

Major SA legislation relevant to women in pubs

Year	Act (Title/short title)	Section, pages	Summary	Text	Repealed	Other info
1837	An Act for the granting of Licenses and the regulating [of] the sale of wine, beer and spiritous liquors and for the prevention of drunkenness and the promoting of good order in public houses (7o Gulielmi IV, 4)	21		"...unless where otherwise required by the context, the word party or person shall extend to males and females, and words in the singular shall extend to the plural."		
1839	An Act to regulate the retail of liquors and to preserve good order in licensed public houses (2o Victoria 1)	15	Family of representative of a deceased licensed person may continue the business until the quarterly meeting. Conditions.	"...if a person shall die, his family or executors or administrators may lawfully continue the business until the next quarterly meeting of Justices..."		
1863	The Licensed Victuallers' Act 1863 (16o Victoria 9)	47	Disorderly persons not to be allowed to assemble	"If any person holding a licence under this Act shall suffer any person to exercise any unlawful game or sport within the said licensed house, premises, or appurtenances, or if any such licensed person shall permit or suffer any one to play at billiards or any other game in his house or premises on Sunday, or knowingly suffer prostitutes, thieves, drunken, or disorderly persons to assemble at, or continue in or upon his premises, he shall, upon being convicted, forfeit and pay for every such offence any sum not exceeding Twenty Pounds."		
1908	The Licensing Act, 1908 (8o Edwardi VII, 970)	47 (b)	Objections to licences and renewals.	"The objections to the grant or renewal of a licence of which notice may be given are the following :- As to applications for premises not previously licensed-That such premises have not decent and separate places of convenience for both males and females, or have not urinals on or near the premises for the use of the customers thereof, so as to prevent nuisances and offences against decency."		
		76	No publican's or wine licence to be held by a woman, except in certain cases	"No application for the grant, renewal, or transfer of a publican's or wine licence to a single female shall be entertained, nor shall any such licence be held by a single female, unless she is- (a) At the time of the passing of this Act the holder of such a licence, or (b) At the time of the passing of this Act the owner or lessee of premises in respect of which such a licence is current at the time of the passing of this Act."		
		148	Females not to be employed in sale of liquor unless registered barmaids.	"After the thirty-first day of March, one thousand nine hundred and nine, no holder of a publican's licence, wine licence, or registration of a club shall allow any female, other than his wife or daughter, to sell, supply, or serve any liquor at, in, or about any bar-room, unless such female at the time of such sale, supply, or serving is registered as a barmaid as provided in this Act, in the register of barmaids for the district in which such bar-room is situated ; and any licensee acting in contravention of this section shall be liable for a first offence to a penalty of not less than Two Pounds and not more than Ten Pounds, and for any subsequent offence to a penalty of not less than Five Pounds and not more than Twenty-five Pounds."		
		154	Female not to be employed in bar-room after eleven pm	"No female, other than the licensee or the wife or daughter of the licensee, shall be required or permitted or suffered to sell, supply, or serve liquor at, in, or about any bar-room (as defined in section 149) in any premises licensed under this Act after the hour of eleven o'clock in the evening of any day."		

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1910	The Licensing Act, 1908 (8o Edwardi VII, 970)	47 (b)	Objections to licences and renewals.	"The objections to the grant or renewal of a licence of which notice may be given are the following :- As to applications for premises not previously licensed-That such premises have not decent and separate places of convenience for both males and females, or have not urinals on or near the premises for the use of the customers thereof, so as to prevent nuisances and offences against decency."		
		76	No publican's or wine licence to be held by a woman, except in certain cases	"No application for the grant, renewal, or transfer of a publican's or wine licence to a single female shall be entertained, nor shall any such licence be held by a single female, unless she is- (a) At the time of the passing of this Act the holder of such a licence, or (b) At the time of the passing of this Act the owner or lessee of premises in respect of which such a licence is current at the time of the passing of this Act."		
		148	Females not to be employed in sale of liquor unless registered barmaids.	"After the thirty-first day of March, one thousand nine hundred and nine, no holder of a publican's licence, wine licence, or registration of a club shall allow any female, other than his wife or daughter, to sell, supply, or serve any liquor at, in, or about any bar-room, unless such female at the time of such sale, supply, or serving is registered as a barmaid as provided in this Act, in the register of barmaids for the district in which such bar-room is situated ; and any licensee acting in contravention of this section shall be liable for a first offence to a penalty of not less than Two Pounds anti not more than Ten Pounds, and for any subsequent offence to a penalty of not less than Five Pounds aid not more than Twenty-five Pounds."		
		154	Female not to be employed in bar-room after eleven pm	"No female. other than the licensee or the wife or daughter of the licensee, shall be required or permitted or suffered to sell, supply, or serve liquor at, in, or about any bar-room (as defined in section 149) in any premises licensed under this Act after the hour of eleven o'clock in the evening of any day."		
1915	The Licensing Act Further Amendment Act, 1915 (6o Georgii V, 1236)	33	Licences to women	"Section 76 is amended by adding thereto the following paragraph : In this section the term "single female" includes a widow. (2) Notwithstanding the amendment made by subsection (1) of this section, section 76 shall not apply to any widow who- ( a ) at the commencement of this Act is the holder of a publican's or wine licence or is the owner or lessee of premises in respect of which such a licence is the11 current ; or (6) is the widow of any person who at the time of his death is the holder of such a licence or is the owner or lessee of premises in respect of which such a licence is current at the time of his death."		
		61	Cancellation of barmaid's registration	"(1) The Licensing Court may, at any annual or quarterly meeting, on the application of any Inspector, cancel the registration of a barmaid who is proved, to the satisfaction of the Court, to have been convicted of any indictable offence, or to have been convicted twice of offences against the Police Act or any amendment thereof, or against the principal Act or any amendment thereof, or to be a person of bad fame or character. (2) No such application shall be heard by the Court unless notice in writing, stating the ground of the application, has been delivered to the Clerk of the Court (or, if there is a Clerk of the Court for the District wherein the barmaid is registered, then to such clerk), and also to the barmaid, at least fourteen clear days before the day fixed for the meeting of the Court at which the application is to be heard. (3) If the Court is satisfied that the groundof the application is proved, the Court may, by an order signed by the President or the clerk, declare the barmaid's registration to be cancelled, and there- upon her registration as a barmaid in every District in which she is so registered shall cease to have any force or effect, and she shall deliver up to the clerk all certificates of registration as a barmaid held by her."		

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1917	The Licensing Act, 1917 (8o Georgii V 1322)	57 (d)	Objections to licences and renewals.	"The objections to the grant or renewal of a licence of which notice may be given are the following :- As to applications for premises not previously licensed-That such premises have not decent and separate places of convenience for both males and females, or have not urinals on or near the premises for the use of the customers thereof, so as to prevent nuisances and offences against decency."		
		87	No publican's or wine licence to be held by a woman, except in certain cases	"(1) No application for the grant, renewal, or transfer of a publican's or wine licence to a single female shall be entertained, nor shall any such licence be held by a single female, unless she is- (a) At the time of the passing of this Act the holder of such a licence, or (b) At the time of the passing of this Act the owner or lessee of premises in respect of which such a licence is current at the time of the passing of this Act. In this section the term " single female" includes a widow. (2) This section shall not apply to any widow who- (a) at the commencement of this Act is the holder of a publican's or wine licence or is the owner or lessee of premises in respect of which such a licence is then current; or (b) is the widow of any person who at the time of his death is the holder of such a licence or is the owner or lessee of premises in respect of which such a licence is current at the time of his death."		
		178	Females not to be employed in sale of liquor unless registered barmaids.	"No holder of a publican's licence, wine licence, or a certificate of registration of a club shall allow any female, other than his wife or his daughter or his sister or his step-daughter, to sell, supply, or serve any liquor at, in, or about any bar-room, unless such female at the time of such sale, supply, or serving is a registered barmaid whose name appears in the register of barmaids referred to in section 179 for the district in which such bar-room is situated; and any licensee acting in contravention of this section shall be liable for a first offence to a penalty of not less than Two Pounds and not more than Ten Pounds, and for any subsequent offence to a penalty of not less than Five Pounds and not more than Twenty-five Pounds. (2) In any proceedings under this section, unless the contrary is proved to the satisfaction of the Special Magistrate or Justices, any female being at, in, or about any bar-room shall be deemed- (a) to be allowed by the defendant to sell, supply, or serve (as the case may be) liquor thereat or therein; and (b) not to be registered as a barmaid if on demand of any member of the Police Force or any Inspector she fails to produce within a reasonable time a certificate of such registration. (3) Nothing in this section shall prevent any female who is the holder of a licence or her daughter or step-daughter or sister from selling, supplying, or serving liquor in the premises in respect of which she holds such licence. (4) For the purposes of this section..., " bar-room" means any bar, bar-room, bar-parlor, shop, or other room or place used exclusively or mainly for the sale, supply, serving, or consumption of liquor."	Para 2 repealed LA 1967, 157 (2)	
179	Register of barmaids	"(1) The Clerk shall keep the register of barmaids for each licensing district compiled pursuant to the provisions of section 150 of The Licensing Act, 1908. (2) Subject to subsection 4 hereof no name shall, after the passing of this Act, be entered upon any register of barmaids. (3) The Clerk may ,if satisfied that the original of any certificate of registration issued pursuant to the provisions of section 150 of the Licensing Act, 1908, has been accidentally destroyed, obliterated, or lost, cause a duplicate thereof to be issued upon payment of a fee of Five Shillings. (4) Any person who is registered in the register of barmaids for any district shall also be entitled to be registered in the register of barmaids for any other district, upon producing to the Clerk the certificate of her registration in the first-mentioned district. As soon as practicable after being registered under this subsection, a barmaid shall be entitled to a certificate of such registration in the form contained in Schedule W hereto, or to the like effect, signed by the President."				

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		180	Register to be kept by Clerk	"Any person upon payment of a fee of One Shilling, and any member of the Police Force and any inspector without fee, may inspect any register of barmaids and take copies of any entry therein."		
		181	Fraud &c in connection with registration	"Any person who- (a) obtains or attempts to obtain a duplicate of any certificate registration of registration as a barmaid; or (b) forges or falsifies any entry in any register of barmaids or any certificate of registration as a barmaid; or (c) falsely represents herself to be registered as a barmaid, or to be any person who is so registered, shall be liable to a penalty of not exceeding Twenty Pounds."		
		182	Unregistered person acting as barmaid	"(1) Any female not being registered as a barmaid in the register of barmaids for a Licensing District who sells, supplies, or serves liquor in any bar-room within such district shall be liable for the first offence to a penalty not exceeding Five Pounds, and for any subsequent offence to a penalty of not less than Five Pounds and not exceeding Twenty Pounds. (2) This section shall not apply to the female licensee, or the wife of the male licensee, or the daughter or stepdaughter or sister of the male or female licensee of the premises in which the bar-room exists."		
		183	Female not to be employed in bar-room after six pm	"No female. other than the licensee or the wife, sister, daughter or step-daughter of the licensee, shall be required or permitted or suffered to sell, supply, or serve liquor at, in, or about any bar-room (as defined in section 178) in any premises licensed under this Act after the hour of six o'clock in the evening of any day. (2) The licensee of any premises in which any female is employed contrary to this section shall be liable to a penalty for a first offence of not less than Five Pounds nor more than Ten Pounds, and for any subsequent offence of not less than Ten Pounds nor more than Twenty Pounds."		
1923	The Licensing Act Amendment Act, 1923 (14o Georgii V 1604)	7	Mother of licensee may serve in bar-room	"Section 178 of the principal Act is amended- (a) by inserting the words ., or his mother" after the word "step-daughter" in the third line of subsection (1) thereof; and (b) by inserting the words "or mother" after the word "sister" in the second line of subsection (3) thereof."		
		8	Mother of licensee may act as barmaid	"Subsection (2) of section 182 of the principal Act is amended by inserting the words "or mother" after the word "sister" in the second line thereof."		
		9	Mother of licensee may be employed in bar-room after six p.m.	"Subsection (1) of section 183 of the principal Act is amended by inserting the word" mother" after the word" sister" in the first line thereof."		
1932	The Licensing Act, 1932 (23o Georgii V 1322)	86	Disqualification of certain women from holding licenses	"No application for the grant, renewal or transfer, of a publican's or wine licence to a woman who is single or a widow shall be entertained, nor shall any such licence be held by any such woman unless- (a) she was on the fifteenth of November, nineteen hundred and seventeen, the holder of such a licence; or (b) she was on the fifteenth of November, nineteen hundred and seventeen, the owner or lessee of premises in respect of which such a licence was then current; or (c) she is the widow of any person who at any time within six months preceding his death, was the holder of such a licence, or the owner or lessee of premises in respect of which such a licence was current at any time within six months preceding his death; or (d) being a widow she was at the time of becoming a widow the holder of such a licence, .or the owner or lessee of premises in respect of which such a licence was current at that time."		

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		182	Employment of barmaids:  Restriction of employment of women to serve liquor.	<p>"(1) No holder of a publican's licence, wine licence, or a certificate of registration of a club shall allow any female, other than his wife or his daughter, or his sister, or his step-daughter, or his mother, to sell, supply, or serve any liquor at, in, or about any bar-room, unless that female at the time of such sale, supply, or serving is a registered barmaid whose name appears in the register of bar-maids referred to in section 183 for the district in which such bar-room is situated. Any licensee acting in contravention of this section shall be guilty of an offence and liable for a first offence to a penalty of not less than Two Pounds and not more than Ten Pounds, and for any subsequent offence to a penalty of not less than Five Pounds and not more than Twenty-five Pounds.</p> <p>(2) In any proceedings under this section, unless the contrary is proved to the satisfaction of the Special Magistrate or Justices, any female being at, in, or about any bar-room shall be deemed-</p> <p>(a) to be allowed by the defendant to sell, supply, or serve (as the case may be) liquor thereat or therein; and</p> <p>(b) not to be registered as a barmaid if on demand of any member of the Police Force or any Inspector she fails to produce within a reasonable time a certificate of such registration.</p> <p>(3) Nothing in this section shall prevent any female who is the holder of a licence or her daughter or step-daughter or sister or mother from selling, supplying, or serving liquor in the premises in respect of which she holds such licence.</p> <p>(4) For the purposes of this section and section 186" bar-room" means any bar, bar-room, bar-parlor, shop, or other room or place .used exclusively or mainly for the sale, supply, serving, or consumption of liquor."</p>		
		183	Register of Barmaids	<p>"1) The Clerk shall keep the register of barmaids for each licensing district compiled pursuant to the provisions of section 150 of The Licensing 'Act, 1908.</p> <p>(2) Subject to subsection (4) hereof no name shall, after the passing of this Act, be entered upon any register of barmaids.</p> <p>(3) The Clerk may, if satisfied that the original of any certificate of registration issued pursuant to the provisions of section 150 of the Licensing Act! 1908, has been accidentally destroyed, obliterated, or lost, cause a duplicate thereof to be issued upon payment of a fee of Five Shillings.</p> <p>(4) Any person who is registered in the register of barmaids for any district shall also be entitled to be registered in the register of barmaids for any other district, upon producing to the Clerk the certificate of her registration in the first-mentioned district. As soon as practicable after being registered under this subsection, a barmaid shall be entitled to a certificate of such registration in the form contained in Schedule V hereto, or to the like effect, signed by the Special Magistrate constituting the Court for the said other district."</p>		
		184	Inspection of register of bar-maids.	"Any person upon payment of a fee of One Shilling, and any member of the Police ll'orce and any inspector without fee, may inspect any register of barmaids and take copies of any entry therein."		
		185	Fraud, &c., in connection with registration.	<p>"Any person who-</p> <p>(a) by fraud or misrepresentation obtains or attempts to obtain registration in any register of barmaids in which she is not entitled to be registered, or by fraud or misrepresentation obtains or attempts to obtain a duplicate of any certificate of registration as a barmaid; or</p> <p>(0) forges or falsifies any entry in any register of barmaids or any certificate of registration as a barmaid; or</p> <p>(c) falsely represents herself to be registered as a barmaid, or to be any person who is so registered,</p> <p>shall be guilty of an offence and liable to a penalty not exceeding Twenty Pounds."</p>		

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		186	Unregistered person acting as barmaid.	“(1) Any female not being registered as a barmaid in the register of barmaids for a Licensing District who sells, supplies, or serves liquor in any bar-room within that district shall be guilty of an offence and liable for a first offence to a penalty not exceeding Five Pounds, and for any subsequent offence to a penalty of not less than Five Pounds and not more than Twenty Pounds. (2) This section shall not apply to the female licensee, or the wife of the male licensee, or the daughter or stepdaughter or sister or mother of the male or female licensee of the premises in which the bar-room exists.”		
		187	Prohibition of employment of female in bar-room after six p.m.	“(1) No female, other than the licensee or the wife, sister, mother, daughter, or stepdaughter of the licensee, shall be required or permitted or suffered to sell, supply, or serve liquor at, in, or about any bar-room (as defined in section 182) in any licensed premises after the hour of six o'clock in the evening of any day. (2) The licensee of any premises in which any female is employed contrary to this section shall be guilty of an offence and liable to a penalty for a first offence of not less than Five Pounds nor more than Ten Pounds, and for any subsequent offence of not less than Ten Pounds nor more than Twenty Pounds.”		
		188	Cancellation of barmaid's registration.	“(1) The Court may, at any annual or quarterly meeting, on the application of any Inspector, cancel the registration of a barmaid who is proved, to the satisfaction of the Court, to have been convicted of any indictable offence, or to have been convicted twice of offences against the Police Act, 1916, or any amendment thereof, or against the Licensing Act, 1917, or this Act, or to be a person of bad fame or character. (2) No such application shall be heard by the Court unless notice in writing, stating the ground of the application, has been delivered to the Clerk and also to the barmaid, at least fourteen clear days before the day fixed for the meeting of the Court at which the application is to be heard. (3) If the Court is satisfied that the ground of the application is proved, the Court may, by an order signed by the Special Magistrate constituting the Court, or the Clerk, declare the barmaid's registration to be cancelled, and thereupon her registration as a barmaid in every District in which she is so registered shall cease to have any force or effect, and she shall deliver up to the Clerk all certificates of registration as a barmaid held by her.”		
1942	Liquor Control (Consolidation) Order (National Security (Supplementary Regulations) Order No, 20 of 1942 – Sale and Consumption of Liquor.)			See the <a href="#">South Australian Government Gazette, 51, 27 November 1942</a>		Consolidated several earlier Liquor Control Orders including <a href="#">Order 15 of 1942</a> mostly related to women
1954	The Licensing Act Amendment Act, 1954 (30 Elizabeth II, 55)	9	Restriction of women to serve liquor.	“Section 182 of the principal Act is amended by inserting at the end thereof the following subsection- (5) A female shall not be deemed to sell supply or serve liquor at, in or about a bar-room within the meaning of the section or section 186 or 187 by reason only of the fact that she takes orders from and serves liquor to persons who are not in a bar-room.”		
1967	The Licensing Act, 1967 (160 Elizabeth II, 41)	157	Employment of barmaids: Restriction of employment of women to serve liquor.	“(1) No holder of a full publican's licence, limited publican's licence, wine licence or club licence shall allow any female other than his wife, his daughter, his sister, his stepdaughter, his mother or his mother-in-law to sell, supply or serve any liquor at or in any bar-room unless there is in force at the time an industrial award, determination or agreement under any Commonwealth or State Act binding on the licensee providing that a female engaged in selling, supplying or serving liquor in or at a bar-room shall receive the same remuneration therefor as a male engaged in the same employment. (2) For the purposes of this section a female shall not be deemed to sell supply or serve liquor at or in a bar-room by reason only of the fact that she obtains liquor in at or from a bar-room for persons who are not in or at a bar-room.”		
1975	Sex Discrimination Act. 1975 (240 Elizabeth II, 120)	16	Criteria for establishing sex discrimination.	“(1) A person discriminates against another on the ground of his sex or marital status if on the ground of his sex or marital status he treats him less favourably than in identical or similar circumstances he treats or would treat a person of the opposite sex or of a different marital status.” [and subsequent paragraphs]		

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		26	Discrimination in provision of goods facilities or services.	<p>"1) It is unlawful for a person who offers or provides-</p> <p>(a) goods;</p> <p>or</p> <p>(b) services to which this section applies, (whether for payment or not) to the public, or a section of the public, to discriminate against a person on the ground of his sex or marital status-</p> <p>(c) by refusing to supply the goods or perform the services; or</p> <p>(d) in the terms on which he supplies the goods or performs the services.</p> <p>(2) The following are the services to which this section applies:-</p> <p>(a) access to and use of any place that members of the public are permitted to enter;</p> <p>...</p> <p>(c) entertainment, recreation or refreshment;</p> <p>..."</p>		