any proceedings for an offence under this section the facts—

(a) that liquor in a quantity exceeding five imperial gallons was supplied, in one lot at one time, or in separate lots at different times within a period of one month, to any person; and

(b) that such person has been convicted of an offence under section 158 or 159 committed within one month after the supplying of such liquor, or any of it,

shall be *prima facie* evidence that such liquor was, when supplied, intended to be sold or supplied contrary to a provision of this Act; and if those facts are proved to the satisfaction of the Special Magistrate or Justices hearing the information or complaint, the onus shall be on the defendant to prove that he did not know, and had no reason to know, that such liquor was intended to be sold or supplied as last mentioned.

Employment of Barmaids.

178. (1) No holder of a publican's licence, wine licence, or a certificate of registration of a club shall allow any female, other than his wife or his daughter, or his sister, or his step-daughter to sell, supply, or

Females not to be employed in sale of liquor unless registered barmaids.

serve 970 of 1908, s. 149.

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serve any liquor at, in, or about any bar-room, unless such female at the time of such sale, supply, or serving is a registered barmaid whose name appears in the register of barmaids referred to in section 179 for the district in which such bar-room is situated; and any licensee acting in contravention of this section shall be liable for a first offence to a penalty of not less than Two Pounds and not more than Ten Pounds, and for any subsequent offence to a penalty of not less than Five Pounds and not more than Twenty-five Pounds.

(2) In any proceedings under this section, unless the contrary is proved to the satisfaction of the Special Magistrate or Justices, any female being at, in, or about any bar-room shall be deemed—

(a) to be allowed by the defendant to sell, supply, or serve (as the case may be) liquor thereat or therein; and

(b) not to be registered as a barmaid if on demand of any member of the Police Force or any Inspector she fails to produce within a reasonable time a certificate of such registration.

(3) Nothing in this section shall prevent any female who is the holder of a licence or her daughter or step-daughter or sister from selling, supplying, or serving liquor in the premises in respect of which she holds such licence.

(4) For the purposes of this section and section 182, "bar-room" means any bar, bar-room, bar-parlor, shop, or other room or place used exclusively or mainly for the sale, supply, serving, or consumption of liquor.

Register of bar-
maids.
Ibid., s. 150.

179. (1) The Clerk shall keep the register of barmaids for each licensing district compiled pursuant to the provisions of section 150 of The Licensing Act, 1908.

(2) Subject to subsection 4 hereof no name shall, after the passing of this Act, be entered upon any register of barmaids.

(3) The Clerk may, if satisfied that the original of any certificate of registration issued pursuant to the provisions of section 150 of the Licensing Act, 1908, has been accidentally destroyed, obliterated, or lost, cause a duplicate thereof to be issued upon payment of a fee of Five Shillings.

(4) Any person who is registered in the register of barmaids for any district shall also be entitled to be registered in the register of barmaids for any other district, upon producing to the Clerk the certificate of her registration in the first-mentioned district. As soon as practicable after being registered under this subsection, a barmaid shall be entitled to a certificate of such registration in the form contained in Schedule W hereto, or to the like effect, signed by the President.

Register to be kept
by Clerk.
Ibid., s. 151.

180. Any person upon payment of a fee of One Shilling, and any member of the Police Force and any inspector without fee, may inspect any register of barmaids and take copies of any entry therein.

181. Any

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181. Any person who—

- (a) obtains or attempts to obtain a duplicate of any certificate of registration as a barmaid ; or
- (b) forges or falsifies any entry in any register of barmaids or any certificate of registration as a barmaid ; or
- (c) falsely represents herself to be registered as a barmaid, or to be any person who is so registered,

Fraud, &c., in connection with registration.
Ibid., s. 152.

shall be liable to a penalty of not exceeding Twenty Pounds.

182. (1) Any female not being registered as a barmaid in the register of barmaids for a Licensing District who sells, supplies, or serves liquor in any bar-room within such district shall be liable for the first offence to a penalty not exceeding Five Pounds, and for any subsequent offence to a penalty of not less than Five Pounds and not exceeding Twenty Pounds.

Unregistered person acting as barmaid.
Ibid., s. 153.

(2) This section shall not apply to the female licensee, or the wife of the male licensee, or the daughter or stepdaughter or sister of the male or female licensee of the premises in which the bar-room exists.

183. (1) No female, other than the licensee or the wife, sister, daughter, or step-daughter of the licensee, shall be required or permitted or suffered to sell, supply, or serve liquor at, in, or about any bar-room (as defined in section 178) in any premises licensed under this Act after the hour of six o'clock in the evening of any day.

Female not to be employed in bar-room after six p.m.
Ibid., s. 154.

(2) The licensee of any premises in which any female is employed contrary to this section shall be liable to a penalty for a first offence of not less than Five Pounds nor more than Ten Pounds, and for any subsequent offence of not less than Ten Pounds nor more than Twenty Pounds.

184. (1) The Court may, at any annual or quarterly meeting, on the application of any Inspector, cancel the registration of a barmaid who is proved, to the satisfaction of the Court, to have been convicted of any indictable offence, or to have been convicted twice of offences against the Police Act or any amendment thereof, or against this Act or any amendment thereof, or to be a person of bad fame or character.

Cancellation of barmaid's registration.
1236 of 1915, s. 61.

(2) No such application shall be heard by the Court unless notice in writing, stating the ground of the application, has been delivered to the Clerk and also to the barmaid, at least fourteen clear days before the day fixed for the meeting of the Court at which the application is to be heard.

(3) If the Court is satisfied that the ground of the application is proved, the Court may, by an order signed by the President or the Clerk, declare the barmaid's registration to be cancelled, and thereupon her registration as a barmaid in every District in which she is

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so registered shall cease to have any force or effect, and she shall deliver up to the Clerk all certificates of registration as a barmaid held by her.

Times of Selling.

Times when premises may not be open nor liquor sold.

970 of 1908, s. 155.

185. (1) Subject as hereinafter mentioned, no licensed person shall keep his licensed premises open for the sale of liquor, or shall sell or supply any liquor or shall permit any liquor to be consumed on his licensed premises—

(a) Upon any Sunday or Good Friday :

(b) Upon any Christmas Day after the hour of two o'clock in the afternoon :

(c) Upon any other day except between the hours of five in the morning and six in the evening.

Proviso relating to lodgers, &c., and travellers.

" Excepted persons" defined.

Penalty.

(2) Provided that nothing in this section shall relate to the sale or supply to or consumption of liquor by the licensee, any member of his family living or staying on the premises, any servant of the licensee living or staying on the premises, or any *bona fide* lodger (which persons are in this Act called " excepted persons"), if the liquor is not drunk in any bar-room on the licensee's premises.

(3) Every licensee who offends against any provision of this section shall be liable to a penalty for the first offence of not less than Five Pounds, and for the second and every subsequent offence of not less than Ten Pounds, and for the third offence his licence, whether forfeitable or not under any other provision of this Act, shall be absolutely forfeited.

Presumption in certain cases.

1236 of 1915, s. 44.

186. If in any proceedings for an alleged offence against section 185 it is proved to the satisfaction of the Special Magistrate or Justices hearing the case that, during any day or time during which the sale of liquor is prohibited by law (except during the time for clearing bar-rooms permitted by section 187) —

(a) any door or other entrance or means of any kind by which admission could be gained, whether from outside or inside the licensed premises, to—

i. any bar-room on the licensed premises, or

ii. any place on such premises where liquor is kept for sale or is stored, or

any aperture or other means of any kind through or by which any liquor could be delivered or obtained from any such bar-room or place, was open or unlocked, or

(b) any person other than the licensee or his servant was in any such bar-room or place, or

(c) any light was in any such bar-room or place,

the licensee shall, unless he proves to the satisfaction of the Magistrate or Justices that the act or thing proved as aforesaid was done

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done or existed solely for the purpose of supplying liquor to some excepted person, and not for a longer time than was necessary for supplying such liquor to such person, be found guilty of such offence.

187. (1) During any day or time during which the sale of liquor is prohibited by law—

(a) no door or other entrance or means of any kind by which admission can be gained, whether from outside or inside any licensed premises, to—

i. any bar-room on such licensed premises, or

ii. any place in such premises where liquor is kept for sale or is stored, and

(b) no aperture or other means of any kind through or by which any liquor can be delivered or obtained from any bar-room on any licensed premises, or from any place on such premises where liquor is kept for sale or is stored,

shall be open or unlocked, except for the purpose of supplying liquor to some excepted person and for such time only as is necessary for supplying such liquor to such person, the onus of proving which exception shall be upon the defendant.

(2) Any licensed person on whose premises any contravention of this section occurs shall be liable to a penalty for the first offence of not less than Five Pounds and not more than Ten Pounds, and for every subsequent offence of not less than Ten Pounds and not more than Twenty Pounds. Penalty.

(3) Notwithstanding anything in this Act a licensee is hereby permitted to keep his bar-room open for ten minutes immediately after the closing time on any day solely for the purposes of clearing such bar-rooms of the persons who are therein at such closing time and of adjusting the goods and furniture therein: Provided that if on any day any liquor is sold or supplied or consumed in any such bar-room after such closing time, the permission granted by this subsection shall not apply on that day; and if any licensee is convicted of any offence against section 185 or this section, the convicting Magistrate or Justices may, in addition to any penalty imposed for such offence, declare that this subsection shall, for such time as is declared by such Magistrate or Justices, not apply in favor of such licensee, and thereafter it shall not apply accordingly.

188. (1) After the passing of this Act, no licensed person shall—

(a) keep his licensed premises open for the sale of non-intoxicating liquor, or

(b) sell or supply any non-intoxicating liquor, or

(c) permit any non-intoxicating liquor to be consumed on his licensed premises,

Sale of temperance drinks in licensed premises prohibited. 1279 of 1917, s. 6.

during any day or time during which the sale of liquor is prohibited by law.

(2) Nothing in this section shall relate to the sale or supply to or consumption of non-intoxicating liquor by any excepted person, if such liquor is not supplied or consumed in any bar-room on the licensee's premises or in any such place as mentioned in section 187, nor to any non-intoxicating liquor which is sold or supplied to and consumed only by persons taking *bona fide* meals on such premises and with such meals, and is not supplied or consumed in any such bar-room or place as aforesaid.

(3) Every licensee who offends against any provision of this section shall be liable to a penalty for a first offence of not more than Five Pounds and for any subsequent offence of not more than Fifty Pounds.

(4) In this section "non-intoxicating liquor" means any liquor not being liquor as defined by section 4.

(5) The offence mentioned in subsection (1) hereof is hereby added to the list of offences in section 269 for which a licence may be forfeited.

(6) This section shall not apply to any non-intoxicating liquor sold or supplied or consumed on any licensed premises if such licensed premises are further licensed for the sale of non-intoxicating liquor by a permit granted by the Licensing Court and issued under the hand of the Clerk: Provided that—

- i. the Court in its absolute and uncontrolled discretion may refuse to grant any such permit:
- ii. every such permit shall expire on the fourteenth day immediately following the next succeeding annual meeting of the Court sitting in or for the Licensing District within which the premises in relation to which such permit is granted are situated, and
- iii. any such permit may be cancelled, either permanently or for any specified time, if the Court, in the exercise of its absolute and uncontrolled discretion, considers such cancellation desirable.

Closed on Sundays,
970 of 1908, s. 156.

189. Subject to section 195, no person holding a publican's or wine licence shall be compelled to open his premises during any hour on Sunday.

Register of lodgers
to be kept and to be
evidences.

1236 of 1915, s. 68.
1269 of 1916, s. 12

190. (1) The holder of any publican's licence shall keep on his licensed premises a book to be called the "Register of Lodgers."

(2) In the said book such holder shall every day enter, or cause to be entered, the name of every *bona fide* lodger (as defined by section 191) in such premises on the night of such day, showing clearly opposite the name of each lodger the distinguishing number or description of the room in such premises occupied by him on such night. This subsection shall apply in respect of regular as well as casual lodgers.

(3) All

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(3) All the entries by this section required to be made in the said book shall be made in black ink.

(4) The Register of Lodgers kept on any licensed premises shall be open to inspection at any time, upon demand, by any Inspector or any member of the Police Force.

(5) The fact that any person is found on any licensed premises during any day or time during which the sale of liquor is prohibited by law shall, unless his name appears, as required by subsection (2) hereof, in the Register of Lodgers kept on such premises, together with the distinguishing number or description of the room in such premises occupied by him on the night immediately preceding the day or night when he is so found, be conclusive evidence as against the holder of the licence, and *prima facie* evidence as against such person, in any proceedings under this Act that such person was not a *bona fide* lodger in such premises when he was so found.

(6) Any holder of any publican's licence who—

- (a) neglects or fails to keep a Register of Lodgers as provided by this section, or
- (b) neglects or fails to enter, or cause to be entered, in such Register any of the particulars required by this section to be entered therein, or
- (c) makes, or causes to be made, in such Register any false or misleading entry in respect of any of the particulars required by this section to be entered therein,

shall be liable to a penalty for the first offence of not more than Five Pounds, and for every subsequent offence of not less than Five Pounds and not more than Fifty Pounds.

191. No person shall for the purposes of this Act be deemed to be a *bona fide* lodger in licensed premises unless—

- (a) he is a regular boarder in the premises ; or
- (b) he lodged therein on the night immediately preceding the day whereon an offence is alleged to have been committed ;
or
- (c) if the offence is alleged to have been committed between any hour of any night and six o'clock in the following morning, he lodged therein on the night immediately preceding that night.

Definition of
bona fide lodger.

970 of 1908, s. 159.

192. In any proceedings under this Act against the holder of a licence for selling or supplying or permitting the sale or supply of liquor, or the drinking or consumption of liquor on his premises, it shall be no defence to prove that such holder himself took, or carried, or employed, or authorised or suffered any other person to take or carry such liquor out of or from such premises for the purpose of being sold or supplied for such holder's benefit or profit, or on his account, and of being drunk or consumed
in

Evasion of law as to
sale, &c., of liquor
on premises.

Ibid., s. 161.

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in any other house, or in any tent, shed, or other building of any kind whatsoever, belonging to or hired or used or in the occupation of such holder, or in any public place or public thoroughfare; but in all such cases such liquor shall be deemed to have been sold or supplied by such holder on his licensed premises, and to have been drunk or consumed by the purchasers thereof or the persons to whom supplied on the premises of such holder, and with his privity and consent.

Permits to supply liquor with meals between six and eight p.m.

236 of 1915, s. 66.

193. (1) Notwithstanding anything contained in this Act, the Minister may, in the exercise of his discretion, by writing signed by him, grant permission for such liquor as mentioned in subsection (5) hereof to be sold and supplied and consumed in the licensed premises specified in such writing, or to be consumed in the unlicensed premises (as defined by subsection (3) of section 147 of this Act) specified in such writing, between the hours of six o'clock and eight o'clock in the evening, on all days except Sundays, Good Fridays, and Christmas Days, provided that the liquor is consumed only by persons taking *bona fide* meals therein between those hours and with such meals, and is not supplied or consumed in any bar-room, or in any such place as mentioned in section 187.

(2) For the purposes of section 185 and for the purposes of section 197, persons taking *bona fide* meals in the premises specified in a permission granted under this section shall, between the hours of six o'clock and eight o'clock in the evening, on all days except as aforesaid, be excepted persons in the premises so specified, but only in so far as is necessary to make the permission effective.

(3) Except to the extent by this section expressly provided nothing in this section or in any permission granted hereunder shall authorise or excuse the doing or omission of anything contrary in any way to any provision of this Act.

(4) If the Minister considers that any permission granted under this section has been abused in any way, or to any extent, he may, in the exercise of his absolute and uncontrolled discretion, by writing signed by him and published in the *Gazette*, cancel such permission either permanently or for the period of time specified in such writing, and, from the date of the publication in manner aforesaid of such writing, such permission shall have no effect whatever, permanently or for the time so specified, according to the tenor of such writing.

(5) The only liquors to which this section applies are dry wines and cider manufactured in the Commonwealth of Australia, containing, in the case of wine, not more than twenty-five per centum of proof spirit, and in the case of cider, not more than twelve per centum of proof spirit.

Limited permits to supply liquor on special occasions until 11 o'clock.
Ibid., s. 67.

194. Notwithstanding anything contained in this Act permission for the consumption of liquor, in premises in respect of which a publican's licence is for the time being in force, or in unlicensed

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unlicensed premises as defined by subsection (3) of section 147 of this Act, may be granted in manner hereinafter provided and subject to the conditions hereinafter set forth, namely—

- (a) The permission shall be granted only in respect of one night and shall be in force only until eleven o'clock, or such earlier time as is specified therein, on that night:
- (b) The permission shall be granted only for the occasion of a dinner, banquet, social gathering, or other similar engagement of a *bona fide* club, association, or society or public body:
- (c) Permission shall not be granted for any engagement of any club, association, or society, or public body if permission has been granted for any engagement thereof which took place within the six months immediately preceding the first-mentioned engagement:
- (d) The application shall be made by writing in the form in the Schedule W1 to this Act, signed by the licensee, or, in the case of unlicensed premises, by the occupier thereof, and by the president, chairman, secretary, or treasurer of the club, association, or society, or public body:
- (e) A copy of the application shall be delivered to the officer in charge of the police station nearest to the premises not less than twenty-four hours before the hearing of the application:
- (f) The application shall be made to a Special Magistrate, or to two Justices living within ten miles of the premises:
- (g) The Magistrate or Justices, upon hearing the application and anything stated in support thereof or in opposition thereto by any Inspector or any member of the Police Force, may grant or refuse the permission, entirely at his or their own discretion:
- (h) Any permission granted under this section shall be by writing in the form of Schedule W2 to this Act:
- (i) Liquor may be consumed under a permission granted under this section only by persons present at and taking part in the dinner, banquet, social gathering, or engagement, and only in such room or rooms or other portion or portions of the premises as are specified in the permission, and no bar-room or place as mentioned in section 187 hereof, shall be so specified:
- (j) For the purposes of section 185 (but only so far as that section applies to permitting liquor to be consumed) and for the purposes of section 197, the persons mentioned in paragraph (i) hereof, shall, for the time for which the permission is granted, but only in so far as is necessary

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necessary to make the permission effective, be deemed to be excepted persons:

- (k) Except to the extent by this section expressly provided, nothing in this section or in any permission granted hereunder shall authorise or excuse the doing or omission of anything contrary in any way to any provision of this Act.

Penalty on refusal to receive travellers.
970 of 1908, s. 162.

195. (1) No holder of a publican's licence shall, if there is accommodation available in his house, refuse to receive any *bona fide* traveller as a guest into his house, or to supply him with food or lodging, or to receive his horse or horses, or to supply any such horse with sufficient provender, whether the owner lodges in his house or not, unless such traveller is intoxicated or is a known disreputable person. And every such holder offending against this section shall, for each such offence, be liable to a penalty not exceeding Five Pounds.

Definition of *bona fide* traveller within this section.

(2) For the purposes of this section no person shall be deemed a *bona fide* traveller unless he resides at least five miles from the licensed premises where he requires to be received as a guest, or to be supplied with food or lodging, or to have his horse or horses received or supplied with provender, or to be supplied with food or other accommodation, and has travelled at least five miles on the day when he so requires to be received or supplied, or to have his horse or horses received or supplied.

Penalty for false representation.
Ibid., s. 163.

196. Any person who by falsely representing himself to be a *bona fide* lodger within the meaning of section 191 hereof buys, or obtains, or attempts to buy or obtain at any licensed premises any liquor during any day or time during which the sale of liquor is prohibited by law shall be liable for a first offence to a penalty of not less than Five Pounds, and for every subsequent offence to a penalty of not less than Ten Pounds.

Penalty for persons purchasing or found drinking liquor on premises during prohibited time.
Ibid., s. 164.

197. Any person other than an excepted person who purchases or obtains or attempts to purchase or obtain liquor, or is found drinking liquor in any licensed premises during any day or time during which the sale of liquor is prohibited by law, or, during any such day or time, is present in any bar-room on any licensed premises, or in any such place as mentioned in section 186, shall for the first offence be liable to a penalty of not less than Five Pounds, and for the second and every subsequent offence of not less than Ten Pounds, and for the third and every subsequent offence to be imprisoned for not more than four weeks.

Penalty for persons unlawfully present on licensed premises.
1236 of 1915, s. 46

198. (1) Any person, other than an excepted person, who during any day or time during which the sale of liquor is prohibited by law is present in any room or other part of any licensed premises, which room or part adjoins any bar-room on such premises or any place therein where liquor is kept for sale or is stored, and has any door or other entrance or means of any kind by which

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which admission can be gained to such bar-room or place, or which has any aperture or other means of any kind through or by which any liquor can be delivered or obtained from such bar-room or place, such door, entrance, means, or aperture being at the time open or unlocked, shall be liable for a first offence to a penalty of not less than Five Pounds, and for every subsequent offence to a penalty of not less than Ten Pounds, unless he satisfies the Special Magistrate or Justices that his presence in such room or part was not for the purpose of purchasing or obtaining, or attempting to purchase or obtain, liquor.

(2) Any person other than an excepted person who is present on any licensed premises during any Sunday or Good Friday, or at any time on any Christmas Day after the hour of two o'clock in the afternoon, or at any time on any other day except between the hours of five o'clock in the morning and eleven o'clock at night, shall be liable to a penalty of not less than Two Pounds, unless he satisfies the Special Magistrate or Justices that his presence on such premises on such day or at such time was not for the purpose of purchasing or obtaining, or attempting to purchase or obtain, liquor.

Penalty for persons present on premises during prohibited time.

970 of 1908, s. 164.

199. In any proceeding for an offence against section 185 or section 197 or section 198 of this Act, any person present in the licensed premises shall, until the contrary is proved, be deemed not to be an excepted person.

Persons present on premises presumed not to be excepted persons.

Ibid., s. 165.

200. (1) If any person, whether an excepted person or not, carries away liquor in any vessel from any licensed premises during any day or any time during which the sale of liquor is prohibited by law, he shall be liable to a penalty not exceeding Two Pounds.

Penalty for carrying liquor from licensed premises during prohibited times.

Ibid., s. 166.

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

No child under sixteen to be convicted if ordered to convey liquor.

(3) Any member of the Police Force or inspector may without any warrant stop and detain any person seen coming out of any licensed premises during any day or any time during which the sale of liquor is prohibited by law, and may search such person and seize and carry away any vessel found in his possession and which the person so seizing has reasonable cause to believe contains liquor.

(4) Any person who resists or obstructs any member of the Police Force or inspector in the exercise of his powers under this section shall, in addition to any other penalty, be liable to a penalty of not less than Two Pounds.

201. In any proceedings for an offence against any of the provisions of this Act—

Liquid presumed to be liquor.

Ibid., s. 167.

(a) any liquid shall, until the contrary is proved, be deemed to be liquor; and

(b) every separate sale or supplying shall be a separate offence.

Every sale a separate offence.

202. (1) Any

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Powers of police with respect to persons on licensed premises at prohibited times.

Ibid., s. 168.

202. (1) Any member of the Police Force or inspector may demand from any person found on or seen coming out of any licensed premises during any day or time during which the sale of liquor is prohibited by law the name and address of such person, and if he has reasonable ground to suppose that the name or address so given is false, may require such person to produce evidence of the correctness of the name or address given by such person.

(2) If any such person, on demand being made as aforesaid, refuses or neglects to give such name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, such member of the Police Force or inspector may without any warrant apprehend such person forthwith, and shall bring him before any Special Magistrate or two Justices as soon as practicable to be dealt with according to law.

(3) Every such person who, on demand being made as aforesaid, refuses or neglects to give his name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, or gives a false name or address, or produces false evidence with respect to such name or address, shall be liable for every such offence to a penalty not less than Two Pounds.

Liability of licensee when person on premises during certain times.

1236 of 1915, s. 47.

1279 of 1917, s. 7.

203. (1) Any licensee on whose licensed premises any person is found, or out of whose licensed premises any person is seen coming, during any Sunday or Good Friday, or at any time on any Christmas Day after the hour of two o'clock in the afternoon, or at any time on any other day except between the hours of five o'clock in the morning and six o'clock in the evening, shall be liable to a penalty of not less than Two Pounds nor more than Ten Pounds, unless he proves, to the satisfaction of the Special Magistrate or Justices hearing the case, that such person—

- (a) was not on such premises for any purpose (whether the sole purpose or not) contrary to the provisions of this Act; or
- (b) was on such premises contrary to the will of the licensee, or, if the licensee was not at the time on such premises, contrary to the will of the person at such time in charge thereof, and that the licensee or the person in charge (as the case may be) took all reasonable steps to prevent such person from entering such premises and to remove him therefrom; or
- (c) was on such premises without the knowledge of the licensee, or, if the licensee was not at the time on such premises, without the knowledge of the person at such time in charge thereof, and that the licensee or the person in charge (as the case may be) exercised all practicable diligence to prevent such person from entering or being on such premises.

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(2) In the case of a licensee charged with an offence against this section, which offence is alleged to have been committed between the hours of six o'clock in the evening and eleven o'clock at night, who proves to the satisfaction of the Special Magistrate or Justices hearing the case that he has at all times—

- (a) kept the front door of his licensed premises unlocked and capable of being readily opened, and
- (b) afforded to members of the Police Force desiring to enter and inspect his licensed premises all reasonable facilities for so doing,

such licensee shall be deemed to be charged with an offence against section 204.

204. Any licensee upon whose licensed premises any person is found, or out of whose licensed premises any person is seen coming, on any other day than Sunday, Good Friday, or Christmas Day, between the hours of six o'clock in the evening and eleven o'clock at night, shall be liable to a penalty of not less than Two Pounds and not more than Ten Pounds, if it is proved to the satisfaction of the Special Magistrate or Justices hearing the case, that such person was in such premises for any purpose (whether the sole purpose or not) contrary to the provisions of this Act, and with the knowledge of the licensee or the person in charge of the premises, unless it is proved to the satisfaction of such Magistrate or Justices that he was on the premises against the will of the licensee or person in charge.

Liability on licensee when person unlawfully on premises between 6 and 11 p.m.

1236 of 1915, s. 47.

205. If any person is on licensed premises for the purpose of drinking, or obtaining possession or custody of, or carrying away liquor previously bought or supplied or given to him or any other person, this shall be deemed a purpose contrary to the provisions of this Act within the meaning of sections 203 and 204.

Purposes contrary to provisions of Act.

970 of 1908, s. 168.

206. No conviction prior to the passing of the Licensing Act Amendment Act, 1910, under subsection (4) of section 168 of the Licensing Act, 1908, shall be deemed to be a conviction within the meaning and for the purposes of section 80; and any Special Magistrate shall, on the application of the licensee upon whose licence such a conviction prior to the said passing of the said Act has been endorsed, remove the endorsement thereof.

Certain convictions not to be convictions under section 78.

1236 of 1915, s. 47.

Inspection and Search of Licensed Premises.

207. The Governor may from time to time appoint one or more inspector or inspectors of licensed premises.

Appointment of Inspectors.

970 of 1908, s. 169.

208. It shall be the duty of every such Inspector—

Duties of Inspectors

- (1) to ascertain by personal inspection the mode in which the licensed premises are conducted and managed :

Ibid., s. 170.

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- (2) to ascertain by personal inspection the state, condition, nature, and extent of accommodation of such premises :
- (3) to keep a record of all convictions against all licensees of such premises :
- (4) to see that the provisions of this Act are duly observed and followed by every person holding a licence thereunder :
- (5) to attend the annual and quarterly meetings of the Court :
- (6) to report upon all or any of the licensed premises situated therein, with regard to the conduct and management of the same, and of the business carried on therein, and to the accommodation thereof.

And such Inspector may (subject to the provisions of section 56 hereof) object to any application for the granting of new licences, or the renewal, removal, or transfer of existing licences.

209. Every Inspector may at any time—

Powers of Inspectors
to search for and
seize suspected
liquor.

Ibid., s. 171,

- I. Enter the premises of, or any premises occupied or used by, any person (in this section referred to as the vendor) selling, or keeping, or offering, or exposing for sale any liquor :
- II. Search such premises for the purpose of ascertaining whether the vendor has in or upon such premises any substance, matter, or thing of a deleterious character which it may reasonably be inferred is kept for the purpose of adulterating or mixing with the liquor sold, or kept, or offered, or exposed for sale, or has for sale any adulterated liquor, or liquor containing any deleterious ingredient, or any liquor whatever not authorised to be sold by the licence (if any) held by him :
- III. Seize and take away any liquor whatsoever which he has reasonable grounds for believing to be adulterated, or to contain any deleterious ingredient, or to be not authorised to be sold as aforesaid, or to be unfit for human beings to drink, and also any substance, matter, or thing which he has reasonable grounds for believing to be of a deleterious character, and which he discovers on the premises of the vendor :
- IV. Either on such premises or elsewhere, submit any liquor, substance, matter, or thing seized, or any sample thereof, to any test or analysis which he considers necessary for determining whether such liquor is adulterated, or contains any deleterious ingredient, or is authorised to be sold by such licence as aforesaid, or is fit for human beings to drink, or whether such substance, matter, or thing is of a deleterious character :

And every person upon whose premises, or upon the premises occupied or used by whom, any adulterated liquor, or liquor containing any injurious ingredient, or unfit for human beings

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to drink, or not authorised by such licence as aforesaid to be sold, or any substance, matter, or thing of a deleterious character, which it may reasonably be inferred is kept for the purpose of adulterating or mixing with the liquor sold, or kept, or offered, or exposed for sale, is found (of all which several matters the fact of such liquor, substance, matter, or thing being found on such premises shall be *prima facie* evidence) shall be liable to the like penalties, imprisonment, and disqualification as are hereinbefore provided for under section 153 of this Act; and all liquor of the like kind to that seized, and all substances, matters, and things of a deleterious character found upon the premises shall be confiscated upon the order of the convicting Magistrate or Justices: Provided always that—

- (a) No Inspector shall enter any private room in the actual use or occupation of any *bona fide* lodger, or of any person holding a licence under this Act, unless he has first given reasonable notice of his intention to such lodger or licensed person, or, in case of the absence of either of them, to the person appearing to have charge of the licensed premises, or unless he has the assent of such lodger or licensed person, or of the person appearing to be in charge of such premises as aforesaid:
- (b) The Inspector shall if requested by the vendor at the time of seizure, in his presence, set aside in a separate vessel or vessels, for analysis, a sample of the liquor, substance, matter, or thing seized, and shall annex to every such vessel the name and address of the vendor, and shall, with such seal or seals (if any) as the vendor furnishes, secure such vessel, name, and address, in such manner that the vessel cannot be opened, or the name and address taken off, without breaking such seal or seals; and shall also, if thereunto required, leave with the vendor a vessel containing a corresponding sample, and the name and address of the vendor secured thereto by such Inspector, with his own seal, in manner aforesaid:
- (c) No evidence of the analysis of the sample so sealed shall be receivable on the hearing of any information under this section, unless, previous to the opening of the vessel containing such sample, reasonable notice has been given by the Inspector to the vendor or by the vendor to the Inspector (as the case may require) of the time and place at which it is intended to open such sample for analysis, in order that the vendor or Inspector may, if he thinks fit, attend and inspect the condition of the seals attached to such vessel.

210. (1) The holder of a publican's licence shall at all times keep the licensed premises in good repair and sufficiently well furnished for the accommodation of travellers and other persons using the same, and every part thereof thoroughly cleansed and disinfected.

Licensed premises to be kept in repair and clean.

Ibid., s. 172.

(2) Upon

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Notice by Inspector.

(2) Upon failing to put the said premises into such repair, or to have them so furnished as aforesaid, or have the same or any part thereof so cleansed or disinfected as aforesaid, within such time as mentioned in any notice in that behalf delivered to him by any Inspector, the holder of such licence shall be liable to a penalty of not exceeding Five Pounds.

(3) The Special Magistrate or Justices before whom such holder is convicted under this section, or the Court, after such conviction, may direct the licensed premises to be closed until such notice is complied with; and thereafter and until such Inspector has signified by notice in writing delivered to such holder that he is satisfied with the state of the premises, or until the Special Magistrate or Justices who made such direction, or the Court, directs that the said premises may be reopened, the said premises shall for all purposes under this Act be regarded as unlicensed and such holder as not licensed in respect thereof.

Penalty on
obstructing
Inspectors.
Ibid., s. 173.

211. Any person who refuses to permit any Inspector to make any search, or who hinders or delays any such search, or who obstructs or hinders any Inspector in the performance of any of his duties under this Act, or the execution of any of the powers by this Act vested in or conferred upon him, shall for every such offence be liable to a penalty of not less than Ten Pounds nor more than One Hundred Pounds, or to be imprisoned for any period not exceeding six months, with or without hard labor.

Authority of In-
spectors and proof of
appointment.
Ibid., s. 174.

212. Any Inspector without further or other authority than this Act may execute the duties of his office in any and every Licensing District in the said State, and it shall not be necessary for any Inspector in any proceedings to prove his appointment as such Inspector.

Justices and other
authorised persons
may enter licensed
premises.
Ibid., s. 175.

213. (1) Any Inspector, Justice, or officer of the Police Force of rank not lower than Sub-Inspector, or any constable authorised in writing by any such officer of the Police Force, may demand entrance at any time into any licensed premises, or any bar-room or other part thereof, or any appurtenances thereof, or any premises adjoining and occupied with such licensed premises or appurtenances, at any time, by day or night, and if admittance is refused or delayed for such time as makes it appear that wilful delay was intended, the licensee and any person to whom such demand was made shall be liable to a penalty for the first offence of not less than Five Pounds and not exceeding Twenty Pounds, and for any subsequent offence of not less than Ten Pounds and not exceeding Thirty Pounds: Provided that if such admittance is refused or delayed for such time as last aforesaid, such Inspector, Justice, officer, or constable may break into and employ force to enter such licensed premises, bar-room or other part, or appurtenances or other premises as aforesaid, and, notwithstanding such breaking into and entry, the licensee and the person to whom such demand was made shall be liable to such penalty as aforesaid.

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(2) The authority of a constable, referred to in subsection (1) of this section, may be limited to one or more specified occasions, or one or more specified localities, or one or more specified premises, or may authorise such constable to act generally as in the subsection mentioned without limitation as to occasion, locality, or premises, or may be limited in any manner deemed proper by the officer giving such authority.

214. (1) Any Inspector or any member of the Police Force who has reason to believe that any liquor is being or has been sold, contrary to the provisions of this Act, in any house or place not being licensed premises, or in any licensed premises otherwise than is authorised by the licence granted in respect thereof, may at any time by day or night, with such (if any) assistants as he considers necessary,—

Power to search premises when sale of liquor suspected.

1236 of 1915, s. 48.

- (a) enter and search such house, place, or premises, and every part thereof in which he suspects that such liquor is sold or may be found;
- (b) if necessary break open the doors or other means of access to such house, place, or premises, and every such part thereof, and any vessels suspected to contain liquor; and
- (c) seize all such liquor as he finds in such house, place, or premises, and the vessels containing such liquor.

(2) The Inspector or member of the Police Force who effects a seizure pursuant to this section may detain the liquor and vessels seized until the owner thereof attends before a Special Magistrate or two Justices to claim them, and satisfies such Magistrate or Justices how and for what purpose he became possessed thereof; and if the owner does not so attend within seven days after the day of the seizure, or if he does so attend and it appears to the Magistrate or Justices, after examination, that such liquor was in the house, place, or premises for the purposes of being illegally disposed of, then such Magistrate or Justices shall adjudge such liquor, and the vessels containing it, to be confiscated to the Crown, whereupon the same shall be absolutely confiscated to and become the property of the Crown; otherwise such liquor and vessels shall be restored to the person from whom they were seized.

Removal of Devices.

215. (1) The Licensing Court may, upon the recommendation of any inspector of licensed premises or of any member of the Police Force of rank not lower than sergeant, cause notice to be served upon the licensee of any licensed premises to attend before the said Court to show cause why such licensee should not remove from such licensed premises any contrivance, device, or thing whatsoever, which, in the opinion of the person making the recommendation, might be used by such licensee or by any other person to facilitate a breach by any person of any of the provisions of this Act, and if such

Court may order removal of device calculated to facilitate breach of Licensing Acts.

1269 of 1916, s. 16.

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such licensee fails to show cause to the satisfaction of the said Court, then the said Court may order the removal of such contrivance, device, or thing within such time as specified by the said Court.

(2) Any licensee of any licensed premises who refuses or neglects or fails to remove from his licensed premises within the time specified by the Court any such contrivance, device, or thing when ordered so to do by the Licensing Court pursuant to subsection (1) of this section, or who restores or replaces, whether in the same place or elsewhere on the said premises any such contrivance, device, or thing, or any contrivance, device, or thing substantially the same, after having removed the same when so ordered as aforesaid, shall be liable to a penalty not exceeding Fifty Pounds.

PART VII.**PART VII.****TIED HOUSES AND ONEROUS LEASES.**

Tied house.
1236 of 1915, s. 57.
1269 of 1916, s. 11.

216. (1) It shall not be lawful for any licensed person to give, or for any person to take, any security or charge for the payment of money over the lease, licence, goodwill, interest, or other property of the licensee, in or in connection with the licensed premises, in which security or charge, there is any agreement express or implied on the part of the borrower to have, take, or purchase liquor, without the consent of the Licensing Court.

(2) As a condition precedent to the giving of any such consent, the Court may require to be satisfied that the terms and conditions of the security or charge, or any collateral agreement between the same parties relating to the licensed premises, are fair and reasonable.

No such term or condition shall be deemed to be fair and reasonable unless it is stipulated—

- I. that the prices to be charged to the borrower for any such liquor shall be fair and reasonable;
- II. that the borrower shall not be restricted in the purchase of any liquor to any particular brand, kind, class, or quality; and
- III. that the borrower shall, at any time, be at liberty to discharge the whole of his liability to the person to whom he is bound.

(3) This section shall be construed to extend to every document, agreement, condition, proviso, or stipulation, operating as a security or charge for the payment of money contained in any instrument or agreement for lease of the licensed premises hereafter executed, but not to any document, agreement, condition, proviso, or stipulation which merely extends a security or charge for the payment of money

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money already lent, and not for any further advance, or which does not contain any agreement express or implied on the part of the borrower to have, take, or purchase liquor.

(4) In any proceedings for obtaining the consent of the Court under this section, any Inspector shall have the right to lodge any objection and to appear before the Court and be heard.

(5) Any powers which might be exercised by the Licensing Court in any proceedings for obtaining the consent of the Court under this section may be exercised by either of the State members of the Court in chambers, and his decision therein shall be deemed to be the decision of the Court, and any matter arising in chambers which, in the opinion of the State member before whom the proceedings in which such matter arises are being heard, should be determined by the Court, may be referred to and determined by the Court.

(6) There shall be an appeal to the Licensing Court from any decision of a State member of the Court under subsection (5) hereof.

217. An application for the consent of the Court under section 216 of this Act may be made, in manner prescribed by regulation, at any annual or quarterly meeting of the Court, or at such other time and place as are fixed and notified by the Court in manner so prescribed.

Time for application
as to tied houses.
1236 of 1915, s. 58.

218. If any premises with respect to which a licence existed on the twenty-seventh day of March, nineteen hundred and sixteen, is in the occupation of some person other than the owner of the same under or by virtue of a lease or agreement of tenancy granted or entered into before the twenty-seventh day of March, nineteen hundred and fifteen, such person, subject to his obtaining the consent of any mortgagee of, or any other person having any charge or encumbrance on such lease or agreement may, at any time within the period of twelve months from the said twenty-seventh day of March, nineteen hundred and sixteen, give to the lessor or landlord of the said premises, as the case may be, written notice of his intention to surrender such lease or agreement of tenancy at the expiration of fourteen days from the giving of such notice, and the lessor or landlord, as the case may be, shall, at the cost of the lessee or tenant, execute all documents and do all things necessary to give effect to such surrender: Provided that if such person is a sublessee or subtenant he shall give his said notice not later than six months prior to the expiration of the said period of twelve months.

Right to surrender
lease granted before
March 27th, 1915.
Ibid., s. 70.

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PART VIII.

LIMITATION OF NUMBER OF LICENCES.

DIVISION I.—LOCAL OPTION POLLS.

DIVISION I.

Local Option
Districts.

970 of 1908, s. 177.

219. Each Electoral District for the House of Assembly is hereby constituted a Local Option District, and each Electoral District may, by proclamation of the Governor, be divided into such Local Option Districts as are deemed convenient: Provided that—

- (a) every Local Option District constituted before the passing of “The Constitution Act Amendment Act, 1901,” or of this Act, whether so constituted by Act of Parliament or by proclamation of the Governor, shall be deemed, notwithstanding the passing of that Act or of this Act, to have continued or to continue to be a Local Option District:
- (b) until the Local Option Districts constituted by this Act or as in this section before mentioned are altered, each such district shall bear the same name as such district bears at the date of the passing of this Act, and when any districts are altered the new districts shall bear the names given to them by proclamation in the *Gazette*.

Poll may be peti-
tioned for.

Ibid., s. 178.

1236 of 1915, s. 49.

220. (1) A quorum of electors in any Local Option District (hereafter in this Division of this Part called “the Local Option District”) may, at any time prior to the date of the issue of the writ for the then next general election, cause a local option petition (hereafter in such Division called “the petition”) praying that a local option poll be taken within the Local Option District to be presented to the Governor. The petition may be in the form provided in Schedule X hereof. The writ referred to in this subsection is the writ for the House of Assembly election to be held, at the said general election, in the Electoral District which constitutes the Local Option District, or in which the Local Option District is situate.

(2) For the purpose of this section “electors” means electors as defined in section 4 of this Act who reside within the Local Option District, and a “quorum” consists of five hundred of such electors, or one-tenth of the total number of such electors, whichever is the smaller number.

(3) The petition shall be deemed to be duly presented if delivered at the Minister’s office to the Minister, or to the Secretary or Acting Secretary to the Minister.

Proof of validity of
petition.

970 of 1908, s. 179.

221. Within seven days after the presentation of the petition, or as soon thereafter as is practicable, the Minister shall cause the petition to be referred to the Returning Officer for the State, who shall examine the same and the signatures thereto; and if the said Returning Officer is of opinion that the petition has been duly and properly signed, he shall certify to the Minister in writing that it has been so signed, and such certificate of the Returning Officer shall

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shall be published by the Minister in the *Gazette*, and the *Gazette* containing such certificate shall be conclusive evidence that the petition is valid and has been duly presented.

222. (1) The Governor shall, after the petition has been presented and upon receipt of the *Gazette* containing the certificate mentioned in the next preceding section, by Order in Council, direct the Returning Officer for the Electoral District for the House of Assembly which constitutes the Local Option District, or in which the Local Option District is situated (which Returning Officer is hereafter in this Division of this Part called "the Returning Officer") to cause a poll of the electors in the Local Option District to be taken on the day fixed for the poll at the then next general election, and at the polling-places within such Local Option District at which the poll at such election is taken: Provided that if no poll is taken at such election within such Local Option District, then the local option poll shall be taken at the polling-places for the House of Assembly elections situated within such Local Option District: And provided that when such election is held within a period of one and a half years after the last preceding local option poll, no such poll shall be taken at such election, but a local option poll shall be taken on the day fixed for the poll at the next succeeding general election, not being within such period of one and a half years.

Poll to be taken.

Ibid. s. 180.

(2) After the publication of the certificate of the Returning Officer for the State as provided by section 221, the Governor may, by Order in Council, prohibit the granting of licences for previously unlicensed premises in the Local Option District until such poll has been taken, and the declaration of the determination of the electors referred to in section 229 has been made.

223. The persons entitled to vote in any Local Option District at a local option poll are all the electors as defined in section 4 of this Act who reside in such district

Who may vote.

Ibid., s. 181.

224. The classes of licences to which this Part applies are the following, namely:—Publicans' licences, wine licences, storekeepers' Australian wine licences, storekeepers' licences, and registration of clubs.

Licences to be dealt with.

Ibid., s. 182.

225. (1) The resolutions to be submitted at a local option poll are the following:—

Resolutions to be submitted at local option polls.

1. That the number of licences be reduced:
2. That the number of licences be not increased or reduced:
3. That the Court may in its discretion increase the number of licences:

Ibid., s. 183.

The above resolutions are hereafter in this Part referred to as the first, second, and third resolutions respectively. Until altered by regulation the ballot-paper may be in the form provided in that behalf in Schedule X hereto.

(2) There

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(2) There shall not be separate ballot-papers with reference to the separate classes of licences, but one ballot-paper shall apply to all classes of licences, subject to the following explanation:—

(a) As to each class of licence of which there are not less than three licences current within the Local Option District at the date of the poll, the first resolution shall be taken to mean that the number of licences so current be reduced by one-third of such number: Provided that where such one-third is a mixed number the fraction shall be disregarded and the integer be deemed to be such one-third, and

(b) As to each class of licence of which there are less than three licences or no licence so current, the first resolution shall be taken as equivalent to the second resolution.

(3) On the ballot-paper each resolution shall bear the number given to it in subsection (1) of this section.

How to vote.
Ibid., s. 184.

226. Each elector may record only one vote on his ballot-paper, and such vote shall be counted as recorded in favor of the resolution in favor of which it purports to be given.

Effect of vote.
Ibid., s. 185.

227. The following provisions shall obtain in regard to the votes recorded at a local option poll:—

(a) If the votes recorded in favor of the first resolution constitute a majority of the valid votes recorded at the poll, the first resolution shall be adopted:

(b) If the votes recorded in favor of the first resolution do not constitute a majority of the valid votes recorded at the poll, the votes recorded in favor of the first resolution shall be added to the votes recorded in favor of the second resolution:

(c) If the sum of the votes thus found constitutes a majority of the valid votes recorded at the poll, then the second resolution shall be adopted:

(d) If the sum of the votes thus found does not constitute a majority of the valid votes recorded at the poll, then the third resolution shall be adopted.

Electoral rolls to be deemed correct.
Ibid., s. 186.

228. For the purpose of a local option poll the electoral rolls in force at the time of the poll shall be accepted as correct, and their correctness shall not be inquired into by any Court, tribunal, or person whatsoever.

Declaration of determination of electors.
Ibid., s. 187.

229. The Returning Officer, at the conclusion of a local option poll, shall proceed to count the votes recorded thereat for the various resolutions voted upon, and shall as soon as practicable, by advertisement in the *Gazette*, declare the determination of the electors at the poll, and the *Gazette* containing such advertisement shall be conclusive

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clusive evidence that the poll has been validly held and duly taken, that the votes have been correctly counted, and that such determination has been correctly ascertained and duly declared. Such declaration may be in the form provided in that behalf in Schedule X hereto.

230. The Governor may make regulations to provide for the appointment of not more than ten scrutineers to act at each polling-place at a local option poll, and every scrutineer so appointed shall, so far as is consistent with this Act, have the same rights and powers as are conferred upon scrutineers by "The Electoral Code, 1896," or any Act amending or substituted for the said code: Provided that such regulations shall contain provisions which will enable holders of each class of licences which may be affected by such poll to appoint one of such scrutineers, and provisions which will enable those who are in favor of reducing the number of any class or classes of such licences to appoint one of such scrutineers for each of such classes of licences; and shall also contain provisions which will enable the appointment of scrutineers to act on each side in respect of classes of licences of which there are no licences current; and provided also that until such regulations are made the regulations numbered 8 to 13 inclusive in Schedule X hereto shall apply to the appointment of scrutineers.

Scrutineers may be appointed.

Ibid., s. 188.

231. (1) All local option polls shall be taken by ballot.

Regulations as to mode of conducting local option polls.

Ibid., s. 189.

(2) Such polls shall be taken in the manner prescribed by the regulations as to polls in Schedule X hereto, but the Governor may, by proclamation, repeal, alter, or amend such regulations, or any of them, and make regulations prescribing the mode in which such polls are to be taken in substitution for, or in addition to, the regulations in such schedule.

232. No local option poll shall be held to be void on the ground of any error or omission in any matter of form or procedure, or for non-compliance with any such matter, or on any other ground whatsoever, unless such error, omission, non-compliance or other ground is proved to have affected the result of the poll. This section shall not be regarded as diminishing the effect of any of the provisions of this Part.

No poll to be invalid unless substantial injustice done.

Ibid., s. 190.

DIVISION II.—THE ENFORCING OF THE FIRST RESOLUTION.

DIVISION II.

233. (1) If the first resolution is adopted at any local option poll in any Local Option District, a Special Court shall be constituted for the purpose of effecting a reduction of the number of licences in such district in pursuance of the resolution so adopted at such poll.

Court for giving effect to resolutions.

Ibid., s. 191.

(2) Hereafter in this Division of this Part the local option poll at which such resolution was adopted is called "the poll," the Local Option District in which the poll was taken is called "the Local Option District," the Special Court constituted for the purpose hereinbefore mentioned is called "the Special Court," and the resolution so adopted is called "the resolution."

(3) The

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(3) The Special Court shall consist of three members appointed by the Governor by proclamation published in the *Gazette*. A Special Magistrate shall be appointed to be one of the members of the Special Court and to be President thereof. Such President is hereafter in this Division of this Part called "the President." No person shall be appointed a member of the Special Court who is not either a member of the Licensing Court, or qualified to be a member of the Licensing Court.

(4) The members of the Special Court shall be appointed within one month after the publication of the *Gazette* containing the Returning Officer's declaration of the determination of the electors at the poll: Provided that if any member or members are appointed at a later time, neither such appointment nor any proceedings of the Special Court shall for that reason be invalid: Provided also that in the case of the death or resignation of any member another member may be appointed as aforesaid in his place.

(5) The President shall preside at all meetings of the Special Court, and the Special Court shall be duly constituted if the President and one other member are present.

(6) The President may appoint any person to be clerk to the Special Court, and may appoint any other officers deemed by him necessary for the performance of the functions of such Court, and may discharge such clerk and other officers, and from time to time make any other such appointments.

Court to meet as soon as convenient.

Ibid., s. 192.

234. The Special Court shall meet for the purpose mentioned in the next preceding section as soon as convenient after its appointment, and not later than two months after the publication of the proclamation appointing it: Provided that if for any reason it does not meet within the time herein mentioned it shall meet as soon thereafter as practicable, and that failure to meet within any particular time shall not affect the validity of its proceedings. The Special Court may adjourn from time to time, and may sit at and adjourn to such place or places as it deems convenient.

Court to be Court of Record.

Ibid., s. 193.

235. (1) The Special Court shall be a Court of Record, with power to make all general and other rules necessary for the conduct of its business, and for the enforcing of its orders and adjudications.

Power to administer oaths.

(2) The President may take, administer, and cause to be taken and administered, oaths, declarations, and affirmations in any matter within the jurisdiction of the Special Court.

Application of ss. 70 and 71.

(3) The provisions of sections 70 and 71 of this Act relating to the Licensing Court and its proceedings, and to persons summoned to attend as witnesses or present at any hearing, shall apply respectively to the Special Court and its proceedings, and to persons summoned to attend as witnesses before the Special Court or present at any of its meetings.

(4) The Special Court may obtain all such information as it deems convenient for the purposes of this Division of this Part by such

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such means as it deems expedient, and may require any member of the Police Force, or any inspector, to make any inspections and reports of and upon any licensed premises.

(5) Any member of the Special Court or any person authorised by it in writing, may enter and inspect any licensed premises at any time, by day or night.

Admittance to licensed premises by Court or authorised person.

If admittance to such premises is refused or delayed, after demand made by such member or person as aforesaid for such time as makes it appear that wilful delay was intended, the licensee of such premises, and every person who wilfully refuses or for such time as last aforesaid delays such admittance shall be liable to a penalty not exceeding Twenty Pounds.

The powers conferred upon any person by this subsection are in addition to any powers conferred upon such person or any other person by or under the provisions of section 213 hereof.

(6) The determination of the Special Court for giving effect to the resolution shall be final and conclusive, and there shall be no appeal therefrom, and no other proceedings before or order by the Special Court shall be appealed against, challenged, stayed, reversed, arrested, removed, or avoided for any error or omission unless some substantial wrong appears to have been done, or some other miscarriage of justice appears to have been occasioned by reason of such error or omission.

Determination of Court final.

No appeal against other proceedings except substantial wrong.

236. The Special Court shall give effect to the resolution, as explained by subsection (2) of section 225, by determining which of the licences in each class in which a reduction is to be effected shall not be renewed after the expiration of the year for which they were granted.

How reduction to be effected.

Ibid., s. 194.

237. (1) For the purpose of making its determination under the next preceding section (hereafter in this Division of this Part called "the determination") the Special Court shall cause a classification to be made as hereinafter provided of the premises licensed under each class of licences in which a reduction is to be effected: Provided that no error in such classification shall invalidate the determination.

Procedure for determining what licences not to be renewed.

Ibid., s. 195.

(2) The classification shall include licensed premises as to which the following conditions or any of them apply:—

Classification of premises.

Ibid.

(a) It is proved that the business in the premises is so badly conducted as to be a serious inconvenience to persons requiring accommodation or a nuisance to neighbors, or that the premises are insufficiently provided with proper sanitary conveniences:

(b) There have been within the three years next preceding the poll either two or more convictions for one of the offences for which a licence is liable to be forfeited under this Act, or one conviction for one and one conviction for another of such offences of the same or different licensees of the same premises:

(c) There

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- (c) There has been within the said three years a conviction of any licensee of the premises for any one of the said offences.
- Order of determining Ibid. (3) In making the determination the Special Court shall—
- (a) Consider the convenience of the public and the requirements of the several localities in the Local Option District :
- (b) Subject to such consideration, determine in the first place that the licences of premises to which paragraph (a) of the next preceding subsection applies, or so many of such licences as are necessary for giving effect to the resolution as to the particular class of licences, and, in its absolute discretion, which of such licences, shall not be renewed ; and if, after having so determined as to all the licences of premises to which paragraph (a) applies, the required reduction has not been provided for, shall deal in the same manner with those to which paragraph (b) of such subsection applies ; and if the required reduction has not then been provided for, shall deal in the same manner with those to which paragraph (c) of such subsection applies.
- (4) If, after giving effect to the provisions of this section relating to premises to which paragraphs (a), (b), and (c) of subsection (2) apply, the required reduction has not been provided for, the Special Court shall determine, in its absolute discretion, which other licences shall not be renewed.
- (5) Subject to the foregoing provisions of this section, the Special Court in making the determination shall decide as in its absolute discretion it deems proper.
- President's certificate. (6) The President shall sign a certificate (hereinafter called " the President's certificate ") setting forth the determination.
- (7) The President's certificate shall be conclusive that the determination was properly and validly made, that all proceedings taken or required to be taken for making the same were duly taken, and that the determination is correctly stated therein.
- Notice of first sitting to be sent to licensees. Ibid., s. 196. **238.** (1) At least seven days before the first meeting of the Special Court for the purpose mentioned in section 233 hereof, the President shall give notice in writing of such meeting to every person who holds a licence of any class in which a reduction is to be effected and whose licensed premises are situate within the Local Option District.
- Persons interested may be heard. (2) In any proceedings by the Special Court under the next preceding section for—
- (a) classifying licensed premises, or—
- (b) making the determination,
- any person who may be directly affected by the determination may appear before the Special Court, and shall, if he so requests, be heard in person or by counsel or agent, and may call evidence.

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239. If the number of licences of any class in which a reduction is to be effected by any means becomes more or less after the poll than it was at the date of the poll, the Special Court shall nevertheless by the determination provide for the reduction of the number of licences of such class by one-third of the number of such licences current at the date of the poll.

Where number of licences becomes less after poll presented.
Ibid., s. 197.

240. (1) When the Special Court has made the determination the President shall—

Publication and notification of the determination.

(a) publish the President's certificate in the *Gazette* :

Ibid., s. 198.

(b) give notice to the holders of the licences which it is determined shall not be renewed. Such notice shall be in the form of Schedule Y hereto, but failure of such notice to reach any licensee shall not invalidate any action of the Special Court or of the Licensing Court :

(c) send a duplicate signed by him of the President's certificate to the Clerk of the Licensing Court.

New.

(2) Such Clerk shall preserve and file the said duplicate for future reference.

(3) The production of the *Gazette* containing the President's certificate shall be *prima facie* evidence in all proceedings of the contents of the President's certificate and of the determination.

241. (1) The Licensing Court shall, at its annual meeting next after the determination is made, reduce the number of licences by not renewing any of the licences which the Special Court has determined shall not be renewed.

Licensing Court to give effect to the determination.

Ibid., s. 199.

(2) Such Licensing Court shall not at such annual meeting or at any subsequent meeting, whilst the resolution continues in force, be bound to grant as many licences of any class as the number to which licences of that class are by the resolution as explained by subsection (2) of section 225, required to be reduced, and shall not grant more licences of such class than such number. In other respects the discretion of such Licensing Court shall continue as before the local option poll.

DIVISION III.—EFFECT OF OTHER RESOLUTIONS.

DIVISION III.

242. If the second resolution is adopted at a local option poll in any Local Option District, no licence of any class shall thereafter, whilst such resolution continues in force, be granted in such district, except in respect of premises licensed at the time of such poll or premises to which a licence existing within such district at such time is removed.

Effect of adoption of second resolution.

Ibid., s. 200.

243. If the third resolution is adopted at a local option poll in any Local Option District, licences of any class may, whilst such resolution continues in force, be granted in the discretion of the Licensing Court in respect of premises situate within such district which

Effect of adoption of third resolution.

Ibid., s. 201.

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which were not licensed at the time of such poll: Provided that the licences of any class so granted for any year shall not exceed in number one-third of the number of licences of such class current at the time of such poll in respect of premises so situated: Provided, nevertheless, that if the number of such licences so current in respect of such premises is less than three, or there were no such licences current, one licence, and no more, may be so granted.

DIVISION IV.

DIVISION IV.—GENERAL.

If poll invalid.
Ibid., s. 202.

244. If any local option poll is for any reason invalid, the Governor may, by Order in Council, direct the Returning Officer of the Electoral District constituting or comprising the Local Option District wherein such poll was taken to cause a further local option poll to be taken upon a day to be fixed in such Order in Council, which poll such Returning Officer shall cause to be taken, and the like proceedings shall thereupon be taken and the like results follow as if the former poll had not been taken.

Time for which
resolutions continue
in force.

Ibid., s. 203.

245. A resolution adopted at a local option poll taken under this Act or under any Act repealed by this Act shall continue in force until altered or rescinded by a resolution adopted at a subsequent local option poll.

Number of licences
deemed to be current
when earlier resolu-
tion not given effect
to.

Ibid., s. 205.

246. In case, at the date of any local option poll, the number of licences of any class as to which a resolution for reduction was adopted at any former local option poll (whether taken before or after the passing of this Act) has not been reduced in accordance with such resolution, and whether the Licensing Court or Special Court (as the case may be) has or has not at such date determined, for the purpose of such reduction, what licences shall not be renewed, the number of licences of such class current at the date of the first-mentioned poll shall be deemed to be not more than the number to which such licences were by such resolution required to be reduced.

Whatever is the result of the later poll, effect shall be given to the said resolution, and if a resolution for reduction is adopted at the later poll, effect shall be given to the last-mentioned resolution also.

Relief of tenant if
licence not renewed.

Ibid., s. 206.

247. Where, in consequence of a resolution adopted at a local option poll under this Act, the licence of any premises is not renewed or ceases to be in force, and such premises are in the occupation of some person other than the owner of the same under or by virtue of a lease or tenancy agreement, the lessee may at any time after the non-renewal of such licence give to the lessor or the landlord, as the case may be, written notice of his intention to surrender his tenancy at the expiration of fourteen days from the giving of such notice, and the lessor or landlord, as the case may be, shall, at the cost of the lessee or tenant, execute all documents and do all things necessary to give effect to such surrender.

248. The

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DIVISION IV.

248. The Governor may by regulation make provision for salaries and fees and allowances for expenses to be paid to members of Special Courts appointed under this Part, and to the clerks and officers of such Special Courts, and to Returning Officers and other persons for taking local option polls and in connection therewith, and for allowances for travelling expenses of members of Licensing Courts, and may from time to time by regulation alter or rescind such provision, and make such other (if any) provision for such salaries, fees, and allowances as he deems expedient.

Fees for members of Special Courts and officers.

Ibid., s. 207.

PART IX.

PART IX.

ADJUSTMENT OF RENTS CONSEQUENT ON EARLIER
CLOSING OF LICENSED PREMISES.

249. In this Part—

“lessee” includes any person who is entitled to the present or future occupation of premises under or by virtue of a lease or agreement of tenancy (in writing or otherwise), and also includes a lessee who has sublet the premises; and the term “lease” has a corresponding meaning:

“President” means President of the Industrial Court.

Interpretation.

1236 of 1915, ss. 71 to 85.

1269 of 1916, s. 13.

250. A lessee of any licensed premises may, within two months after the twenty-seventh day of March, nineteen hundred and sixteen, or within such further time, not exceeding six months after such date, as the President may allow, give to the owner of such premises notice in writing that, by reason of his pecuniary loss consequent on the operation of the Licensing Act Further Amendment Act, 1915, he desires that the amount of the rent payable under any lease, existing on such date, under which such lessee is entitled to the present or future occupation of the said premises, or relating thereto, shall be adjusted as from such date.

Notice to owner of desire to adjust rents.

Ibid. s. 14.

251. (1) If the said lessee (having given notice under section 250 of this Act) and the said owner do not, within one month after the giving of the said notice, agree as to the adjustment to be made, the said lessee may, within two months after the giving of the said notice, or within such further time as the President may allow, make application in writing to the President to adjust the amount of the rent payable as mentioned in the said section 250; and if he makes such application he shall, within seven days, or within such further time as the President may allow, after so doing, serve on the said owner notice in writing that such application has been made.

Application to President if rent not adjusted by agreement.

(2) Within seven days, or within such further time as the President may allow, after receiving the last-mentioned notice the said owner shall serve on every other person who is, within the meaning of this Act, an owner of the said licensed premises, a copy of such notice.

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Validation of certain notices.
1269 of 1916, s. 17.

252. All notices given by lessees pursuant to sections 250 and 251 within such further time as the President has pursuant to the said sections allowed, are hereby ratified and confirmed, notwithstanding that such further time may have been granted by the President after the expiration of the period of two months in the said sections respectively mentioned.

Place and time of inquiry.

253. (1) The President shall appoint a place, day, and hour, at which he will sit for the purposes of the inquiry. At least seven days' notice of such sitting shall be given to all parties of the intention of the President to so sit.

Evidence and counsel.

(2) At the inquiry any party shall be entitled to adduce such evidence as he may desire, and may be heard by counsel.

President to adjust rents.

254. The President shall entertain, inquire into, hear, and determine the matter of the application, and in his determination shall make such adjustment (if any) of the amount of rent payable as mentioned in section 250 of this Act as in his opinion, having regard to all the circumstances, is fair and equitable in consequence of the operation of the Licensing Act Further Amendment Act, 1915.

Where owner himself tenant of another person.

255. (1) Notwithstanding anything in any Act or in any lease or agreement made or entered into prior to the twenty-seventh day of March, nineteen hundred and fifteen, where, as the result of any adjustment under this Part, the amount of any rent payable as mentioned in section 250 of this Act to an owner is reduced, and the said owner is himself a lessee of another person who is, within the meaning of this Act, an owner of the licensed premises, the amount of the rent payable by the first mentioned owner to such other person shall be reduced by such an amount as, in default of agreement between the said first mentioned owner and such other person, the President determines to be fair and equitable.

(2) If upon receipt of the notice, or a copy of the notice, provided for by section 251 of this Act, such first mentioned owner desires to apply for a reduction under this section of the rent payable by him in respect of the said premises, he shall within seven days after the receipt of such notice or copy, or within such further time as the President may allow—

- I. make application in writing to the President for that purpose; and
- II. serve notice in writing that such application has been made on any person from whom he desires to claim such reduction,

and, subject to this Part, the President may make a determination reducing or otherwise adjusting the said rent accordingly.

All matters as to same premises to be determined at one time.

256. The President shall, as far as practicable, determine all matters under this Part relating to the same licensed premises at the one time, and may make all such (if any) adjustments of rents between

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between all persons interested as, in his opinion, are fair and equitable in consequence of the operation of the Licensing Act Further Amendment Act, 1915.

257. The President may award costs to or against any of the parties to any proceedings before him under this Part, and the amount of any costs so awarded may be recovered as a debt in any Court of competent jurisdiction. Costs of applications.

258. (1) No determination of the President under this Part shall be removable to any Court by *certiorari* or otherwise. Effect of determination of President.

(2) The amount of the rent, as adjusted or reduced by the President, shall, notwithstanding anything in any lease or agreement made or entered into prior to the twenty-seventh day of March, nineteen hundred and fifteen, be the amount of the rent payable under the said lease or agreement, as from such date until the said lease or agreement ceases to operate.

(3) Any provision, covenant, clause, condition, or other stipulation, in any conveyance, settlement, contract, transfer, mortgage, power of attorney, underlease, assignment, lease, sublease, agreement, or document whatsoever, whether under seal or not, made or entered into prior to the twenty-seventh day of March, nineteen hundred and fifteen, which directly or indirectly negatives or excludes, or purports to negative or exclude, or can be construed as negating or excluding or affecting, the provisions of this section or any other provision of this Part, shall be absolutely void.

259. Where any person has actually paid any rent, with respect to any period after the twenty-seventh day of March, nineteen hundred and sixteen, in excess of the amount of rent determined by the President under this Part to be payable, or to have been payable, in respect of such period by such person, the amount of such excess shall be a debt due to that person from the person to whom the same was paid and may be recovered in any Court of competent jurisdiction. Recovery of excess rent actually paid.

260. A notice, or a copy of a notice, under section 250, 251, or 255 of this Act, may be served personally, or by post by letter addressed to the last known address of the person upon whom the notice or copy is required to be served; and if any person directed by or pursuant to this Part to serve such notice or copy is unable to ascertain such address, or if the person required to be served is out of the State, service may be made as aforesaid upon his authorised agent or upon such other person, on behalf of the person required to be served, as the President directs. Service of notices.

261. For the purposes of this Part, all persons (whether trustees or not) are hereby authorised, notwithstanding anything to the contrary in any Act or instrument, to enter into an agreement to adjust or reduce, pursuant to this Part, the amount of rent payable by any lessee in respect of any licensed premises. Trustees empowered to agree to adjustment.

262. For

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PART IX.

Supplementary powers and duties of President.

262. For the purpose of any proceeding or matter under this Part, the President—

- (a) shall be satisfied that any notice required has been duly served ;
- (b) in the event of the non-appearance of any party, may proceed with and determine the matter in his absence ; and
- (c) may make such orders as to procedure (including orders to prevent undue multiplicity of proceedings) as he thinks necessary.

Powers of the President as to parties, witnesses, evidence, etc.

263. For the purposes of any matter under this Part, the President shall have, with respect to parties, and to the summoning and attendance of witnesses and other persons, the examination of witnesses upon oath or affirmation, and the allowance of fees and expenses to witnesses, and with respect to the admission of evidence and procedure generally, all the powers and discretions which he would have and might exercise in the exercise of his jurisdiction under the Industrial Arbitration Act, 1912.

As to railway leases under Part V.

264. This Part shall apply, with any necessary modifications, to leases of refreshment rooms under Part V. of this Act, and to the South Australian Railways Commissioner as the lessor of such rooms, and to the lessees thereof.

Powers of President of Industrial Court may be exercised by Stipendiary Magistrate.

1269 of 1916, s. 18.

265. (1) All the powers, functions, duties, and discretions of the President of the Industrial Court under this Part may be exercised or performed by a Stipendiary Magistrate appointed by the Governor in that behalf.

(2) Any reference in this Part to the President shall, for the purposes of this section, be deemed to include a reference to such Stipendiary Magistrate.

Appeal from decision of President.

Ibid., s. 19.

266. There shall be an appeal to the Supreme Court from any decision of the President in the exercise of any of his powers, functions, duties, and discretions under this Part, or from any decision of any person exercising the powers, functions, duties, and discretions of the President under the said Part.

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PART X.

PART X.

LEGAL PROCEEDINGS AND EVIDENCE.

267. The payment of any money ordered by the Court to be paid under the authority of this Act may be enforced upon the order of the Court, signed by the President in like manner as an order of a Justice made under the provisions of the Ordinance No. 6 of 1850, or any Act amending the said Ordinance, or any other Act for the time being in force in that behalf; or, at the discretion of the Court, by the committal of the offender to prison for a period not exceeding three calendar months, unless payment thereof be sooner made.

Payments ordered by the Court, how enforced.
970 of 1908, s. 208.

268. In all cases where costs or any other moneys are ordered by the Court to be paid, the form of order may be in the form in Schedule Z hereto, or to the like effect.

Form of order by the Court.
Ibid., s. 209.

269. The offences mentioned in sections 134, 135, 138, 139, 141, 142, 143, 145, 146, 148, 149, 152, 153, 154, 155, 157, 164, 168, 170, 173, 175, 176, 178, 185, 187 subsection (2), 188, 202, 209, 211, 213 are hereby declared to be offences for which a licence may be forfeited as provided in section 80.

Offences for which licence may be forfeited.
Ibid., s. 210.

270. Any person duly summoned to attend and give evidence in the matter of any application for the grant, renewal, transfer, or removal of any licence, and to whom payment or a tender of payment of his expenses has been made, as follows:—Persons, excepting children under fifteen years of age, Seven Shillings for each day, children under fifteen years Three Shillings and Sixpence for each day, travelling expenses per mile, one way, Six Pence, and who refuses or neglects, without sufficient cause, to attend, and also every person present at the hearing, whether so summoned or not, who is required to give evidence in such matter, and who refuses to be sworn and give evidence, shall be liable to pay such fine, not exceeding Ten Pounds, as the Court imposes; and the whole or any part of such fine shall at the discretion of the Court be applicable towards indemnifying the party injured by such refusal or neglect.

Penalty on witness duly summoned not appearing.
Ibid., s. 211.

271. (1) Whenever any licensed person is charged with any offence under this Act he shall produce his licence, certificate, permit, or order to the Special Magistrate or Justices hearing such charge, and if such licensed person is convicted of any offence on such hearing the Special Magistrate or Justices shall indorse a memorandum of such conviction on such licence, certificate, permit, or order.

Licences to be produced on hearing of charges against licensees.

Ibid., s. 212.

Altered.

(2) Any licensed person who upon the hearing of such charge refuses or neglects to produce his licence, certificate, permit, or order shall be liable to a penalty not exceeding Twenty Pounds.

272. Every proceeding under this Act for omissions, defaults, neglects, acts, or offences, to which forfeitures, fines, imprisonments,

Proceedings to be heard and determined under Ordinance.
OR
Ibid., s. 213.

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or other penalties attach shall, except where otherwise provided, be heard and determined in a summary way by any Special Magistrate or two Justices, under the provisions of the Ordinance No. 6 of 1850, and the Act No. 298 of 1883-4, and any Act in force for the time being relating to the duties of Justices of the Peace with respect to summary convictions and orders: and all convictions and orders may be enforced as in the said Ordinance and Acts is provided. And in every case of the adjudication of a pecuniary penalty under this Act and the non-payment thereof, together with costs, if costs have been awarded, it shall be lawful for the convicting Special Magistrate or Justices to commit the offender to gaol for a term not exceeding three calendar months, with or without hard labor, such imprisonment to cease on the payment of the sum due; and such conviction may be in the form contained in Schedule I² to the said Ordinance No. 6 of 1850, or to the like effect.

Enforcing penalties.

Service of process, notices, and documents.

Ibid., s. 214.

273. (1) Except where otherwise expressly provided, and subject to the provisions of this section, any summons, information, complaint, or other proceeding whatsoever, and any notice of application, or other notice, or other document whatsoever, required by this Act to be served upon or delivered or given to any person, shall be deemed to have been duly served upon or delivered or given to such person if and when served upon or delivered or given to or left with him personally, or left with some person for him at his last known or most usual place of abode. Service, delivery, or giving in all cases provided for in this section may be proved either orally or by affidavit sworn before any Commissioner for taking Affidavits in the Supreme Court, or by declaration made before any Justice.

Notice of objection may be delivered by post.

(2) Any notice of objection to the grant, renewal, transfer, or removal of a licence, and any notice required to be given by any Special Court or the President of a Special Court shall, for the purposes of this Act, be deemed to have been duly delivered or given to and received by the person to whom addressed if posted in a prepaid registered letter or packet, addressed to the person to whom it is required by this Act to be delivered or given at his usual or last known place of abode; and such notice shall be deemed to have been delivered or given to and received by such person at the time when the letter or packet containing it would be delivered to such person in the ordinary course of post, or if postal matter is not usually delivered at the said place of abode, then at the time when the said letter or packet would in the ordinary course of post be received by such person.

When information to be laid.

Ibid., s. 215.

274. (1) All informations under this Act against any licensed person (other than the holder of a packet licence) for any offence shall be laid, and the summons thereon shall be served, within one month after the commission of the act in respect of which such information is laid.

(2) All such informations against any holder of a packet licence shall be laid against and the summons thereon shall be served upon such holder within two months after the commission of such act.

(3) All

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(3) All such informations against any unlicensed person shall be laid against and the summons thereon shall be served upon such person within six months after the commission of such act.

275. It shall be held sufficient in any information under this Act if such information gives the accused a reasonably clear and intelligible statement of the offence with which he is charged, and no conviction or warrant of commitment shall be held void, invalid, or be quashed for any defect in substance or in form; and the Special Magistrate or Justices shall, at or before the hearing, amend any information which in their opinion is defective or ought to be amended, upon such terms (if any) as to costs, adjournment, or otherwise as they think fit; and any Special Magistrate may amend any conviction or warrant of commitment at any time after the same has been signed, and before it has been executed.

Power to amend.

Ibid., s. 216.

276. Every person who aids, abets, counsels, or procures the commission of any offence under this Act, which is punishable on summary conviction, shall be liable to be proceeded against and convicted for the same offence, either together with the principal offender or before or after his conviction, and shall be liable on conviction to the same penalty, forfeiture, and punishment as such principal offender is by law liable.

Prosecution and punishment of aiders and abettors in the commission of offences.

Ibid., s. 217.

277. For the purposes of this Act every order, proclamation, notice, or other notification appearing in the *Gazette* relating to any Licensing or Local Option District, the Licensing or any Special Court, any member or clerk or other officer of any such Court, any inspector, member of the Police Force, electoral or other officer or person, or any licence, certificate, permit, order, or other matter shall be *prima facie* evidence in all judicial and other proceedings of the matters mentioned in such order, proclamation, notice, or notification.

Notices appearing in *Gazette* to be *prima facie* evidence.

Ibid., s. 218.

278. In all proceedings against any person for selling, or permitting to be sold, any liquor without a licence, such person shall for all purposes connected with those proceedings be deemed unlicensed, unless he at the hearing of the case produces his licence, certificate, permit, or order to the Special Magistrate or Justices, or furnishes other satisfactory proof of his being licensed.

In proceedings for selling illegally, the defendant to be deemed unlicensed, unless satisfactory proof to the contrary.

Ibid., s. 219.

279. Any person alleged in any information or complaint under this Act to be a licensed person shall, for all purposes connected with and in all proceedings under or upon such information or complaint, be deemed to be a licensed person, and to be licensed in respect of the premises (if any) in respect of which he is, in such information or complaint, alleged to be licensed, unless he at the hearing of such information or complaint satisfies the Special Magistrate or Justices to the contrary.

In proceedings person deemed to be licensed unless satisfactory proof to the contrary.

Ibid., s. 220.

280. The fact of any person who does not hold a licence under this Act keeping up any sign, writing, or other mark on or near to

Unlicensed person exhibiting sign, &c., *prima facie* evidence of sale of liquor.

his Ibid., s. 221.

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his house or premises, or having such house fitted up with a bar or other place, containing bottles, casks, or other utensils openly displayed so as to imply or give reasonable cause to believe that such house or premises is or are licensed for the sale of any liquor, or that any liquor is sold or served therein, or having in such house or premises a quantity of liquor more than is reasonably required for the use of the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person; and in all cases where liquor is carried about from one place to another the burden of proving that such liquor was not so carried or exposed for sale, or that the person charged is within the exceptions in this Act set out, shall be cast on the person carrying or exposing the same.

Evidence of sale or consumption of liquor.

Ibid., s. 222.

281. (1) In proving the sale, supply, or consumption of liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money or other consideration actually passed, or that any liquor was actually consumed, if the Special Magistrate or Justices sitting at or on the hearing of the information or complaint are satisfied that a transaction in the nature of a sale or supply of liquor actually took place, or that any consumption of liquor was about to take place.

(2) The delivery to any person of liquor by a licensed or unlicensed person, or by the owner or occupier of any licensed or unlicensed house, place, or premises, or by his servant or any other person in the licensed or unlicensed house, place, or premises, shall be deemed to be sufficient evidence of the sale or supply of liquor by the holder of the licence, or by the person delivering the liquor, or of the consumption of liquor by the person to whom delivered, so as to support a conviction, unless evidence to the contrary to the satisfaction of the Special Magistrate or Justices is given.

1236 of 1915, s. 39.

(3) Where in any information or complaint it is alleged that liquor has been sold, or supplied, or consumed, on the premises specified in the information or complaint, the presence thereon of two or more persons shall be evidence of such sale, supply, or consumption (according to the nature of the charge), unless evidence to the contrary to the satisfaction of the Special Magistrate or Justices is given.

Ibid.

(4) Except as is allowed by this Act no person shall directly or indirectly purchase or attempt to purchase any liquor, or directly or indirectly receive or attempt to receive any liquor, supplied for profit, unless the same is sold or supplied by a licensed person and according to the tenor of and as authorised by his licence. Any person offending against this subsection shall for the first offence be liable to a penalty of not less than Five Pounds, and for the second and every subsequent offence not less than Ten Pounds, and for the third and every subsequent offence to be imprisoned for a term of not longer than four weeks.

Members of Police Force, &c., not accomplices.

970 of 1908, s. 223.

282. No member of the Police Force or inspector who purchases liquor, and no person who purchases liquor at the request of a member

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member of the Police Force or an inspector, shall be deemed an accomplice or guilty of an offence against this Act where any information or complaint has been laid for such offence, nor shall the evidence of such member of the Police Force or inspector or of such person be deemed, on the hearing of such information or complaint, to be the evidence of an accomplice.

283. The Special Magistrate or Justices sitting at or on the hearing of any information or complaint under this Act may, if in the circumstances of the case they deem it proper, convict the person accused upon the uncorroborated evidence of an accomplice; nor shall he or they acquit the person accused merely on the ground that the only evidence against him is the uncorroborated evidence of an accomplice, unless, in the circumstances of the case, he or they suspect the truth of such evidence; and there shall be no appeal from any conviction merely on the ground that the only evidence against the accused was the uncorroborated evidence of an accomplice.

Magistrates may act on evidence of accomplices without corroboration.

Ibid., s. 224.

284. The Special Magistrate or Justices in any proceeding on any information or complaint under this Act may, by notice in writing signed by them and served upon any person whom they deem likely to be in possession of evidence affecting the matter in issue in such proceeding, require such person to attend on the hearing of the information or complaint, and to give all evidence within his knowledge concerning such matter; and every such person so required to attend and give evidence who refuses or neglects to attend or to give such evidence, or to answer any question which the Special Magistrate or Justices (if the question is objected to as irrelevant) decide to be relevant, shall be subject to be dealt with in all respects as a person summoned or subpoenaed or appearing as a witness before any Justice or Court in obedience to a summons or subpoena and refusing or neglecting without lawful excuse to attend or to give evidence may by law be dealt with.

Special Magistrate or Justices may require attendance of any person to give evidence.

Ibid., s. 225.

285. (1) No person required to give evidence under the next preceding section, or otherwise called as a witness, or giving evidence upon the hearing of any information or complaint under this Act, shall be excused from answering any question notwithstanding that the answer thereto would or might tend to show him to be an accomplice or accessory with, or an aider or abettor of, the person being tried, in the offence for which he is being tried, or otherwise to incriminate him, provided that the Special Magistrate or Justice or Justices hearing the case, if the question is objected to as irrelevant, decide that it is relevant.

Accomplice not excused from giving evidence if given a certificate of immunity.

Ibid., s. 226.

(2) Any person who gives evidence as required by this section shall, if he satisfies the Special Magistrate or Justice or Justices that he has made true, faithful, and complete discovery, to the best of his knowledge, as to all things on which he is examined, at his request be furnished by the Special Magistrate or Justice or Justices with a certificate to that effect, and shall thereafter be free from all criminal prosecutions

Persons giving evidence to be free from criminal proceedings.

Ibid.

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prosecutions and proceedings and all penal actions in respect of all matters of which he has so given evidence.

Application of
licence moneys,
penalties, fines, for-
feitures, and fees.

Ibid., s. 227.

286. All moneys received for licences, certificates, or permits, or for penalties, or as fees under or by virtue of this Act, are hereby reserved to His Majesty, his heirs and successors, for the public use of the said State, and the support of the Government thereof: Provided that any fines or penalties may, notwithstanding any provisions of this Act, be remitted by the Governor either wholly or in part.

Appeal to Adelaide
Local Court of Full
Jurisdiction.

Ibid., s. 228.

287. Subject as in this Act expressly provided, there shall be an appeal from any Special Magistrate, Justice or Justices, against any conviction for any offence against this Act, or any order declaring the forfeiture of any licence or any order dismissing any information or complaint, or any order of forfeiture or confiscation, or any order for payment of costs, or other order, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance No. 6 of 1850, and any Act for the time being in force as to appeals to Local Courts; but the said Local Court may make such order as to payment of the costs of appeal as it thinks fit, although such costs exceed Ten Pounds: Provided always that, in all cases of appeal against any order or conviction of any Special Magistrate or Justices declaring any licence to be forfeited, the appellant, within four days of the date of such order or conviction, gives to the clerk of the Court in which the case was heard, or if there is no clerk, then to the Special Magistrate or Justices adjudicating, notice in writing stating his intention so to appeal, which notice shall be in addition to the notices required to be given by the said Ordinance No. 6 of 1850.

Local Court, upon
hearing of appeal,
may state special
case.

Ibid., s. 229.

288. The Local Court, upon the hearing of any appeal, may state a special case for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case according to the practice of the Supreme Court on special cases, and the Supreme Court may make such order (if any) as to the costs in that Court and the Courts below as to the said Court appears just; and any two or more Justices, or the Local Court aforesaid, shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof: Save as herein provided, no order or proceeding of any Special Magistrate, Justice, or Justices, or of any Local Court, made under the authority of this Act, shall be appealed against, or removed by *certiorari* or otherwise, into the said Supreme Court.

Protection to officers.

Ibid., s. 230.

289. All actions, prosecutions, and other proceedings against any person for anything done in pursuance of this Act shall be commenced within three months after the act complained of was committed, and not otherwise; and notice in writing of such action, prosecution, or other proceeding, and the cause thereof, shall be given to the defendant or person prosecuted or proceeded against, one month

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month at least before the commencement of the action, prosecution, or proceeding; and the defendant or person prosecuted or proceeded against in any such action, prosecution, or proceeding may plead the general issue and give this Act and the special matter in evidence at any trial; and the plaintiff shall not recover in such action if tender of sufficient amends is made before action brought, or if after action brought the defendant pays into Court sufficient amends, but in such last named case the plaintiff shall recover his costs of suit up to the time of payment into Court; and if a verdict passes for the defendant, or the plaintiff becomes nonsuit or discontinues, the defendant shall recover full costs as between attorney and client, and have his remedy for the same in the usual way.

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PART XI.

REGULATIONS AND FORMS.

290. (1) The Governor may from time to time make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act, and from time to time may revoke, vary, or amend any such regulations and substitute other regulations for any such regulations.

Regulations.

Ibid., s. 231.

(2) It shall be lawful in such regulations, or any of them, to provide for the due enforcement of such regulations, or of any of them, under a penalty not to exceed in any case the sum of Twenty Pounds.

(3) All such regulations shall--

- (a) be published in the *Gazette*;
- (b) take effect from the date of such publication or from a later date to be specified therein; and
- (c) be laid before both Houses of Parliament within fourteen days after publication, if Parliament is then in Session, and if not, then within fourteen days after the commencement of the next Session.

(4) Notwithstanding any publication thereof, no regulation shall continue to have any force or effect if the same is disapproved, either wholly or in part, by resolution of either House of Parliament within thirty sitting days of such House after such regulation has been laid before Parliament, if Parliament is so long in Session: Provided that if Parliament is not so long in Session, then no regulation shall continue to have any force or effect if disapproved by either House of Parliament within thirty sitting days of such House after the commencement of the next Session.

Proviso as to powers of Parliament.

Ibid.

(5) In

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(5) In any proceedings in any Court, or before any Justice or Justices, or any tribunal or person, the production of the *Gazette* containing any regulations purporting to be made under the provisions of this Act shall be *prima facie* evidence that the same, as therein printed, have been duly made and published under this Act and are in force.

(6) Any penalty provided as aforesaid by such regulations may be recovered before any Special Magistrate or two Justices.

Regulations
unchallengeable
unless quashed.
Ibid., s. 232.

291. (1) A person desiring to dispute the validity of a regulation made under this Act may apply to the Supreme Court upon affidavit for a rule calling upon any Inspector to show cause why such regulation should not be quashed, either wholly or in part, for the illegality thereof.

(2) The said Court may make absolute or discharge the said rule with or without costs.

(3) All regulations, unless and until so quashed, shall have the like effect as if enacted in this Act.

(4) No regulation shall be challenged or disputed in any other manner.

Forms sufficient if
substantially correct.
Ibid., s. 233.

292. (1) It shall be sufficient in all cases to use such of the forms provided in the schedules to this Act, or by regulation as in this section mentioned, as are applicable.

(2) Any form may be varied to suit the circumstances of the case, and no variation in any form used shall invalidate such form, provided that the substance and effect thereof is not altered.

(3) By regulations made under this Act any form provided in such schedules may be altered and new forms may be provided in substitution for, or in addition to, or for other purposes than those for which any of the forms provided in such schedules are provided.

Salaries, &c., to be
paid out of moneys
provided by Parlia-
ment.
Ibid., s. 234.

293. All salaries, fees, and allowances required or permitted by this Act, or by regulation under this Act, to be paid in respect of anything done under this Act or any such regulation, shall be paid out of moneys to be provided by Parliament.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.

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SCHEDULES REFERRED TO.

SCHEDULE A.
ACTS REPEALED.

Sec. 3.

Reference to Act.	Title of Act.	Extent of Repeal.
398 of 1887..	The Railway Refreshment-rooms Act, 1887	The whole
970 of 1908..	The Licensing Act, 1908	The whole
1030 of 1910..	The Licensing Act Amendment Act, 1910	The whole
1195 of 1915..	Licensing Act Further Amendment Act, 1915	The whole
1236 of 1915..	Licensing Acts Further Amendment Act (No. 2), 1915	The whole
1269 of 1916..	Licensing Acts Further Amendment Act, 1916....	The whole
1279 of 1917..	Licensing Acts Further Amendment Act, 1917	The whole

SCHEDULE B.

Sec. 14, 107.

FORMS OF LICENCES.

970 of 1908,
Schedule B, Form 1.

FORM 1.

PUBLICAN'S LICENCE.

The Licensing Act, 1917.

I, A.B., Clerk of the Licensing Court, do hereby certify that on the day of , 19 , a Publican's Licence was granted by the said Court, at a meeting of the said Court, held at , to C.D., of , and that the said C.D. is hereby licensed to sell liquor in any quantity in the house called or known as , situated at , in the said State, and the appurtenances to the said house belonging, but not elsewhere. This licence shall commence upon the day of the issue hereof by the Treasurer, and continue in force until the day of , in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand, at this day of , 19 .
A.B., Clerk of the Licensing Court.

Issued the day of , 19 .
E.F., Treasurer.

FORM 2.

Ibid., Form 2.

STOREKEEPER'S LICENCE.

The Licensing Act, 1917.

I, A.B., Clerk of the Licensing Court, do hereby certify that on the day of , 19 , a Storekeeper's Licence was granted by the said Court, at a meeting of the said Court, held at , to C.D., of , and that the said C.D. is hereby licensed to sell and dispose of liquor in the shop, store, or room of the

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the said C.D., situated at _____, in quantities of not less than one gallon of one kind of spirits, or one dozen reputed quart bottles, or two dozen reputed pint bottles of wine or other fermented liquor to be taken away at one time by one person, and so that no portion of such liquor shall be drunk in or about the house or on the premises above described; and no liquor shall be sold or disposed of earlier than six o'clock in the morning, or later than six o'clock in the evening. This licence shall commence on the day of the issue hereof by the Treasurer, and continue in force until the _____ day of _____, in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand, this _____ day of _____, 19 _____
A.B., Clerk of the Licensing Court.
Issued the _____ day of _____, 19 _____

E.F., Treasurer.

Ibid., Form 3.

FORM 3.

WINE LICENCE.

The Licensing Act, 1917.

I, A.B., Clerk of the Licensing Court, do hereby certify that on the _____ day of _____, 19 _____, a Wine Licence was granted by the said Court, at a meeting of the said Court, held at _____, to C.D., of _____, and that the said C.D. is hereby licensed to sell mead, wine, cider, and perry, produced and manufactured in South Australia, in any quantity, on the premises [*describing them*], and the appurtenances belonging thereto, but not elsewhere. This licence shall commence upon the day of the issue hereof by the Treasurer, and continue in force until the _____ day of _____, in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand, at _____, the _____ day of _____, 19 _____
A.B., Clerk of the Licensing Court.
Issued the _____ day of _____, 19 _____

E.F., Treasurer.

Ibid., Form 4.

FORM 4.

STOREKEEPER'S AUSTRALIAN WINE LICENCE.

The Licensing Act, 1917.

I, A.B., Clerk of the Licensing Court, do hereby certify that on the _____ day of _____, 19 _____, a Storekeeper's Australian Wine Licence was granted by the said Court, at a meeting of the said Court, held at _____, to C.D., of _____, and that the said C.D. is hereby licensed to sell and dispose of mead, wine, cider, and perry, produced and manufactured in the Commonwealth of Australia, in quantities of not less than one reputed quart bottle at a time on the premises [*describing them*], so that no portion of such liquor shall be consumed on the said premises; but no liquor shall be sold or disposed of earlier than six o'clock in the morning or later than six o'clock in the evening. This licence shall commence from the date hereof, and continue in force until the _____ day of _____, in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand, this _____ day of _____, 19 _____
A.B., Clerk of the Licensing Court.
Issued the _____ day of _____, 19 _____

E.F., Treasurer.

FORM

Licensing Act.—1917.

FORM 5.

Ibid., Form 5.

PACKET LICENCE.

The Licensing Act, 1917.

Whereas A.B., of _____, being the master (or commander) of the steamer [or if any other kind of vessel, describe it], has deposited in my office a certificate signed by a Special Magistrate (or two Justices of the Peace, as the case may be), and whereas the said A.B. has paid into my office the sum of Ten Pounds sterling as the fee for a Packet Licence: Now I, the undersigned, being the Treasurer of South Australia, do hereby license the said A.B. to sell liquor in any quantity to any passenger on board of such vessel during any voyage or passage, in accordance with the provisions of the above-mentioned Act. This licence shall commence on the day of the issue hereof, and continue in force for twelve calendar months, provided it be not forfeited in the meantime.

Given under my hand, this _____ day of _____, 19 _____.

C.D., Treasurer.

FORM 6.

Ibid., Form 6.

REGISTRATION OF A CLUB.

The Licensing Court, sitting at _____, on the _____ day of _____ 19 _____, having granted the application for the registration of the _____ Club, in respect of the premises thereof situated at _____, in the State of South Australia, this is to certify that the body, association, or company of persons occupying such premises are now registered a club within the meaning of the Licensing Act, 1917.

The secretary (or steward or manager) of the said club is [here state full Christian and surname and address].

This registration shall commence on the _____ day of _____ 19 _____, and continue in force till the _____ day of _____, in the year now next ensuing, both days inclusive, if not in the meantime cancelled.

_____, Clerk of the Licensing Court

FORM 7.

Ibid., Form 7.

BREWER'S AUSTRALIAN ALE LICENCE

The Licensing Act, 1917.

I, A.B., Clerk of the Licensing Court, do hereby certify that on the _____ day of _____, 19 _____, a Brewer's Australian Ale Licence was granted by the said Court, at a meeting of the said Court, held at _____, to C.D., of _____, brewer, and that the said C.D. is hereby licensed to sell and dispose of liquor on the premises situated at [describe them], in quantities of not less than two gallons of one kind of spirits or one dozen reputed quart bottles or two dozen reputed pint bottles of wine or other fermented liquor to be taken away at one time by one person, and so that no portion of such liquor shall be drunk in or about the house or on the said premises; and no liquor shall be sold or disposed of earlier than six o'clock in the morning or later than six o'clock in the evening. This licence shall commence on the day of the issue hereof by the Treasurer, and continue in force until the _____ day of _____ in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand, this _____ day of _____ 19 _____
A.B., Clerk of the Licensing Court.

Issued the _____ day of _____ 19 _____.

E.F., Treasurer.

FORM

Licensing Act.—1917.

Ibid., Form 8.

FORM 8.

DISTILLER'S STOREKEEPER'S LICENCE.

The Licensing Act, 1917.

I, A.B., Clerk of the Licensing Court, do hereby certify that on the day of , 19 , a Distiller's Storekeeper's Licence was granted by the said Court, at a meeting of the said Court, held at , to C.D., of , distiller, and that the said C.D. is hereby licensed to sell and dispose of liquor on the premises situated at , in quantities of not less than two gallons of one kind of spirit, or one dozen reputed quart bottles or two dozen reputed pint bottles of wine or other fermented liquor to be taken away at one time by one person; and so that no portion of such liquor shall be drunk in or about the house or on the said premises, and no liquor shall be sold or disposed of earlier than six o'clock in the morning or later than six o'clock in the evening. This licence shall commence on the day of the issue hereof by the Treasurer, and continue in force until the day of , in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand, this day of , 19 .

A.B., Clerk of the Licensing Court.

Issued the day of , 19 .

E.F., Treasurer.

Ibid., Form 9.

FORM 9.

BILLIARD-TABLE LICENCE.

The Licensing Act, 1917.

I, A.B., Clerk of the Licensing Court, do hereby certify that on the day of , 19 , a Billiard-table Licence was granted by the said Court, at a meeting of the said Court, held at , to C.D., of , and that the said C.D. is hereby licensed to keep, set up, and maintain billiard, bagatelle, and billiard-bagatelle tables, or any of them, on [*describe the premises*], but not elsewhere, and to allow such tables to be used between the hours of eight in the morning and eleven at night, but not at any time on any Sunday, Christmas Day, or Good Friday. This licence shall commence upon the day of the issue hereof by the Treasurer, and continue in force until the day of in the year now next ensuing inclusive, provided it be not forfeited in the meantime.

Given under my hand, at , this day of , 19 .

A.B., Clerk of the Licensing Court

Issued the day of , 19 .

E.F., Treasurer.

Sec. 121.

FORM 10.

RAILWAY LICENCE.

The Licensing Act, 1917.

I, the undersigned, Treasurer of the State of South Australia, do hereby license , of , the Lessee of the Railway Station Refreshment-rooms at , in the said State, to sell brandy, gin, rum, whisky, cordial containing spirits, wine, ale, porter, beer, and any other spirituous, malt, vinous, and fermented liquors, in any quantity, at the Railway Refreshment-rooms at , in the said State, subject to the provisions of the abovenamed Act and the regulations made or to be made thereunder. This licence shall commence on the day of the issue hereof and continue in force until the day of , in the year now next ensuing, inclusive, provided it be not determined or forfeited in the meantime. This licence authorises the sale of liquor only at the times hereinafter specified, namely:—Commencing in each case on the actual arrival at the said station of the passenger or mixed

trains

Licensing Act.—1917.

trains from _____ and the passenger or mixed trains from those places respectively to Adelaide, and continuing in each case for fifteen minutes after such arrival on every day of the week except Sunday, and not otherwise: Provided that no such time shall include any time between the hours of six o'clock in the evening and five o'clock in the morning.

Given under my hand this _____ day of _____ 19 .
A.B., Treasurer.

FORM 11

Sec. 29.

SPECIAL LICENCE.

The Licensing Act, 1917.

I _____, of Adelaide, in the State of South Australia, Clerk of the Licensing Court, do hereby certify that on the _____ day of _____, 19 _____, a Special Licence was granted for the period of _____ by the Licensing Court then assembled at the annual meeting, held at _____ to _____ of _____, to sell liquor in any quantity in the house called or known as _____, situate at _____, in the said State, and the appurtenances to the said house belonging, but not elsewhere. This licence shall commence upon the day of the issue hereof by the Treasurer, and continue in force until the _____ day of _____, 19 _____, provided it be not forfeited in the meantime.

Given under my hand at _____, this _____ day of _____, 19 _____.

Clerk of the Licensing Court.

Issued the _____ day of _____, 19 _____.

Treasurer.

SCHEDULE C.

Sec. 26.

SCALE OF INCREASED LICENCE FEES.

Ibid., Sched. C.

I.—*Publicans' Licences.*

Where the fee is by section 31 of this Act fixed at an amount mentioned in the first column hereunder, it shall, after each reduction, in pursuance of a resolution to reduce, be increased by the amount in the second column hereunder set opposite such first-mentioned amount.

First Column.	Second Column.
£15 ..	£10
£20 ..	£15
£30 ..	£20
£35 ..	£25
£40 ..	£30

II.—*Storekeepers' Licences.*

After each reduction in pursuance of a resolution to reduce, the fee shall be increased by £5.

III.—*Wine Licences.*

The same as above provided as to storekeepers' licences.

IV.—*Storekeepers' Australian Wine Licences.*

After each reduction in pursuance of a resolution to reduce, the fee shall be increased by £2 10s.

V.—*Brewers' Colonial Ale Licences and Distillers' Storekeepers' Licences.*

For the purposes of section 26 of this Act and of this Schedule these two classes of licences are to be regarded as storekeepers' licences, and the fees therefor and for storekeepers' licences shall be increased accordingly.

VI.—*Club Registrations.*

The same as above provided with regard to publicans' licences, but substituting "Section 108" for "Section 31".

SCHEDULE

Licensing Act.—1917.

Sec. 41.

Ibid., Sched. D.

SCHEDULE D.

CERTIFICATE FOR A PACKET LICENCE.

The Licensing Act, 1917.

I (or we), the undersigned [*Special Magistrate's or Justices' names*], of [*address and description*], do hereby certify that C.D., the master (or commander, as the case may be) of the steamer [or other vessel, as the case may be], conveying passengers between [*name the place*] and [*name the place*], is a person of good fame and reputation, and fit to be entrusted with a Packet Licence.

Dated this day of 19 .

[*Signature of Special Magistrate or of two Justices of the Peace.*]Secs. 42, 49, 51, 97,
98.

Ibid., Sched. E.

SCHEDULE E.

FORMS OF APPLICATION.

NOTICE OF APPLICATION FOR A PUBLICAN'S LICENCE.

The Licensing Act, 1917.

To the Licensing Court :

I, A.B., of [*state residence and trade or calling*], hereby give notice that it is my intention to apply at the next meeting of the Licensing Court, to be held at , for a licence to sell and retail liquor in the house and premises situate (or which I intend to erect) in street, at and which I intend to keep as an inn or public-house, to be called the and also [*if such is the case*] for a billiard-table licence in respect of the same premises.

[*If the applicant desires to sell or supply liquor in more than one bar-room, add as follows :—*]

And I desire to receive the approval of the Court of my selling and supplying liquor in the additional bar-room shown on the plan deposited herewith.

Dated this day of 19 .

A.B.

NOTICE OF APPLICATION FOR A STOREKEEPER'S LICENCE.

The Licensing Act, 1917.

To the Licensing Court :

I, A.B., [*state residence and trade or calling*], hereby give notice that it is my intention to apply, at the next meeting of the Licensing Court, to be held at , for a storekeeper's licence to sell and retail liquor in the house and premises situate at street, at and which I intend to keep as a store.

Dated this day of 19 .

A.B.

NOTICE OF APPLICATION FOR A WINE LICENCE.

The Licensing Act, 1917.

To the Licensing Court :

I, A.B., of [*state residence and trade or calling*], hereby give notice that it is my intention to apply at the next meeting of the Licensing Court, to be held at , for a licence to sell mead, wine, cider, and perry, produced and manufactured

Licensing Act.—1917.

manufactured in the said State, in the house and premises situate (or which I intend to erect) in _____, and which I intend to keep as a wine shop.

[If the applicant desires to sell or supply liquor in more than one bar-room, add as follows :—]

And I desire to receive the approval of the Court of my selling and supplying mead, wine, cider, and perry in the additional bar-room shown on the plan deposited herewith.

Dated the _____ day of _____ 19 A.B.

APPLICATION FOR STOREKEEPER'S AUSTRALIAN WINE LICENCE

The Licensing Act, 1917.

To the Licensing Court :

I, A.B., of [state residence and trade or calling], hereby give notice that it is my intention to apply at the next meeting of the Licensing Court, to be held at _____, for a Storekeeper's Australian Wine Licence to sell and retail Australian wine in the house and premises now in my occupation, situate (or which I intend to erect) in _____ street, at _____

Dated this _____ day of _____ 19 A.B.

NOTICE OF APPLICATION FOR A BILLIARD-TABLE LICENCE.

The Licensing Act, 1917.

To the Licensing Court :

I, A.B., of [state residence and trade or calling], hereby give notice that it is my intention to apply at the next meeting of the Licensing Court, to be held at _____, for a Billiard-table Licence for premises situate (or which I intend to erect) at _____

Dated this _____ day of _____ 19 A.B.

NOTICE OF APPLICATION FOR A CLUB CERTIFICATE

The Licensing Act, 1917.

To the Licensing Court :

I, A.B., of [state residence], the secretary (or steward or manager) of the Club, hereby give notice that it is my intention to apply, at the next meeting of the Licensing Court, to be held at _____, for a certificate of registration of the said club in respect to the premises thereof situate at _____; and I do hereby declare that I am the duly appointed secretary (or steward or manager) of the said club, and am duly authorised by the committee of the said club to make this application, and that the accompanying documents are (or contain) a true copy of the existing rules, and of the names, descriptions, and addresses of the existing members of the committee of the said club.

Dated this _____ day of _____, 19 A.B.

NOTICE OF APPLICATION FOR A BREWER'S AUSTRALIAN ALE LICENCE

The Licensing Act, 1917.

To the Licensing Court :

I, A.B., of [state residence], brewer, hereby give notice that it is my intention to apply at the next meeting of the Licensing Court, to be held at _____ for a Brewer's Australian Ale Licence to sell and dispose of liquor in the premises situated at [describe situation of premises].

Dated this _____ day of _____ 19 A.B.
NOTICE

Licensing Act.—1917.

NOTICE OF APPLICATION FOR A DISTILLER'S STOREKEEPER'S LICENCE

The Licensing Act, 1917.

To the Licensing Court:

I, A.B., of [state residence], distiller, hereby give notice that it is my intention to apply at the next meeting of the Licensing Court, to be held at _____, for a Distiller's Storekeeper's Licence to sell and dispose of liquor in the premises situate [describe situation of premises].

Dated this _____ day of _____, 19 _____

A.B.

Secs. 42, 44, 61.
Ibid., Sched. F.

SCHEDULE F.

HOUSEHOLDER'S CERTIFICATE AS TO THE APPLICANT.

The Licensing Act, 1917.

To the Clerk of the Licensing Court:

We, the undersigned householders, hereby certify that A.B. is well known to us and that he is of sober life, and habits, of good fame and reputation, and fit to be entrusted with a licence to keep an inn or public-house [or as the case may be], and able to manage the same, and that we are householders residing within a radius of one mile of the premises for which the said A.B. is now an applicant for a

Licence.

Dated this _____ day of _____, 19 _____

I.J.,
K.L.,
M.N., } [State place of residence and trade or calling of each.]

Sec. 43.
Ibid., Sched. G.

SCHEDULE G.

MEMORIAL AGAINST LICENCE FOR NEW PREMISES.

The Licensing Act, 1917.

To the Licensing Court:

We, the undersigned electors, resident within a radius of two hundred yards of the premises [describe them] for which plans have been deposited by [state whom] hereby request that no Publican's Licence (or as the case may be) be issued in respect of such premises.

Signature.	Date.	Place of Residence—Number of House, Street, Acre, Section, or other Particulars.	Witness to Signature.

[Here insert verification of genuineness of signatures.]

Licensing Act.—1917.

SCHEDULE H.

Secs. 53, 101.

NOTICE FOR OBJECTIONS.

Ibid., Sched. H.

The Licensing Act, 1917.

Notice is hereby given that all persons having any complaint against the management or condition of any licensed premises, or the licensee as licensee thereof, must forward such complaint in writing to the Clerk of the Licensing Court fourteen days at least before the annual meeting, namely, the _____ day of _____, 19____, and must attend such annual meeting to substantiate such complaint.

Dated this _____ day of _____, 19____.
A.B., Clerk of the Licensing Court.

SCHEDULE J.

Sec. 61.

FORM OF NOTICE OF INTENTION TO APPLY FOR TRANSFER OF LICENCE.

Ibid., Sched. J.

The Licensing Act, 1917.

I, A.B., the holder of a licence (or a certificate from a Special Magistrate) for the house and premises known as (or the shop, store, or rooms, as the case may be), situate at _____, hereby give notice that it is my intention to apply to the Licensing Court sitting at its quarterly meeting, to be holden at _____, on the _____ day of _____ (next or instant) to have the licence for the said premises transferred to C.D., of _____ [state present occupation (if any) of proposed transferee].

Dated this _____ day of _____, 19____.
A.B.

SCHEDULE K.

Sec. 63

FORM OF CERTIFICATE OF TRANSFER OF LICENCE.

Ibid., Sched. K.

The Licensing Act, 1917.

I, A.B., Clerk of the Licensing Court, sitting at the quarterly meeting of such Court at _____ on the _____ day of _____, 19____, do hereby certify that, upon the application of C.D., the requisite notices for a transfer having been proved before the said Court to have been duly given, the said Court has transferred the rights and privileges of the licence granted to the said C.D. in respect of the licensed premises situate at _____, and known as _____, to E.F., for the residue of the term for which the same has now to run.

Given under my hand, at _____ the _____ day of _____, 19____.
A.B., Clerk of the Licensing Court.

SCHEDULE L.

Sec. 64 (2)

FORM OF CERTIFICATE AUTHORISING PERSON TO ENTER AND CARRY ON BUSINESS IN LICENSED HOUSE UNTIL NEXT MEETING.

Ibid., Sched. L.

The Licensing Act, 1917.

I, A.B., Esquire, a Special Magistrate (or we, A.B. and C.D., Justices of the Peace) in and for the State of South Australia, do hereby certify that I (or we) have considered the application made to me (or us) by E.F., and am (or are) satisfied that he has complied with the requirements of "The Licensing Act, 1917," and that he is a desirable person to enter into and carry on the business of a publican [or as the case may be], in the premises situate at _____, and known as _____, and I (or we) therefore hereby authorise him to enter and carry on business therein as a publican [or as the case may be] until the meeting of the Licensing Court to be holden on the _____ day of _____ next.

Given under my hand, this _____ day of _____, 19____.

A.B.
or { A.B.
C.D.
SCHEDULE

Licensing Act.—1917.

Sec. 65.

Ibid., Sched. M,
Form 1.

SCHEDULE M.

FORM No. 1.

FORM OF NOTICE OF APPLICATION TO REMOVE LICENCE TO OTHER PREMISES.

The Licensing Act, 1917.

I, A.B., the holder of a [*state the nature of the licence*] licence for the house and premises known as (*or the shop, store, or rooms, as the case may be*) situated _____, do hereby give notice that it is my intention to apply to the Licensing Court, sitting at the quarterly meeting to be held at _____ on _____ to remove the licence to [*describe the premises to which it is proposed to remove the business*].

Dated this _____ day of _____ 19 .

A.B.

Sec 114.

Ibid., Sched. M,
Form 2.

FORM No. 2.

FORM OF NOTICE OF APPLICATION TO REMOVE REGISTRATION OF CLUB TO OTHER PREMISES.

The Licensing Act, 1917.

I, A.B., the secretary (*or steward, or manager*) of the _____ Club, which is registered as a club under the above-mentioned Act in respect of the premises thereof situated at _____, do hereby give notice that it is my intention to apply on behalf of the said club to the Licensing Court, sitting at the quarterly meeting to be held at _____, on _____, to remove the registration of the said club to [*describe the premises to which the club proposes to remove*]; and I do hereby declare that I am duly authorised by the committee of the said club to apply as aforesaid.

Dated this _____ day of _____ 19 .

A.B.

SCHEDULE N.

Sec. 67.

Sec. 30 of Act 1236,
1915.Ibid., the First
Schedule.

FORM OF CERTIFICATE OF A REMOVAL TO OTHER PREMISES.

The Licensing Act, 1917.

I, A.B., Clerk to the Licensing Court (*or Clerk to the Licensing Court for the Licensing District of* _____), do hereby certify that on the _____ day of _____, 19 _____, the _____ licence held by C.D., in respect of the house and premises called or known as _____, situated at _____, in the State of South Australia, was removed by the said Court to the house and premises called or known (*or to be called or known*) as _____, situated at _____, in the said State. From the day of the issue hereof by the Treasurer the said licence shall cease to apply in respect of the house and premises first hereinbefore mentioned, and shall apply in respect of the house and premises secondly hereinbefore mentioned and the appurtenances to such house and premises, but not in respect of any other place.

Given under my hand, at _____, this _____ day of _____, 19 .

A.B., Clerk to the Licensing Court.

Issued the _____ day of _____, 19 . [*or as the case may be.*]

E.F., Treasurer.

Licensing Act.—1917.

SCHEDULE O.

SUMMONS TO WITNESS.

The Licensing Act, 1917.

South [Royal Arms.] Australia.

*Summons to Witness.*Sec. 70.
970 of 1908.
Sched. O.

In the Licensing Court.

District,

No.

of 19 .

In the matter of the application of
of
at

for a

licence for premises situate

You are hereby required to attend at the meeting of the Licensing Court,
to be held at

on

the

day of

19 ,

at the
hour of o'clock in the forenoon, to give evidence in the above application,
and to continue in attendance until the said application shall be disposed of, and
there to have and produce and all other books,
papers, writings, and other documents relating to the said application which may be
in your custody, possession, or power. In default of your attendance you will be
liable to a penalty of Ten Pounds.

Dated this day of

19 .

A.B., Clerk of the Licensing Court.

To

SCHEDULE P.

CERTIFICATE TO SELL LIQUORS IN A BOOTH AT RACES, FAIRS, ETC.

The Licensing Act, 1917.

Sec. 74.
Ibid., Sched. P.I, A.B., Esquire, a Special Magistrate (or we, C.D. and E.F., two of His Majesty's
Justices of the Peace) in and for the State of South Australia, hereby approve of
G.H., now holding a publican's licence (or wine licence, as the case may be), selling
liquor (or mead, wine, cider, and perry, as the case may be) in an open booth (or
tent, or building), at on the occasion of a
for the space of days, subject to the provisions of "The Licensing Act, 1916."A.B., S.M.
or { C.D., J.P.
E.F., J.P.

SCHEDULE Q.

CERTIFICATE ALLOWING OTHER THAN LICENSED PERSON TO CARRY ON
BUSINESS DURING LICENSEE'S TEMPORARY ABSENCE

The Licensing Act, 1917.

Sec. 77.
Ibid., Sched. Q.I, A.B., Esquire, a Special Magistrate (or we, C.D. and E.F., two of His Majesty's
Justices of the Peace) in and for the State of South Australia, hereby authorise and
permit G.H., of [residence and occupation] to act for I.J., the holder of a publican's
licence in respect of the premises known as [state name of licensed premises and
where situate] during his absence from the State, for a period of
months from this date.

Dated this day of 19 .

A.B., S.M.
or { C.D., J.P.
E.F., J.P.

SCHEDULE

Licensing Act.—1917.

Sec. 78.

Ibid., Sched. R.

SCHEDULE R.

CERTIFICATE TO SELL LIQUORS IN A CERTAIN PLACE UPON GOLDFIELDS.

The Licensing Act, 1917.

I, A.B., Esquire, a Special Magistrate in and for the State of South Australia, hereby certify that C.D., the holder of this certificate, now holding a publican's (or wine) licence at _____, may sell liquor (or mead, wine, cider, and perry *as the case may be*) in a certain place or building known as _____, situate upon the goldfield known as _____, for the residue of the term of the publican's (or wine) licence held by him, subject to the provisions of the Licensing Act, 1917.

A.B., S.M.

(N.B.—The place or building to which the above certificate is to apply must be specified as accurately as circumstances will allow.)

Sec. 80

Ibid., Sched. S.

SCHEDULE S.

ORDER FORFEITING LICENCE

The Licensing Act, 1917.

South Australia } Be it remembered that A.B., of _____, being the holder
to wit. } of a _____ licence, is this day convicted before me (or us), the undersigned, a Special Magistrate in and for the said State (or two of His Majesty's Justices of the Peace for the said State) for that the said A.B. [*here set out the offence of which he has been convicted, and if the offence is one to which forfeiture is not specially attached, add*]; and it having been proved to me (or us) that the said A.B. has been (once or twice, *as the case may be*) before, within a period of (two or three years, *as the case may be*), convicted of offences against "The Licensing Act, 1917," : Now I (or we) do therefore order and adjudge that the said licence of the said A.B. shall be and the same is hereby forfeited [*if costs are given, add the proviso with regard to costs contained in Schedule I 2 of the Ordinance No. 6 of 1850*].

Given under _____ hand this _____ day of _____, 19 _____.

C.D., S.M.

or { E.F., J.P.
G.H., J.P.

Sec. 93.

Ibid., Sched. T.

SCHEDULE T.

REGULATIONS FOR CONDUCTING THE BUSINESS OF THE LICENSING COURT.

1. The Commissioner of Police shall obtain, and furnish to the Clerk at least three weeks before every annual or quarterly licensing day, a report of every licensed house in each licensing district, and as to applications for new houses, or new applications for old houses, as soon after the application as possible, such report to contain a description of the condition of the houses, premises, and furniture, the manner in which the house has been conducted during the past twelve months, the character of the persons frequenting the house, and a statement of the number, locality, and distance of other licensed houses in the neighborhood, and such report shall be open to public inspection without fee.

2. In the case of applications for new houses, and new applications for old houses, and of transfer of licences, it shall be the duty of the Clerk to search the copy of the record published by him in the *Gazette*; and upon the consideration of such application, to report to the Court whether the applicants or, in the case of transfers, whether the intended transferees have previously applied for any

licences,

Licensing Act.—1917.

licences, or have been intended transferees of licences, together with the result of such applications respectively; and in case of the rejection or refusal thereof, then the cause of such rejection or refusal, if such cause appears in the *Gazette*.

3. The President shall have power to call for the production of the applicant's licence in all cases where an application is made for a renewal of such a licence.

4. At the meetings of the Licensing Court the applications for renewals of publicans' licences shall be taken first, the new applicants for old houses next, and the rest of the business shall follow.

5. The Clerk shall give notice to those applicants applying at the annual meeting for a renewal of their licences to whose applications notices of objection have been received by the Clerk to attend at such annual meeting; and in such notices the Clerk shall state the natures of the objections.

6. On the hearing of any application, except for renewals, the applicant, by himself or by his counsel, shall open his case; then the objectors are to be heard by themselves, or their counsel, and the applicant may reply.

7. In the case of applications for renewals, the objectors shall commence, and the applicant reply only.

8. The evidence (if any) shall be given in the same manner as in courts of law.

SCHEDULE U.

Sec. 134.

NOTICE OF APPLICATION FOR ADDITIONAL BAR-ROOM.

Ibid., Sched. U

The Licensing Act, 1917.

To the Licensing Court.

I, A.B., of [*state residence and trade or calling*], hereby give notice that it is my intention to apply at the next meeting of the said Court, to be held at _____, for permission to sell and supply liquor in the additional bar-room in my licensed premises, shown on the plan of such premises deposited herewith (*or for which I now hold such permission for the current year.*)

Dated this _____ day of _____, 19 _____.

A.B.

SCHEDULE V.

Sec. 143.

PERMISSION TO USE LICENSED PREMISES FOR A PUBLIC ENTERTAINMENT. Ibid., Sched. V.

The Licensing Act, 1917.

We, A.B. (Commissioner of Police, *or as the case may be*), and C.D., two of His Majesty's Justices of the Peace in and for the State of South Australia, hereby approve of E.F., now holding a licence, using a portion of his licensed premises as a (theatre, concert-room, ball-room, *as the case may be*) during the hours from six in the morning till eleven at night [*or as the case may be*], Christmas Day, Good Friday, and Sundays excepted.

This permission shall terminate on [*state date*].

A.B., J.P., (Commissioner, *or as the case may be*).
C.D., J.P.

Licensing Act.—1917.

SCHEDULE X.

Secs. 220, 225, 229,
230, 231.REGULATIONS AS TO MODE OF TAKING A POLL AND APPOINTING
SCRUTINEERS UNDER THE LICENSING ACT, 1917.970 of 1908,
Sched. X.*Notice of Poll to be Given.*

1. Upon receipt by the returning officer for a Local Option District of a direction by the Governor to take a local option poll therein, such returning officer shall forthwith give notice of such direction, and of the date of the poll, by advertisement in two daily newspapers circulating in such Local Option District.

Polling-places.

2. Each polling-place for Parliamentary elections within such Local Option District shall be a polling-place for the local option poll.

Powers of Returning Officers.

3. The Returning Officer for the Electoral District comprising a Local Option District, or within which such Local Option District is situated, shall, for the purposes of the poll, have all the powers conferred on returning officers by "The Electoral Code, 1896," or by any Act amending or substituted for that Code, and the proceedings shall, except where otherwise directed by regulation, be conducted in the manner prescribed by the said Code or Act.

Time Booths shall be Open.

4. The booths shall be open on the day of the poll from 8 a.m. until 7 p.m.

Mode of Voting.

5. Each voter shall indicate his vote by making a cross on the voting-paper having its point of intersection in the square opposite to the resolution in favor of which he desires to vote. More than one cross on any voting-paper, or any informality as set forth in "The Electoral Code, 1896," or in any Act amending or substituted for that Code, will render the voting-paper informal.

Absent Voters.

6. The provisions of Part III. of "The Electoral Code, 1896," relating to absent voters, or the provisions of any Act for the time being relating to absent voters, shall apply to the taking of a local option poll, and the vote shall be indicated as in these regulations provided; and the forms provided in Schedules XIV., XV., and XVI. of the said Code, or the forms substituted therefor by any Act amending or substituted for that Code varied as may be necessary, may be used.

Challenge.

7. The presiding officer, on the request of a scrutineer, may ask the following question, in addition to those mentioned in clause 127 of "The Electoral Code, 1896," or to those substituted for those mentioned in the said clause 127 by any Act amending or substituted for that Code:—"Do you reside within the Local Option District for which you now claim to vote?"

Appointment of Scrutineers.

8. The classes of licences referred to in the following regulations are the classes of licences mentioned in section 224 of this Act.

9. (a) Not less than two of the holders of each of the classes of licences current in respect of premises situated within a Local Option District may nominate a scrutineer to act at each polling-place within the Local Option District: Provided that if there is only one licence current of any class of licences the holder of such licence may nominate a scrutineer under this regulation.

(b) Not less than ten electors qualified to vote in the Local Option District at a local option poll, who state that they are in favor of the grant of a licence in respect of premises situated within such district, of any class or classes of which there are no licences then current, may nominate one person to be a scrutineer at each polling-place in respect of such class or each of such classes of licences.

10. Not

Licensing Act.—1917.

10. Not less than ten electors qualified to vote in the Local Option District at a local option poll, who state that they are in favor of the reduction or exclusion of any class or classes of licences, may nominate one person to be a scrutineer at each polling-place in respect of such class or each of such classes of licences, whether there are any licences of such class or classes, or any of them, current in such district or not.

11. All nominations shall be handed to the returning officer seven clear days before the day fixed for the taking of the local option poll.

12. From the persons nominated such returning officer shall appoint one scrutineer in respect of each class of licences in respect of which nominations have been made under regulation 9 to act at each polling-place within the Local Option District, and one scrutineer in respect of each class of licences in respect of which nominations have been made under regulation 10, to act at each polling-place within the Local Option District.

13. Such returning officer shall forward to each person so appointed his appointment as such scrutineer.

Forms.

14. The forms set out hereunder may be used, with such variations as the case may require.

FORM 1.

LOCAL OPTION PETITION.

To His Excellency the Governor of the State of South Australia.

The petition of the undersigned electors for the House of Assembly, registered on the electoral roll for the _____ Assembly District, and each of whom resides in the Local Option District of _____, which petition is made in pursuance of the provisions in that behalf of The Licensing Act, 1917:

Humbly prays—

That a local option poll be taken within the said Local Option District of _____
And your petitioners will ever pray, &c.

Signature of Elector.	Address.

FORM 2.

RETURNING OFFICER'S CERTIFICATE OF VALIDITY OF PETITION.

Local Option District of _____

I, _____, Returning Officer for the Electoral District of _____, which constitutes the Local Option District of _____ (or, within which Electoral District the Local Option District of _____ is situated), do hereby certify that I have examined the local option petition presented to His Excellency the Governor of the State of South Australia on the _____ day of _____, 19____, praying that a local option poll be taken in the Local Option District of _____, and the signatures thereto, and that such petition has been duly and properly signed.

Dated this _____ day of _____, 19____.
Returning Officer for the Electoral District of _____

FORM

Licensing Act.—1917.

FORM 3.

NOTICE OF POLL.

Local Option District of .

Notice is hereby given that His Excellency the Governor of the State of South Australia, in pursuance of The Licensing Act, 1917, has, by Order in Council, directed me to cause a poll of the electors to be taken in the Local Option District of

on , the day of , 19 .
Dated this day of , 19 .

Returning Officer for the Electoral District of .

FORM 4.

NOMINATION OF SCRUTINEER BY HOLDERS OF LICENCES.

Local Option District of .

We, the undersigned, being the holders of [*state the class*] licences, granted in respect of premises situate within the Local Option District of , do hereby nominate to act as scrutineer at the local option poll to be taken on the day of , 19 , at polling-place.

Dated this day of , 19 .

[*Signatures of holders of licences.*]

FORM 5.

NOMINATION OF SCRUTINEER BY PERSONS IN FAVOR OF THE GRANT OF A LICENCE.

Local Option District of .

We, the undersigned, being electors qualified to vote at a local option poll within the Local Option District of , and being in favor of the grant of a licence (*or* licences) of the class (*or* classes) hereunder mentioned, do hereby nominate the person (*or* each of the persons) named hereunder to act as scrutineer (*or* scrutineers) at polling-place in respect of the said class (*or* the class of licences immediately preceding his name) at the local option poll to be taken on the day , 19 .

With regard to licences.....

With regard to licences.....

[*and as the case requires.*]

Dated this day of 19 .

[*Signatures of electors.*]

FORM 6.

NOMINATION OF SCRUTINEER BY PERSONS IN FAVOR OF THE REDUCTION OF LICENCES.

Local Option District of .

We, the undersigned, being electors qualified to vote at a local option poll within the Local Option District of , and being in favor of the reduction or exclusion of licences of the classes hereunder mentioned, do hereby nominate each of the persons named hereunder to act as scrutineers at polling-place in respect of the class of licences immediately preceding his name at the local option poll to be taken on the day of , 19 .

1. With regard to publicans' licences

2. With regard to storekeepers' licences

3. With regard to wine licences

4. With regard to storekeepers' Australian wine licences

5. With regard to club licences

Dated this day of 19 .

[*Signatures of electors.*]

Licensing Act.—1917.

FORM 7 (a).

APPOINTMENT OF SCRUTINEERS.

Local Option District of

I, A.B., hereby appoint _____, nominated by the holders of [state the class] licences, to act as scrutineer at _____ polling-place at the local option poll to be held on the _____ day of _____, 19 _____.

Dated this _____ day of _____, 19 _____.

A.B., Returning Officer for the _____ Electoral District.

FORM 7 (b).

Local Option District of

I, A.B., hereby appoint _____, nominated by [state the number] electors who are in favor of the grant of a [state the class] licence, to act as scrutineer at _____ polling-place at the local option poll to be taken on the _____ day of _____, 19 _____.

Dated this _____ day of _____, 19 _____.

A.B., Returning Officer for the _____ Electoral District.

FORM 7 (c).

Local Option District of

I, A.B., hereby appoint _____, nominated by [state the number] electors who are in favor of the reduction (or exclusion) of [state the class] licences, to act as scrutineer at _____ polling-place at the local option poll to be taken on the _____ day of _____, 19 _____.

Dated this _____ day of _____, 19 _____.

A.B., Returning Officer for the _____ Electoral District.

FORM 8.

CERTIFICATE THAT ELECTOR'S NAME IS ON ELECTORAL ROLL.

I, _____ Returning Officer for _____ Electoral District (or for the State of South Australia) hereby certify that the name of [full name of the elector as stated on the Electoral Roll] appears on the Electoral Roll as entitled to vote at _____ polling-place, situate in the said Electoral District, at elections for the House of Assembly.

Given under my hand, this _____ day of _____, 19 _____.

Returning Officer.

FORM 9.

DECLARATION OF IDENTITY BY ELECTOR.

[To be annexed to the Certificate.]

I, _____, of _____, do solemnly and sincerely declare that I am the person described as _____, of _____, in the annexed certificate, and that I reside at _____, a place situate within the Local Option District of _____, and that I have not previously voted at the local option poll now being taken in the said District.

Declared at [polling-place] this _____ day of _____, 19 _____, before me.

[Elector's signature].
Presiding Officer.

Licensing Act.—1917.

FORM 10.

FORM OF BALLOT-PAPER.

The Licensing Act, 1917.

The elector is entitled to record only one vote on this paper, which will be counted as recorded in favor of the resolution printed opposite to the square in which the elector places a cross.

RESOLUTIONS.

1. That the number of licences be reduced.....
2. That the number of licences be not increased or reduced.....
3. That the Licensing Court may in its discretion increase the number of licences

FORM 11.

DECLARATION OF DETERMINATION OF ELECTORS.

The Licensing Act, 1917.

I hereby declare that on the _____ day of _____, 19____, a poll of the electors of the Local Option District of _____ was taken pursuant to the above-mentioned Act, and that on taking such poll the determination arrived at was as follows:—

[Here state the resolution which was adopted, thus—

1. That the number of licences be reduced ;

or

2. That the number of licences be not increased or reduced ;

or

3. That the Licensing Court may, in its discretion, increase the number of licences

(as the case may require).]

Dated the _____ day of _____ 19____.

_____, Returning Officer.

SCHEDULE Y.

NOTICE OF NON-RENEWAL OF LICENCE.

The Licensing Act, 1917.

Sec. 240.

Ibid., Sched. Y

To A.B.

Pursuant to the provisions of The Licensing Act, 1917, I hereby give you notice that, on the _____ day of _____, 19____, a poll of the electors of the Local Option District of _____ was taken, and that the following resolution was adopted on the taking of such poll, namely [set out resolution adopted]: And I further give you notice that the licence issued in respect of the premises situated [describe situation or locality], and known as [give name or otherwise describe], will not be renewed.

Dated this _____ day of _____, 19____.

C.D., Clerk of the Licensing Court.

SCHEDULE Z.

FORM OF ORDER FOR PAYMENT OF MONEY BY LICENSING COURT.

The Licensing Act, 1917.

Sec. 268.

Ibid., Sched. Z

Be it remembered that on this _____ day of _____, in the year of our Lord nineteen hundred and _____, _____ of _____ is ordered by the Licensing Court, under The Licensing Act, 1917, to pay to _____ the sum of _____ for his cost of [or as the case may be], or to be committed to Adelaide [or as the case may be] Gaol for the space of _____

_____, President of the said Licensing Court.

THE

Licensing Act.—1917.

THE LICENSING ACT, 1917.

Table showing how the Sections of Acts Consolidated have been dealt with.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Railway Refreshment-rooms Act, 1887 s. 1	Short title of Act	—
Ibid. s. 2	Commissioner's title corrected	120
" s. 3	Redrawn	121
" s. 4	Slightly altered	124
" s. 5	Slightly altered	125
" s. 6	—	126
" s. 7	Slightly altered and amendments required by s. 24 of 1236, 1915, inserted	127
" s. 8	Numbers of sections corrected and section altered in accordance s. 14 of 970, 1908, and made into two sections	128, 129
" s. 9	The words "to regulate" down to "in force" in seventh and eighth lines struck out as being inconsistent with s. 24 of 1236, 1915	130
" s. 10	—	131
" s. 11	Redrawn and parts become unnecessary through effluxion of time deleted	132
" s. 12	Redrawn. See s. 24 of 1236, 1915	122
Schedule A	Redrawn	Schedule B, Form 10
The Licensing Act, 1908 s. 1	Short title of Act	—
Ibid. s. 2	Division of Act	2
" s. 3	Repealed	3
" s. 4	Interpretation with necessary additions ("clerk," "court," "licence," "licensed person," or "licensee," "licensed premises," "president," "proof spirit," "sale of liquor is prohibited by law," "unlicensed person")	4
" s. 5	The last two words of the sixth line and all rest of the section deleted as being no longer necessary since they refer to benches	5
" s. 6	"Bench" altered to "Court"	8 (4)
" s. 7	Deleted as being inapplicable to Licensing Court	—
" s. 8	Deleted as being inapplicable to Licensing Court	—
" s. 9	"Justice" altered to "Person," "bench" altered to "Court"	6 (7)
" s. 10 (1)	"Bench" altered to "Court" and reference to fixed date deleted	9 (1)
" s. 10 (2)	Redrawn	9 (2)

Licensing Act.—1917.

Table showing how the Sections of Acts Consolidated have been dealt with—continued.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Licensing Act, 1908 s. 10 (3)	No alteration	9 (3)
Ibid. s. 10 (4)	“ Bench ” altered to “ Court ”	9 (4)
“ s. 10 (5)	Deleted as being no longer necessary	6 (16)
“ s. 11	References to sections corrected	11
“ s. 12	—	12
“ s. 13	Redrawn	13
“ s. 14	Redrawn and figures corrected	123, 128, 129
“ s. 15	Redrawn and railway licence added	14
“ s. 16 (1)	—	15
“ s. 16 (2)	—	31
“ s. 17	—	16
“ s. 18	—	17
“ s. 19	Amended. See s. 26 (1) of 1236, 1915	18
“ s. 20	—	19
“ s. 21	Amended. See s. 27 of 1236, 1915	20
“ s. 22	—	21
“ s. 23	Amended. See secs. 25 and 28 of 1236, 1915	22
“ s. 24	—	23
“ s. 25	—	24
“ s. 26	—	26
“ s. 27	—	27
“ s. 28	Fixed date deleted and varying periods substituted to meet various dates on which annual meetings now held. Section redrawn	28
“ s. 29	—	30
“ s. 30	“ Bench ” altered to “ Court ”	40
“ s. 31	—	41
“ s. 32	Redrawn	42
“ s. 33	Redrawn	43
“ s. 34	“ Bench ” altered to “ Court ”	44
“ s. 35	“ Bench ” altered to “ Court ”	45
“ s. 36	“ of the Bench ” deleted. See definition of “ clerk ”	46
“ s. 37	—	47
“ s. 38	“ Bench ” altered to “ Court ” and section numbers corrected	48
“ s. 39	“ of the Bench ” deleted	49
“ s. 40	Section numbers corrected	50
“ s. 41	“ Bench ” altered to “ Court ”; “ of the Bench ” deleted	51
“ s. 42	“ of the Bench ” deleted, and “ the Inspector for the Licensing District ” altered to “ an Inspector ”	52
“ s. 43	“ of the Adelaide Bench ” deleted; “ Benches ” altered to “ the Court ”; “ of the Bench ” deleted	53
“ s. 44	Redrawn	54
“ s. 45	“ Bench ” altered to “ Court ”; “ of the Bench ” deleted; and section numbers corrected	55
“ s. 46	“ Bench ” altered to “ Court ” and “ of the Bench ” deleted	56

*Licensing Act.—1917.**Table showing how the Sections of Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Licensing Act, 1908 s. 47	Redrawn	57
Ibid. s. 48	Redrawn	58
“ s. 49	“ Officer ” altered to “ deputy ” to correspond to s. 50 as redrawn	59
“ s. 50	—	60
“ s. 51	Redrawn	61
“ s. 52	Redrawn	62
“ s. 53	Redrawn	63
“ s. 54	“ Bench ” altered to “ Court ”; “ of the Bench ” struck out and similar corrective alterations	64
“ s. 55	Redrawn and amended. See s. 29 of 1236, 1915	65
“ s. 56	Redrawn	66
“ s. 57	Section substituted. See s. 30 of 1236, 1915	67
“ s. 58	—	68
“ s. 59	“ Bench ” altered to “ Court ”	69
“ s. 60	“ of the Bench ” struck out and “ Bench ” altered to “ Court ”	70
“ s. 61	—	71
“ s. 62	“ Bench ” altered to “ Court ”	72
“ s. 63	“ Bench ” altered to “ Court ”	73
“ s. 64	—	74
“ s. 65	—	75
“ s. 66	—	76
“ s. 67	“ of the Bench ” struck out; “ Bench ” altered to “ Court ”; amended. See s. 32 of 1236, 1915	77
“ s. 68	“ Bench ” altered to “ Court ”; “ of the Bench ” struck out	78
“ s. 69	Subsection 2 of this section redrawn	79
“ s. 70	“ Bench ” altered to “ Court ”; “ of the Bench ” struck out	80
“ s. 71	—	82
“ s. 72	“ Bench ” altered to “ Court ”	83
“ s. 73	“ Bench ” altered to “ Court ”; “ of the Bench ” struck out	84
“ s. 74	“ Bench ” altered to “ Court ”	85
“ s. 75	“ Bench ” altered to “ Court ” and other similar corrective alterations	86
“ s. 76	Amended. See s. 33 of 1236, 1915	87
“ s. 77	“ Bench ” altered to “ Court ”	89
“ s. 78	Redrawn	90
“ s. 79	Redrawn	91
“ s. 80	“ Bench ” to “ Court ”; “ of such Bench ” struck out	92
“ s. 81	“ Bench ” to “ Court ”	93
“ s. 82	Struck out as no longer being required . .	—
“ s. 83	—	94
“ s. 84	Amended in accordance with s. 34 of 1236, 1915	95
“ s. 85	—	96

*Licensing Act.—1917.**Table showing how the Sections of Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Licensing Act, 1908 s. 86	"Bench" to "Court"; "of the Bench" struck out	97
Ibid. s. 87	"of the Bench" struck out; "Bench" to "Court"	98
" s. 88	"of the Bench" and "for the licensing district" struck out	99
" s. 89	—	100
" s. 90	"of the Adelaide Bench" and "of the Bench" struck out	101
" s. 91	"Bench" to "Court"	102
" s. 92	"Bench" to "Court"	103
" s. 93	"Bench" to "Court"	104
" s. 94	—	105
" s. 95	"of the Licensing Bench" struck out . . .	106
" s. 96	"Bench" to "Court"; "of the Bench" struck out	107
" s. 97	—	108
" s. 98	—	109
" s. 99	"of the Bench" struck out	110
" s. 100	Redrawn	111
" s. 101	—	112
" s. 102	—	113
" s. 103	"of the Bench" struck out; "Bench" to "Court"	114
" s. 104	—	116
" s. 105	—	117
" s. 106	—	118
" s. 107	"Bench" to "Court"	119
" s. 108	Altered only to meet new position of section in the Act	6 (8)
" s. 109	Amended by s. 5 (1) of 1195, 1915	133
" s. 110	"Bench" to "Court"; amended by s. 35 of 1236, 1915	134
" s. 111	—	135
" s. 112	—	136
" s. 113	Section 138 has been repealed, 1030, 1910	137
" s. 114	—	138
" s. 115	Amended. See s. 36 of 1236, 1915	139
" s. 116	—	140
" s. 117	—	141
" s. 118	—	142
" s. 119	Amended by s. 37 of 1236, 1915	143
" s. 120	—	144
" s. 121	—	145
" s. 122	—	146
" s. 123	—	148
" s. 124	Redrawn	149
" s. 125	—	150
" s. 126	—	151
" s. 127	—	152
" s. 128	—	153
" s. 129	—	154
" s. 130	"Colonial" to "Australian"	

Table

*Licensing Act.—1917.**Table showing how the Sections of Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Licensing Act, 1908 s. 131	" Colonial " to " Australian "	156
Ibid. s. 132	" Colonial " to " Australian "	157
" s. 133	Amended by s. 37 of 1236, 1915	158
" s. 134	Amended by s. 39 of 1236, 1915	159
" s. 135	Amended by s. 39 of 1236, 1915	160
" s. 136	Amended by s. 40 of 1236, 1915	161
" s. 137	—	162
" s. 138	—	163
" s. 139	—	164
" s. 140	—	167
" s. 141	—	168
" s. 142	New clause. See s. 41 of 1236, 1915	170
" s. 143	—	171
" s. 144	—	172
" s. 145	—	173
" s. 146	Section 158 repealed by 1030, 1910	174
" s. 147	—	175
" s. 148	—	176
" s. 149	Redrawn to make it consistent with s. 153 as amended by s. 42 of 1236, 1915, and s. 154 as amended by s. 5 of 1195, 1915, and s. 42 of 1236, 1915	178
" s. 150	Subsection (1) altered to meet present conditions. References to registration deleted where superfluous, owing to lapse of time. Whole section redrawn	179
" s. 151	Subsection (1) now appears in s. 179 of new Act	180
" s. 152	Reference to obtaining registration struck out owing to lapse of time	181
" s. 153	Amended by s. 42 of 1236, 1915	182
" s. 154	Amended by s. 5 of 1195, 1915, and by s. 42 of 1236, 1915	183
" s. 155	Amended by s. 4 of 1195, 1915, and by s. 3 of 1030 of 1910, and by s. 44 of 1236, 1915, and s. 45 of 1236, 1915	185, 186 187
" s. 156	—	189
" s. 157	Repealed by s. 3 of 1030, 1910	—
" s. 158	Repealed by s. 3 of 1030, 1910	—
" s. 159	—	191
" s. 160	Repealed by s. 3 of 1030, 1910	—
" s. 161	—	192
" s. 162	—	195
" s. 163	Amended by s. 3 of 1030, 1910	196
" s. 164	Amended by s. 46 of 1236, 1915	197, 198
" s. 165	—	199
" s. 166	—	200
" s. 167	—	201
" s. 168	Subsection (4) repealed by s. 4 of 1030, 1910. Subsection (5) amended by s. 47 of 1236, 1915, and is now s. 205	202, 205
" s. 169	—	207
" s. 170	Redrawn	208

*Licensing Act.—1917.**Table showing how the Sections of Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Licensing Act, 1908 s. 171	—	209
Ibid. s. 172	“ Bench ” to “ Court ”	210
“ s. 173	—	211
“ s. 174	—	212
“ s. 175	—	213
“ s. 176	Amended by s. 48 of 1236, 1915.	214
“ s. 177	—	219
“ s. 178	Amended by s. 49 of 1236, 1915.	220
“ s. 179	Amended by s. 50 of 1236, 1915.	221
“ s. 180	Amended by s. 50 of 1236, 1915.	222
“ s. 181	Amended by s. 51 of 1236, 1915.	223
“ s. 182	—	224
“ s. 183	—	225
“ s. 184	—	226
“ s. 185	—	227
“ s. 186	—	228
“ s. 187	—	229
“ s. 188	—	230
“ s. 189	—	231
“ s. 190	—	232
“ s. 191	“ Bench ” to “ Court ”	233
“ s. 192	“ Bench ” to “ Court ”	234
“ s. 193	“ Bench ” to “ Court ”	235
“ s. 194	“ Bench ” to “ Court ”	236
“ s. 195	“ Bench ” to “ Court ” Amended by s. 52 of 1236, 1915	237
“ s. 196	“ Bench ” to “ Court ”	238
“ s. 197	“ Bench ” to “ Court ”	239
“ s. 198	“ Bench ” to “ Court ”	240
“ s. 199	“ Bench ” to “ Court ”	241
“ s. 200	—	242
“ s. 201	“ Bench ” to “ Court ”	243
“ s. 202	—	244
“ s. 203	—	245
“ s. 204	Operation exhausted	—
“ s. 205	“ Bench ” to “ Court ”	246
“ s. 206	—	247
“ s. 207	“ Benches ” to “ Courts ”	248
“ s. 208	“ Bench ” to “ Court ” ; “ Chairman ” to “ President ”	267
“ s. 209	“ Bench ” to “ Court ”	268
“ s. 210	Section numbers corrected	269
“ s. 211	“ Bench ” to “ Court ”	270
“ s. 212	—	271
“ s. 213	—	272
“ s. 214	“ Bench ” to “ Court ”	273
“ s. 215	—	274
“ s. 216	—	275
“ s. 217	—	276
“ s. 218	“ Bench ” to “ Court ”	277
“ s. 219	—	278
“ s. 220	—	279
“ s. 221	—	280

Table

*Licensing Act.—1917.**Table showing how the Sections of Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Licensing Act, 1908 s. 222	Amended by s. 39 of 1236, 1915	281
Ibid. s. 223	—	282
“ s. 224	—	283
“ s. 225	—	284
“ s. 226	—	285
“ s. 227	—	286
“ s. 228	—	287
“ s. 229	—	288
“ s. 230	—	289
“ s. 231	“ or before any Bench ” deleted	290
“ s. 232	—	291
“ s. 233	—	292
“ s. 234	—	293
Schedule A	Schedule of repealed Acts	Schedule A
Schedule B, Form 1 .	Redrawn. Date of expiry of licence left blank because of varying dates of annual meetings. This has been done in all schedules requiring it. See s. 28 of new Act	Schedule B, Form 1
Schedule B, Form 2 .	Amended by s. 5 of 1195, 1915, and redrawn	Schedule B, Form 2
Schedule B, Form 3 .	Redrawn	Schedule B, Form 3
Schedule B, Form 4 .	Amended by s. 5 of 1195, 1915, and s. 26 of 1236, 1915, and redrawn	Schedule B, Form 4
Schedule B, Form 5 .	—	Schedule B, Form 5
Schedule B, Form 6 .	Redrawn	Schedule B, Form 6
Schedule B, Form 7 .	Amended by s. 5 of 1195, 1915, and s. 25 of 1236, 1915, and redrawn	Schedule B, Form 7
Schedule B, Form 8 .	Amended by s. 5 of 1195, 1915, and redrawn	Schedule B, Form 8
Schedule B, Form 9 .	Amended by s. 53 of 1236, 1915, and redrawn	Schedule B, Form 9
Schedule C	—	Schedule C
Schedule D	—	Schedule D
Schedule E	Redrawn	Schedule E
Schedule F	Redrawn	Schedule F
Schedule G	Redrawn	Schedule G
Schedule H	Redrawn	Schedule H
Schedule J	Redrawn	Schedule J
Schedule K	Redrawn	Schedule K
Schedule L	Redrawn	Schedule L
Schedule M	Redrawn	Schedule M
Schedule N	Amended by s. 30 of 1236, 1915	Schedule N
Schedule O	Redrawn	Schedule O
Schedule P	—	Schedule P
Schedule Q	Redrawn. See s. 32 of 1236, 1915. See s. 77 of new Act	Schedule Q
Schedule R	—	Schedule R
Schedule S	—	Schedule S
Schedule T	“ Bench ” to “ Court,” and similar corrections	Schedule T

Table

Licensing Act.—1917.

Table showing how the Sections of Acts Consolidated have been dealt with—continued.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Licensing Act, 1908 . . . Schedule U	Redrawn	Schedule U
Schedule V	—	Schedule V
Schedule W	See s. 179 (4) (new Act)	Schedule W
Schedule X	—	Schedule X
Schedule Y	“ Bench ” to “ Court ”	Schedule Y
Schedule Z	Redrawn	Schedule Z
The Licensing Act Amendment Act, 1910 s. 1	Method of citing	—
Ibid. s. 2	Incorporation	—
“ s. 3 (I.)	See s. 185 (2) (new Act)	—
“ s. 3 (II.)	Repealing subsection only	—
“ s. 3 (III.)	See s. 196 (new Act)	—
“ s. 4	Repealed by s. 47 (1) of 1236, 1915	—
Licensing Act Further Amendment Act, 1915 s. 1	Method of citing	—
Ibid. s. 2	Coming into force	—
“ s. 3	Incorporation	—
“ s. 4 (I.)	Amending s. 155 (1) of 970, 1908. See s. 185 (1) (c) (new Act)	—
“ s. 4 (II.)		
“ s. 5 (1)	Amending s. 109 (a) of 970, 1908. See s. 133 (a) (new Act)	—
“ s. 5 (2)	Amending s. 154 (1) of 970, 1908. See s. 183 (I.) (new Act)	—
“ s. 5 (3)	Amending Schedule B, Forms 2, 4, 7, and 8 of 970, 1908. See Schedule B, Forms 2, 4, 7, and 8 (new Act)	—
The Licensing Acts Further Amendment Act (No. 2), 1915 s. 1	Method of citing	—
Ibid. s. 2	Coming into force	—
“ s. 3	Incorporation	—
“ s. 4	Arrangement	—
“ s. 5	Not re-enacted, operation exhausted	—
“ s. 6 (1)	“ In place of the Licensing Benches hereby abolished ” deleted	6 (1)
“ s. 6 (2)	—	6 (2)
“ s. 6 (3)	—	6 (3)
“ s. 6 (4)	—	6 (4)
“ s. 6 (5)	—	6 (5)
“ s. 6 (6)	—	6 (6)
“ s. 6 (7)	Enacted by substituting the clauses referred to	6 (7), (8)
“ s. 6 (8)	—	6 (11)
“ s. 6 (9)	—	6 (12)
“ s. 6 (10)	—	6 (13)
“ s. 6 (11)	—	6 (14)

Table

*Licensing Act.—1917.**Table showing how the Sections of Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Licensing Acts Further Amendment Act (No. 2), 1915.... s. 6 (12)	—	6 (15)
Ibid. s. 6 (13)	—	6 (16)
“ s. 7	Not re-enacted. The Court throughout the new Act has been substituted for the Benches, and clothed with the same authority	—
“ s. 8 (1)	—	7
“ s. 8 (2)	Not re-enacted. The alterations authorised by the subsection have been effected throughout the new Act	—
“ ..s. 9 (1) (2) (3)	—	8 (1), (2), (3)
“ s. 10	Not re-enacted. The same effect has been obtained by fixing a period of 14 days after each annual meeting of each district, which is as nearly the old arrangement as possible. See s. 28 of 970, 1908, and also s. 28 (new Act)	—
“ s. 11	Repealed by s. 3 of 1279, 1917	10
“ s. 12	Repealed by s. 3 of 1279, 1917.....	—
“ s. 13	Repealed by s. 3 of 1279, 1917.....	—
“ s. 14	Repealed by s. 3 of 1279, 1917.....	—
“ s. 15	Repealed by s. 3 of 1279, 1917.....	—
“ s. 16	Repealed by s. 3 of 1279, 1917.....	—
“ s. 17	Repealed by s. 3 of 1279, 1917.....	—
“ s. 18	Repealed by s. 3 of 1279, 1917.....	—
“ s. 19	Repealed by s. 3 of 1279, 1917.....	—
“ s. 20	Repealed by s. 3 of 1279, 1917.....	—
“ s. 21	Operation exhausted	—
“ s. 22	Amending s. 4 of 970, 1908. See s. 4 (new Act)	—
“ s. 23	Amending s. 13 of 970, 1908. See s. 13 (new Act)	—
“ s. 24	Amending s. 14 of 970, 1908. See sections 122, 123, 127, 128, and 129 (new Act) Operation of subsection (2) exhausted	—
“ s. 25	Amending s. 15 of 970, 1908. See s. 14 (new Act)	—
“ 26 (1)	Amending s. 19 of 970, 1908. See s. 18 (new Act)	—
“ s. 26 (2)	Amending Form 4, Schedule B, of 970, 1908. See Form 4, Schedule B (new Act)	—
“ s. 27	—	20 (1), (a), (b)
“ s. 28	Amending s. 23 of 970, 1908. See s. 22 (new Act)	—
“ s. 29	Amending s. 55 of 970, 1908. See s. 65 (new Act)	—
“ s. 30 (1)	—	67 (1), (a), (b)
“ s. 30 (2)	—	Schedule N.
“ s. 31 (1)	—	67 (2)
“ s. 31 (2)	—	67 (3)
“ s. 32	Amending s. 67 of 970, 1908. See s. 77 (new Act)	—

Licensing Act.—1917.

Table showing how the Sections of Acts Consolidated have been dealt with—continued.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Licensing Acts Further Amendment Act (No. 2), 1915.... s. 33 (1)	Amending s. 76 of 970, 1908. See s. 87 (new Act)	—
Ibid. s. 33 (2)	—	87 (2)
" s. 34	—	95 (i)
" s. 35	—	134 (7)
" s. 36	—	139
" s. 37	—	Proviso to 143
" s. 38	Amending s. 133 of 970, 1908. See s. 158 (new Act)	—
" s. 39 (1)	—	159
" s. 39 (2)	Amending s. 135 of 970, 1908. See s. 160 (new Act)	—
" 39 (3) (a)	Amending s. 222 of 970, 1908. See s. 281 (new Act)	—
" 39 (3) (b)	—	281 (3)
" s. 39 (4)	—	281 (4)
" s. 40	Amending s. 136 of 970, 1908. See s. 161 (new Act)	—
" s. 41	—	170
" s. 42	Amending s. 153 of 970, 1908. See s. 182 (2) (new Act)	—
" s. 43	Amending s. 154 of 970, 1908. See s. 183 (new Act)	—
" s. 44 (1)	—	186
" s. 44 (2)	Repealing subsection 6 of 155 of 970, 1908.	—
" s. 45	See also s. 269 (new Act)	187
" s. 46 (1)	Amending s. 164 (1) of 970, 1908. See s. 197 (new Act)	—
" s. 46 (2)	—	198 (1)
" s. 46 (3)	Amending s. 164 (2) of 970, 1908. See s. 198 (2) (new Act)	—
" s. 47 (1)	Amending s. 4 of 1030, 1910	203, 204
" s. 47 (2)	Amending s. 168 of 970, 1908. See s. 205 (new Act)	—
" s. 47 (3)	—	206
" s. 48	—	214
" s. 49	Amending s. 178 of 970, 1908. See s. 220 (new Act)	—
" s. 50	Amending s. 179 of 970, 1908. See s. 221 (new Act). Amending s. 180 of 970, 1908. See s. 222 (new Act)	—
" s. 51	Amending s. 181 of 970, 1908. See s. 223 (new Act)	—
" s. 52	Amending s. 195 of 970, 1908. See s. 237 (new Act)	—
" s. 53	Amending Form 9, Schedule B of 970, 1908. See Form 9, Schedule B (new Act)	—
" s. 54	—	6 (9) and (10)
" s. 55	—	88
" s. 56	—	81

Licensing Act.—1917.

Table showing how the Sections of Acts Consolidated have been dealt with—continued.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Licensing Acts Further Amendment Act (No. 2)		
1915 s. 57	—	216
Ibid. s. 58	—	217
" s. 59	—	169
" s. 60	—	177
" s. 61	—	184
" s. 62 (1)	—	165
" s. 62 (2)	Necessarily repealed by s. 6, of 1279, 1917	188
" s. 63	—	166
" s. 64	—	147
" s. 65	—	115
" s. 66	—	193
" s. 67	—	194
" s. 68	—	190
" s. 69	Operation exhausted	—
" s. 70	—	218
" s. 71	—	249
" s. 72	—	250
" s. 73	—	251
" s. 74	—	253
" s. 75	—	254
" s. 76	—	255
" s. 77	—	256
" s. 78	—	257
" s. 79	—	258
" s. 80	—	259
" s. 81	—	260
" s. 82	—	261
" s. 83	—	262
" s. 84	—	263
" s. 85	—	264
First Schedule	—	Schedule N
Second Schedule	—	Schedule W1
Third Schedule	—	Schedule W 2
Licensing Acts Further Amendment Act, 1916.. s. 1	Method of citing	—
Ibid. s. 2	Incorporation	—
" s. 3 (1)	—	29 (1)
" s. 3 (2)	—	29 (2)
" s. 3 (3)	—	29 (3)
" s. 3 (4) (5)	Not re-enacted as being redundant. See s. 30	—
" s. 4	Not re-enacted as operation exhausted ..	—
" s. 5	—	8 (1)
" s. 6 (1) (a)	Repealed by s. 3 of 1279, 1917.....	—
" s. 6 (1) (b)	Repealed by s. 3 of 1279, 1917.....	—
" s. 6 (1) (c)	Repealed by s. 3 of 1279, 1917.....	—
" s. 6 (1) (d)	Repealed by s. 3 of 1279, 1917.....	—
" s. 6 (1) (e)	Repealed by s. 3 of 1279, 1917.....	—
" s. 6 (2)	Repealed by s. 3 of 1279, 1917.....	—

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Table showing how the Sections of Acts Consolidated have been dealt with—continued.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
Licensing Acts Further Amendment Act, 1916.. s. 7	Repealed by s. 3 of 1279, 1917.....	—
Ibid. s. 8 (a)	Repealed by s. 3 of 1279, 1917.....	—
" s. 8 (b)	Repealed by s. 3 of 1279, 1917.....	—
" s. 8 (c)	Repealed by s. 3 of 1279, 1917.....	—
" s. 9	Repealed by s. 3 of 1279, 1917.....	—
" s. 10	Operation exhausted	—
" s. 11 (a)	—	216 (1)
" s. 11 (b)	—	216 (3)
" s. 11 (c)	—	216 (5), (6)
" s. 12 (a)	—	190 (3)
" s. 12 (b)	—	190 (6)
" s. 13	—	249
" s. 14	—	250
" s. 15	—	260
" s. 16	—	215
" s. 17	—	252
" s. 18	—	265
" s. 19	—	266
Licensing Acts Further Amendment Act, 1917 s. 1 (1)	Method of citing	—
Ibid. s. 1 (2)	Method of citing	—
" s. 1 (3)	Method of citing	—
" s. 2	Incorporation	—
" s. 3	Repealing clause	—
" s. 4	Revised clauses and schedule reinstated .	s. 26, s. 3, s. 108, & sch. C.
" s. 5 (1)	}	—
" s. 5 (1) (a)		
" s. 5 (1) (b)		
" s. 5 (2)		
" s. 5 (3)		
" s. 5 (4)		
" s. 5 (5)		
" s. 5 (6)		
" s. 5 (7)	}	—
" s. 5 (8)		
" s. 6 (1)		
" s. 6 (1) (a)		
" s. 6 (1) (b)		
" s. 6 (1) (c)		
" s. 6 (2)		
" s. 6 (3)		
" s. 6 (4)		
" s. 6 (5)		
" s. 6 (6)	}	—
" s. 6 (6) I.		
" s. 6 (6) II.		
" s. 6 (6) III.	}	—
" s. 7 (1)		
" s. 7 (2)		
" s. 7 (2) (a)		
" s. 7 (2) (b)	}	—
" s. 7 (2) (b)		