



ANNO OCTAVO

GEORGII V REGIS.

A.D. 1917.

No. 1279.

An Act to amend the Licensing Acts, 1908 to 1916, so as to make better provision in respect of the Fees to be Paid for Publican's Licences, to Prohibit the Sale or Supply of Non-intoxicating Beverages on Licensed Premises during certain times, except on certain conditions, and to make further provision for Facilitating the Conviction of Licensed Persons unlawfully supplying Liquor.

[Assented to, November 7th, 1917.]

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

1. (1) This Act may be cited alone as the "Licensing Acts Further Amendment Act, 1917." Short titles.

(2) The Licensing Acts, 1908 to 1916, and this Act, may be cited together as the "Licensing Acts, 1908 to 1917."

(3) The Licensing Act, 1908, is hereinafter referred to as "the principal Act."

2. This Act is incorporated with the Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. Part III. of the Licensing Acts Further Amendment Act (No. 2), 1915, is hereby repealed. Repeal of Act 1236, 1915, Part III.—

4. The Fees for publican's licences.

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Provisions of principal Act as to licence fees to continue to apply to publican's licences.

4. The provisions of the principal Act fixing the fees to be paid for licences (including section 26 and Schedule C) shall, subject to section 5 of this Act, continue to apply in respect to publican's licences.

Mode of determining the licence fee where Part II. of the Land Value Assessment Act is in operation.
No. 573 of 1893.

5. (1) When the house or premises described in a publican's licence, or in the certificate of registration of a club, 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 or certificate 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 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.

(2) If dissatisfied with the annual value assessed as mentioned in subsection (1) hereof, the licensee may, or if dissatisfied with the annual value assessed as mentioned in paragraph (a) of the said subsection 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.

(3) 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.

(4) Any assessment made under this section, whether by the Treasurer or the Local Court, shall be merely for the purpose of determining the licence or registration fee, and shall be made according to the principles laid down in section 222 of the Municipal Corporations Act, 1890.

No. 497 of 1890.

(5) When the licence or registration fee payable in respect of any house or premises for any year has been determined under subsection (1) hereof, or under subsection (2) hereof in case there is an appeal, such fee shall be the fee payable upon any subsequent renewal

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renewal of the licence or registration or the subsequent grant of a fresh licence or registration 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.

(6) A fee determined under this section shall be deemed to be the fee fixed by section 16 of the principal Act, within the meaning of Schedule C of that Act.

(7) Any licence or registration fee paid before the passing of this Act, 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.

(8) In this section "Local Court" means the Local Court of Full Jurisdiction nearest to the house or premises.

6. (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.

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 155A of the principal Act, 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 of the principal Act.

(5) The offence mentioned in subsection (1) hereof is hereby added to the list of offences in section 210 of the principal Act 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

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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 twenty-fifth day of March next after the same is granted, 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.

Amendment of
principal Act, s. 168
(4).

7. (1) Subsection (4) of section 168 of the principal Act (as inserted in the said section by the Licensing Acts Further Amendment Act (No. 2) 1915), is amended by substituting for the words "eleven o'clock at night" in the sixth line thereof the words "six o'clock in the evening."

Amendment not to
apply in certain cases.

(2) In the case of a licensee charged with an offence against the said subsection as hereby amended which 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 subsection (4A) of the said section 168 (as inserted in the said section by the Licensing Acts Further Amendment Act (No. 2), 1915), instead of an offence against the said subsection (4).

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.