



ANNO NONO

GEORGI VI REGIS.

A.D. 1945.

No. 24 of 1945.

An Act to amend the Licensing Act, 1932-1936, so as to regulate the consumption of alcoholic liquor at dances.

[Assented to 20th December, 1945.]

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

Short titles.

1. (1) This Act may be cited as the " Licensing Act Amendment Act, 1945 ".

(2) The Licensing Act, 1932-1936, as amended by this Act, may be cited as the " Licensing Act, 1932-1945 ".

(3) The Licensing Act, 1932-1936, is in this Act called " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Enactment of ss. 150a-150c of principal Act—

Consumption of liquor at dances.

3. The following sections are enacted and inserted in the principal Act after section 150 thereof :—

150a. (1) While a dance is being held in any public premises, a person shall not—

(a) in those premises consume any liquor or have any liquor in his possession unless at the time of such consumption or possession a permit, obtained under this section, is in force authorizing the consumption of liquor in those premises while that dance is being held ;

- (b) consume any liquor in any part of those premises in which part a permit under this section does not authorize the consumption of liquor.

A person who contravenes any provision of this subsection shall be guilty of an offence and liable to a fine of not more than twenty pounds.

(2) A permit for the consumption of liquor at a dance held in public premises shall be granted only in respect of one night and shall be in force during the hours specified therein, but the hour of expiry of a permit shall not be later than midnight.

(3) Application for a permit shall be made in writing by the person or association intending to hold the dance, or by some person on behalf of that person or association.

(4) Subject to the regulations the application shall be made to a special magistrate or to two justices.

(5) Notice of the application shall be served on the persons and in the manner prescribed by regulations, and the practice and procedure in relation to applications shall be as prescribed.

(6) The magistrate or justices upon hearing the applicant and any member of the police force may grant or refuse the permit entirely at his or their discretion.

(7) A permit granted under this section shall be in the form prescribed by regulations.

(8) A permit granted under this section shall authorize the consumption of liquor only by persons present at the dance and only in the premises or parts of premises specified in the permit.

(9) A permit shall not authorize—

- (a) the sale of liquor or the supply of liquor for profit ;

- (b) the consumption of liquor by any person under the age of twenty-one years.

(10) A person who makes any charge for admission to a dance in respect of which a permit has been obtained under this section, or for any entertainment or refreshment supplied at any such dance shall be guilty of an offence and liable to a fine of not more than twenty pounds.

(11) A permit under this section shall not be required for the consumption or possession of liquor—

- (a) at any dinner, banquet, social gathering, or other similar engagement, for which permission granted under section 199 of this Act is in force ; or
- (b) in any part of any public premises which part is occupied as the residence of any person.

(12) The allegation in a complaint that a permit was not in force in respect of any public premises at any specified time shall be *prima facie* evidence of the matter so alleged.

Consumption of liquor at dances by persons under 21.

150b. (1) A person under the age of twenty-one years shall not consume any liquor in any public premises while a dance is being held in those premises.

(2) A person shall not while a dance is being held in any public premises supply any liquor to a person under the age of twenty-one years in those premises.

(3) A person who, while a dance is being held in public premises, is in those premises, shall upon request made by any member of the police force, truly state whether he or she is or is not under the age of twenty-one years.

(4) A person who contravenes or fails to comply with any provision of this section shall be guilty of an offence and liable to a fine of not more than twenty pounds.

Consumption of liquor within 300 yards of dances.

150c. (1) A person shall not while a dance is being held in any public premises, consume any liquor or supply any liquor to any person in any public place within three hundred yards of those premises.

(2) A person who contravenes this section shall be guilty of an offence and liable to a fine of not more than twenty pounds.

Interpretation of ss. 150a-150c.

150d. (1) In sections 150a, 150b and 150c of this Act—

“ dance ” includes any gathering at which persons attend for the purpose of dancing, whether or not other amusements, games, or pastimes are carried on at such gathering :

“ public place ” includes—

- (a) any road, street, footway, bridge, court, alley, thoroughfare, park, park land, garden, square, reserve, seashore, or other place to which free access is permitted to the public, notwithstanding that it may be on private property ;

- (b) any building structure or erection which is in any public place as hereinbefore defined, and to which the public have free access ;
- (c) any doorway, porch, or other like open space which abuts on a road, street, or thoroughfare and to which the public have free access ;
- (d) any passage between the show windows of a shop, to which passage the public have free access ;
- (e) any vehicle standing in any such place as hereinbefore mentioned in this definition :

“ public premises ” means premises or place, enclosed or unenclosed, other than—

- (a) a dwelling house ordinarily used for residential purposes ;
- (b) land adjoining and occupied with a dwelling house ordinarily used for residential purposes.

4. Section 199 of the principal Act is amended by adding at the end thereof the following, the previous part of the section being read as subsection (1) :—

Amendment of
s. 199 of
Principal Act.—
Permission for
special
occasion.

(2) A person who makes any charge for admission to a dance in respect of which permission has been obtained under this section or for any entertainment or refreshments supplied at any such dance shall be guilty of an offence and liable to a fine of not more than twenty pounds.

In this section “ dance ” means dinner, banquet, social gathering or other similar engagement, at which dancing takes place.

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

C. W. M. NORRIE, Governor.