

LIQUOR.

No. 18 of 1962.

An Ordinance to amend the *Liquor Ordinance* 1929-1962.

Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Liquor Ordinance* (No. 2) 1962.*

(2.) The *Liquor Ordinance* 1929-1962† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Liquor Ordinance* 1929-1962.

2. Section four of the Principal Ordinance is repealed and the following section is inserted in its stead:—

Parts.

“4. This Ordinance is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1-6A).

Part II.—Administration (Sections 8-14).

Part III.—Licences and Permits (Sections 15-42).

Part IIIA.—Appeals (Sections 42A-42C).

Part IV.—Offences (Sections 43-60).

Part V.—Miscellaneous (Sections 61-67).”.

Sale of liquor
in the
University.

3.—(1.) Section six A of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “in University House” and inserting in their stead the words “in a building occupied by the University and being a building in which the sale of liquor is, for the time being, authorized by Statute”;

(b) by omitting from sub-section (2.) the words “in University House contrary to a provision of a Statute made under the *Australian National University Act* 1946-1947” and inserting in their stead the words “in a building of the University contrary to a provision of a Statute”;

* Made on 14th December, 1962; notified in the *Commonwealth Gazette* and commenced, with the exception of section 3, on 19th December, 1962. For the date of commencement of section 3 of the Ordinance, see sub-section (2.) of that section. As to the operation of the amendment effected by section 5 of the Ordinance, see sub-section (2.) of that section.

† Ordinance No. 15, 1929, as amended by Nos. 5 and 6, 1930; Nos. 4, 11 and 15, 1931; Nos. 9 and 15, 1932; Nos. 10 and 11, 1935; No. 26, 1936; Nos. 6, 25 and 27, 1938; No. 19, 1942; No. 3, 1943; Nos. 4 and 11, 1945; No. 8, 1946; Nos. 1, 5, 6 and 7, 1948; No. 13, 1950; No. 11, 1951; No. 7, 1954; No. 9, 1955; Nos. 3 and 8, 1956; Nos. 14 and 21, 1959; and No. 8, 1962.

(c) by omitting from sub-section (3.) the words "in University House" and inserting in their stead the words "in the University"; and

(d) by omitting sub-section (4.) and inserting in its stead the following sub-section:—

"(4.) In this section—

'Statute' means a Statute of the University;

'the University' means The Australian National University constituted under the *Australian National University Act* 1946-1960."

(2.) This section shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.*

4. Section nine of the Principal Ordinance is amended—

Jurisdiction of Magistrate.

(a) by omitting paragraph (f) of sub-section (1.) and inserting in its stead the following paragraph:—

"(f) A rehearing of an application under this Ordinance."; and

(b) by inserting in sub-section (2.), after the words "relating to the proceedings of", the words "and appeals from".

5.—(1.) Section twenty-six of the Principal Ordinance is amended by omitting from sub-section (1.) the words "a majority of the members of the Club" and inserting in their stead the words "a majority of those members of the club who are present at a general meeting of the club held for that purpose".

Conditions of grant or renewal of Club Licence.

(2.) The amendment made by this section shall be deemed to have come into operation on the second day of April, One thousand nine hundred and sixty-two.

6. Section thirty-nine of the Principal Ordinance is amended by omitting from sub-section (1.) the words " , or that the decision was erroneous in some point of law,".

Re-hearing.

7. After Part III. of the Principal Ordinance the following Part is inserted:—

"PART IIIA.—APPEALS.

"42A.—(1.) Subject to the next succeeding sub-section, a person aggrieved by an order or decision of the Magistrate under Part III. of this Ordinance may appeal to the Supreme Court against the order or decision.

Appeals.

* No notice was published before 1st January, 1965.

“(2.) An appeal does not lie to the Supreme Court from an order or decision of the Magistrate unless the appeal involves a question of law or a question of mixed law and fact.

Powers of the
Supreme Court
on hearing of
an appeal.

“42B. Upon the hearing of an appeal, the Supreme Court may—

- (a) admit such evidence, either oral or upon affidavit or otherwise, as it thinks fit;
- (b) permit the examination and cross-examination of witnesses; and
- (c) allow or dismiss the appeal, alter or vary the order or decision of the Magistrate in such manner as it thinks fit or remit the appeal to the Magistrate for re-hearing with such directions (if any) as it thinks fit.

Licence or
permit to
remain in force
pending appeal.

“42C. Where the holder of a certificate, licence or permit appeals against an order or decision of the Magistrate cancelling the certificate, licence or permit, or refusing to renew the licence, the certificate, licence or permit (as the case may be) shall be deemed to remain in force until the determination of the appeal.”.