

WESTERN AUSTRALIA.



ANNO NONO

EDWARDI SEPTIMI REGIS,

I.

No. 5 of 1909.

AN ACT to amend the Wines, Beer, and Spirit Sale Act, 1880.

[Assented to 6th February, 1909.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Wines, Beer, and Spirit Sale Act Amendment Act, 1909*, and shall be read as one with the Wines, Beer, and Spirit Sale Act, 1880, hereinafter referred to as the principal Act. Short title.

2. After the commencement of this Act, and so long as this section shall continue in force, no publican's general license, hotel license, or wayside house license, and no provisional certificate shall be granted under the provisions of the Wines, Beer, and Spirit Sale Act, 1880, or any Act amending the same, for any premises not licensed at the commencement of this Act: New licenses not to be granted.

Provided that nothing herein contained shall prevent the granting of a license for premises in respect of which a provisional certificate shall have been granted before the commencement of this Act:

Provided also, that the Governor may from time to time suspend the operation of this Act in any place where no licensed premises are situated within a radius of fifteen miles or upwards:

Provided also, that the licensing magistrates shall have full power and authority as heretofore to grant the transfer of any existing license to any new premises erected or in course of erection, or to grant a publican's general license, to the holder of an existing wine and beer license, or to refuse the renewal of any license when an objection to such renewal has been duly taken and established.

Amendment of 14
Vict., No. 9, s. 1 and
22 Vict., No. 13, s. 1.

3. Section four of the principal Act and section one of the Gold-fields Licensing Act, 1888, are respectively amended by striking out the words "A wine and beer license" and "A Colonial wine license" and inserting in place thereof respectively "An Australian wine and beer license" and "An Australian wine license," and throughout the principal Act the words "An Australian wine and beer license" are substituted for the words "A wine and beer license," and the words "An Australian wine license" are substituted for the words "A Colonial wine license."

Packet license.

4. (1.) Every packet license granted before or after the passing of this Act shall authorise the master of the vessel therein mentioned, being a vessel licensed to carry passengers within the State of Western Australia, to sell and dispose of any liquor to any passenger on board of such vessel while such vessel is on her passage.

Provided that the provisions of section sixty-one of the principal Act shall not apply to a packet license.

Provided also that no license shall be necessary to authorise the granting of allowances of liquor to the crew of any vessel.

(2.) Section six of the principal Act is hereby repealed.

Amendment of
Section 7.

5. Section seven of the principal Act is repealed, and the following provision shall be read in place thereof:—

(1.) An Australian wine and beer license shall authorise the licensee to sell and dispose of any wine or beer made in a State of the Commonwealth to be named in the license, in any quantity on the premises named in the license, such wine to be made from fruit grown in the Commonwealth.

(2.) An Australian wine and beer license shall not authorise the sale of wine or beer made in any State other than the State named in the license, and a separate license shall be required to authorise the sale of wine and beer made in each State.

(3.) One or more licenses under this section may be held by the same person in respect of the same licensed premises.

6. Section ten of the principal Act, as amended by the Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1893, is repealed, and the following provisions shall be read in place thereof:—

Amendment of Section 10.

10. (1.) An Australian wine license shall authorise the licensee to dispose of, on the premises named in the license, any wine made in a State of the Commonwealth to be named in the license, produced from fruit grown in the Commonwealth, for consumption on the premises or otherwise: Provided that such wine does not contain more than forty per centum of proof spirit.

Australian wine license.

(2.) An Australian wine license shall not authorise the sale of wine made in any State other than the State named in the license, and a separate license shall be required to authorise the sale of wine made in each State.

(3.) One or more licenses under this section may be held by the same person in respect of the same licensed premises.

(4.) No Australian wine license shall be granted for any premises beyond the limits of a municipal district or duly constituted townsite.

7. Section fifteen of the principal Act is amended by striking out the words "for a Colonial wine license, Two pounds," and inserting in place thereof "for an Australian wine license, Five pounds."

Amendment of Section 15.

8. Section eleven of the Wines, Beer, and Spirit Sale Amendment Act, 1884, is amended by striking out the words "one gallon," in the fourth line, and substituting therefor the words "one reputed quart bottle."

Amendment of 48 Vict., No. 14, s. 11.

9. Every wine and beer license, and every Colonial wine license granted or renewed under the principal Act or the Goldfields Licensing Act, 1888, for the year one thousand nine hundred and nine, and for which the proper fee has been paid, shall, unless in the meantime forfeited, continue in force until the thirty-first day of March, one thousand nine hundred and nine, but no longer:

Exchange of licenses.

Provided that every holder of any such license shall, on the termination of his license, be entitled to receive from the Colonial Treasurer a proportionate part of such fee for the unexpired period for which the license was granted or renewed.

Wine to include
cider and perry.

10. In this Act the word "wine" includes cider and perry.

Schedules.

11. The Governor may by regulations amend the schedules of the principal Act so far as necessary to adapt the same to the provisions of this Act.