



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 104 of 1980

An Act to amend the Licensing Act, 1967-1977.

[Assented to 18 December 1980]

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 as the "Licensing Act Amendment Act, 1980". Short titles.
- (2) The Licensing Act, 1967-1977, is in this Act referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Licensing Act, 1967-1980".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 16 of the principal Act is amended—
 - (a) by striking out from subsection (1) the passage "a full publican's licence may be granted to the Electricity Trust of South Australia in respect of the Leigh Creek Coal Field" and substituting the passage "full publican's licences may be granted to the Electricity Trust of South Australia in respect of Leigh Creek and in respect of Leigh Creek South". Amendment of s. 16—
Leigh Creek and Leigh Creek South.
 - and
 - (b) by striking out subsection (2) and substituting the following subsection:—
 - (2) The Trust is exempt from the following provisions of this Act:—
 - (a) subsection (5) of section 19;
 - (b) section 141;
 - (c) section 168;
 - and
 - (d) any other provision from which the court thinks fit to exempt the Trust.

Amendment of
s. 20—
Limited
publican's
licence.

4. Section 20 of the principal Act is amended by striking out from subsection (2) the passage "specifically constructed and".

Amendment of
s. 67—
Permit for
supply of
liquor for
consumption
at club.

5. Section 67 of the principal Act is amended by striking out from subsection (11) the passage "twenty-five thousand dollars" and substituting the passage "fifty thousand dollars".

Repeal of
s. 69.

6. Section 69 of the principal Act is repealed.

Amendment of
s. 74—
Forfeiture
of licences.

7. Section 74 of the principal Act is amended—

(a) by striking out the passage "If any person holding a licence is" and substituting the passage "If any person holding a licence";

(b) by striking out paragraph (a) and substituting the following paragraph:

(a) is convicted of any indictable offence;;

and

(c) by inserting after paragraph (e) the following paragraph:

or

(f) being a licence granted in respect of premises after a proclamation under section 192 has been made in respect of those premises, fails to comply with a condition prescribed in a proclamation under that section in respect of those premises,.

Amendment of
s. 141—
Exclusion of
unlicensed
persons from
interest in
profits, etc.,
of licensed
premises.

8. Section 141 of the principal Act is amended—

(a) by striking out the passage "If any person" and substituting the passage "Subject to this section, if any person";

(b) by striking out from paragraph (b) the passage "a penalty of not less than ten dollars nor more than two hundred dollars" and substituting the passage "a penalty of not less than two hundred dollars nor more than five hundred dollars";

(c) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (a) and (b) as paragraphs (a), (b), (c) (d), (e), (f), (g) and (h) respectively;

and

(d) by inserting after its present contents as amended by this section (now to be designated subsection (1)) the following subsections:

(2) If, upon the application of—

(a) a licensee;

(b) an applicant for a licence;

or

- (c) an unlicensed person who has entered or proposes to enter an agreement or arrangement with a licensee or applicant for a licence,

the court is satisfied that—

- (d) an existing or proposed agreement or arrangement between the licensee or applicant and an unlicensed person does not contravene, and does not contemplate an act that would contravene, subsection (1);

or

- (e) although an existing or proposed agreement or arrangement between the licensee or applicant and an unlicensed person contravenes or contemplates an act that would contravene subsection (1), the agreement or arrangement, or the act contemplated by it—

- (i) is necessary to or is an essential part of an undertaking that is likely to assist the tourist industry in this State;

or

- (ii) would be in the public interest,

the court may approve the agreement or arrangement.

(3) An agreement or arrangement shall not be approved under subsection (2) unless the court is satisfied that the agreement or arrangement will not adversely affect the rights and reasonable expectations of persons presently in employment.

(4) Neither an agreement or arrangement approved under subsection (2), nor an act contemplated by an agreement or arrangement so approved, attracts the operation of subsection (1).

(5) In this section a reference to an applicant for a licence includes a reference to a person who intends to apply for a licence.

9. Section 192 of the principal Act is repealed and the following section is substituted:

Repeal of s. 192 and substitution of new section.

192. (1) Where, on the application of the owner of any premises, the Governor is satisfied that the premises, or a substantial part of the premises, to which this section applies are of national, historic or architectural importance, he may, by proclamation—

Historic inns.

- (a) declare the premises to be a historic inn;

and

- (b) grant an exemption from any specified provisions of this Act in relation to the premises.

(2) A declaration or an exemption under subsection (1) shall be subject to such conditions (if any) as the Governor determines and stipulates in the proclamation.

(3) The Governor may, by proclamation—

(a) add to, vary or revoke the terms of a proclamation under this section;

or

(b) revoke a proclamation under this section.

(4) Before making a declaration under this section the Governor shall refer the matter to the court for enquiry and report and any interested person shall be entitled to be heard at the enquiry.

(5) This section applies to premises in respect of which a full publican's licence, or a licence corresponding to a full publican's licence, is or has been in force under this Act, or under legislation previously in force in this State governing the sale and supply of liquor.

(6) A proclamation made under this Act before the commencement of the Licensing Act Amendment Act, 1980, that declared, or purported to declare, premises to be an historic inn shall be deemed to be a proclamation made under this section.

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

K. D. SEAMAN, Governor