

Sir R. Stout.

DIRECT VETO.

ANALYSIS.

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A BILL INTITULED

AN ACT to enable the Electors of the Colony of New Zealand to directly Prohibit the Sale of Intoxicating Liquors. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- 1. The Short Title of this Act is "The Direct Veto Act, 1893." Short Title.
- 2. In this Act, if not inconsistent with the context, "liquor" shall have the meaning assigned to that word in "The Licensing Act, 1881." Interpretation.
- 3. For the purposes of this Act the colony is hereby divided into districts identical with the electoral districts for the time being existing by virtue of "The Representation Act, 1887." Each district hereby created shall be called "The Electoral Prohibition District of [Name of locality used in the description of the corresponding electoral district]." The continuity of a district under this Act shall not be deemed lost or be affected by reason of the reconstitution of the whole area thereof without any additional area as an electoral district. Districts.
- 4. On the day appointed for each general election of members for the House of Representatives, a poll shall be taken in each of the said districts, to determine whether the sale of liquor within such district shall or shall not be prohibited. Time of polls.

Persons entitled to vote.

5. The roll to be used in taking the poll above-mentioned shall be the roll for the electoral district corresponding in area with the electoral prohibition district in which such poll is being taken; and every person whose name is on such roll shall be entitled to one vote.

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Poll to be taken under "The Regulation of Elections Act, 1881." Officers.

6. Each such poll shall, subject as hereinafter mentioned, and to any regulations made under this Act, be taken in accordance with the provisions of "The Regulation of Elections Act, 1881."

(1.) The Returning Officer, Deputy Returning Officer, and Clerks appointed for taking the general election of members of the House of Representatives for any district, shall be deemed to be appointed to the like offices in respect of the poll directed to be taken under this Act for the same district, and shall, so far as possible, have and perform the same duties, powers, and directions in respect of such last-mentioned poll as in respect of the said general election.

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Notice of poll.

(2.) Simultaneously with giving notice of the days of nomination and of polling in connection with the general election, the Returning Officer shall give notice of the poll under this Act in the form set forth in the *Third* Schedule to this Act.

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Polling-booths.

(3.) The polling-booths provided for the purposes of such general election shall be used also for the purposes of the poll under this Act.

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Voting-papers.

(4.) The form of voting-paper to be used shall be that given in the *First* Schedule hereto. The voting-papers shall be printed on blue paper.

Ballot-box.

(5.) A ballot-box or boxes, each painted blue, and marked in letters of white colour at least two inches in height, and of proportionate breadth, "Electoral Direct Veto Ballot-box," shall be provided and placed in each booth, at a distance of not less than six feet nor more than twelve feet from the ballot-box or boxes provided for the general election.

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Scrutineers not to act.

(6.) The scrutineers for the candidates at the general election shall have no right or function in respect of the polls under this Act.

Declaration of result.

(7.) As soon as conveniently may be after the announcing by the Returning Officer of the number of votes given for each proposal at the poll under this Act, and the declaration by him of the carrying of the proposal carried at such poll, the Returning Officer shall give public notice in or to the effect of the form in the *Second* Schedule hereto of the number of votes given for each of the proposals at such poll, and shall, in and by such notice, declare that proposal for which the greater number of votes shall have been given to be carried, and, in case of an equality of votes, shall declare the proposal to be carried. Such public notice shall be published in some newspaper in general circulation in the district; and shall be conclusive evidence that the proposal thereby declared to have been

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carried was duly carried at such poll, which poll shall not be disputed or questioned upon any ground whatever: But this provision shall not relieve any person from the consequences of any corrupt, illegal, or other punishable practice or act.

5 (8.) If a poll shall not be demanded in connection with the general election being held in respect of the electoral district corresponding with any electoral prohibition district, the poll under this Act in respect of such electoral prohibition district shall nevertheless proceed, and a poll be taken accordingly, and the provisions of this Act shall, *mutatis mutandis*, apply to such case.

Poll, though no poll demanded for general election.

10 (9.) In all other respects the provisions of "The Regulation of Elections Act, 1881," shall, *mutatis mutandis*, and subject to any regulations made under this Act, extend and apply to the taking and the ascertaining and declaring the result of the poll under this Act, and to offences in respect of such poll, and to all other matters forming part of, or connected with, or arising out of such poll, in like manner as if such provisions were, *mutatis mutandis*, and subject as aforesaid, herein repeated at length.

"The Regulation of Elections Act, 1881," to apply generally.

20 7. The provisions of "The Corrupt Practices Prevention Act, 1881," shall, *mutatis mutandis*, apply to every poll taken under this Act in like manner, so far as may be, as if the taking of such poll were for an election of a member or members of the House of Representatives; and such Act shall, *mutatis mutandis*, be deemed incorporated with this Act.

Corrupt practices.

30 8. If the proposal that the sale of liquors be prohibited shall be duly carried at any such poll, then, as on and from the first day of July in the year next following the year in which such poll shall have been taken (hereinafter referred to as "the time of the said proposal coming into force") until the first day of July in the year next following the year in which at any subsequent poll taken under this Act the contrary proposal shall be duly carried, it shall be unlawful to grant any certificate, or license, or other authority under the Licensing Act or otherwise for the sale of liquors, or to sell any liquor, within such district as aforesaid. And any person issuing such certificate or license shall be liable to a penalty not exceeding *one hundred* pounds and not less than *ten* pounds. The provisions of this section shall not apply to any apothecary, chemist, or druggist, who may administer or sell liquor for medicinal purposes, nor to any manufacturer who may sell liquor being his own manufacture exclusively to persons not resident or carrying on business within the district and to be delivered beyond the limits of the district, nor to any person lawfully selling any spirituous or distilled perfume *bonâ fide* as perfumery, or methylated spirits for use strictly in the arts and manufactures.

If proposal against sale be carried, things unlawful to be done.

50 9. From and after the day on which, at any poll in any district under this Act, the proposal that the sale of liquors be prohibited shall be duly carried, until at any such subsequent poll as aforesaid such contrary proposal as aforesaid shall be carried, no license or authority under any Licensing Act or other Act for the time being in force, having for its object or among its objects the regulation of the sale of liquor, shall be granted, issued, transferred, or removed, or otherwise dealt with under the provisions of any Act so as to authorise

No new licenses to be granted, or existing ones transferred, &c., in respect to premises within one mile of district.

any person to manufacture, sell, expose for sale, dispose of, or deliver liquor in, at, or from or in respect of, any building or place situate within one mile of the boundary of such district as aforesaid, unless at the time of the said proposal being carried a license or authority of the same kind was in existence with respect to such building or place. 5

Liquor in ships or vessels in districts where sale prohibited.

10. So long as any ship or vessel of any description shall be within any district as to which the sale of liquor is prohibited under this Act, or at or in any water or port, jetty, or other place or structure used as a means of communication between ships or vessels and any part of such district, the master of such ship or vessel shall keep all liquor on board such vessel in some hold or fixed enclosure, and under some seal provided by him for that purpose, so that access to such liquor cannot be obtained without breaking such seal. Such master shall place such liquor under seal as aforesaid before such ship or vessel arrives at such water, port, jetty, place, or structure as aforesaid. Any master offending against any provision of this section shall for each offence be liable to a penalty of not exceeding *one hundred* pounds. This provision shall not apply to liquor consigned to any place in the usual course of lawful commerce. 15 20

Effect of alteration of electoral district boundaries.

11. If the area comprised in any electoral prohibition district as to which the proposal "That the sale of liquor be prohibited" has been carried, shall, by reason of changes in electoral districts or otherwise, cease to be the whole of the area of the electoral district that, at the time of the poll at which such proposal was carried, corresponded with such electoral prohibition district, then the following provisions shall apply: 25

All the provisions of this Act relating to an electoral prohibition district as to which the proposal "That the sale of liquor be prohibited" has been carried, shall remain in full force, as regards every part of the area that was comprised in such electoral prohibition district at the time of the poll at which such proposal was carried, until the contrary proposal shall have been carried at some subsequent poll taken under this Act, and shall have come into force, in respect of any new electoral prohibition district comprising any part of such area; whereupon such provisions shall cease to apply to the part of such area comprised in such last-named district, but shall continue in full force as regards every part of the residue of such area, subject, however, to the further operation of the provisions of this section. 30 35

No Licensing Committee or local option poll in certain cases.

12. If the proposal that the sale of liquor be prohibited be carried in any electoral prohibition district at any such poll as aforesaid, then, from the time of the said proposal coming into force, unless or until the contrary proposal shall be duly carried under this Act in respect of such district, no further appointment of any Licensing Committee or further poll under the local option clauses of "The Licensing Act, 1881," or otherwise in respect of the sale of liquor, shall be made or held for or in respect of any licensing district under such last-mentioned Act, being wholly within such electoral prohibition district; and any such appointment for poll made or held for or in respect of any licensing district, being partly within such electoral prohibition district, shall not during the same period authorise the grant, renewal, or transfer of any license or authority 40 45 50

for the sale of liquor within any part of such electoral prohibition district.

13. The provisions of all Licensing Acts, or other Acts for the time being in force regulating the importation, manufacture, and sale of liquor, shall be read along with but subject to the provisions of this Act.

Licensing Acts subject to this Act.

14. The Governor may, at any time, make any regulations or orders making provision as to any matters which shall not, in his opinion, be provided for, or sufficiently provided for, in this Act, or extending the time for doing any act which by inadvertence has not been done, or cannot be done, within the time hereby limited, or validating any act by inadvertence done after the limited time, or for correcting any other irregularities occurring in the administration of this Act.

Governor to make regulations.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

FORM OF VOTING-PAPER.

Electoral Prohibition District of

PROPOSALS that the sale of liquor be [or be not] prohibited in the above district:—

- 1. I vote that the sale of liquor BE PROHIBITED.
2. I vote that the sale of liquor BE NOT PROHIBITED.

DIRECTIONS:

The voter to strike out the proposition for which he DOES NOT intend to vote by drawing a line through the same.

The voting-paper is to be folded up so that the contents cannot be seen, and, having shown the official mark on the back to the Returning Officer, the voting-paper is to be put by the voter himself into the Direct Veto Ballot-box.

This voting-paper is not to be taken out of the polling-booth.

SECOND SCHEDULE.

"The Direct Veto Act, 1893."

Electoral Prohibition District of

NOTICE OF RESULT OF POLL.

I HEREBY give notice that at the poll taken under the provisions of the above-named Act, on the day of , 189 , to determine whether the sale of liquor should or should not be prohibited in the above-mentioned district, the number of votes given for each proposal was as follows:—

- 1. That the sale of liquor be prohibited ... votes.
2. That the sale of liquor be not prohibited ... votes.
Informal ... votes.

And accordingly I do hereby declare the proposal that the sale of liquor be [or be not] prohibited in the above-mentioned district to be carried at the said poll.

Dated this day of , 189 .

Returning Officer.

Direct Veto.

THIRD SCHEDULE.

“The Direct Veto Act, 1893.”

NOTICE OF POLL.

IN pursuance of the above Act, I _____, Returning Officer for the Electoral Prohibition District of _____, do hereby give notice that a poll will be taken on the _____ day of _____, 18____, to determine whether the sale of liquor within such district shall or shall not be prohibited.

The following are the Polling-places for the Electoral Prohibition District of _____:—*[Insert list of Polling-places provided for the General Election for the corresponding Electoral District.]*

Returning Officer.

By Authority: SAMUEL COSTALL, Government Printer for the time being, Wellington.—1893.