

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,  
11th November, 1910.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Right Hon. Sir J. G. Ward.

LICENSING AMENDMENT.

ANALYSIS.

- Title.
  - 1. Short Title.
  - 2. "No-license district" defined.
- PART I.**  
**LICENSING POLLS.**
- Local No-License.*
- 3. Poll to determine whether licenses to continue in licensing districts.
  - 4. Proposal that no licenses be granted to be carried if three-fifths of voters in favour thereof.
  - 5. Provisions where proposal for no-license not carried. Repeal.
  - 6. Effect of carrying proposal for no licenses.
  - 7. No Licensing Committee in a no-license district.
- Local Restoration.*
- 8. Poll to determine whether licenses be restored in no-license district.
  - 9. Proposal for restoration to be carried if three-fifths of voters in favour thereof.
  - 10. Election of Licensing Committees for such districts.
  - 11. Licensing Committees to grant licenses as under principal Act.
- Change of Boundaries of Districts.*
- 12. Provisions to apply on alteration of boundaries of licensing districts.
- Notification of Result of Polls.*
- 13. Notification by Returning Officer of result of licensing poll.
- National Prohibition.*
- 14. Proposal for national prohibition to be submitted to electors at licensing polls.
  - 15. Returning Officer to transmit to Minister statement as to votes recorded in favour of each proposal submitted to electors at licensing poll. Minister to notify result of poll.
  - 16. Proposal for national prohibition to be carried if three-fifths of voters in favour thereof.
  - 17. Determination in favour of national prohibition not to come into force for four years.
  - 18. National prohibition to remain in force until superseded by the restoration of licenses.
  - 19. Effect of national prohibition as to licenses, &c.

- 20. During national prohibition, liquor not to be imported, manufactured, or sold in New Zealand. Penalty for breach of section.
- National Restoration.*
- 21. No licensing polls while national prohibition in force, except poll as to national restoration.
  - 22. Poll as to national restoration of licenses.
  - 23. Notification by Returning Officer as to result of poll for restoration of licenses or otherwise. Minister to notify result in *Gazette*.
  - 24. Proposal for restoration to be carried if three-fifths of voters in favour thereof.
  - 25. Determination in favour of restoration to come into force after three months.
  - 26. Provisions to apply on coming into force of determination.
  - 27. Licensing polls to be taken periodically after determination to restore licenses.
- Supplementary.*
- 28. Proclaimed areas not affected.
  - 29. New publicans' licenses not to be granted hereafter, except in special cases.
  - 30. Provision on a recount.
  - 31. Minister's notice under section 15 or section 23 final.
  - 32. Section 7 of principal Act amended.
  - 33. Miscellaneous amendments of principal Act.
  - 34. No bottle license shall be granted or renewed.
- PART II.**  
**GENERAL.**
- 35. Employment of barmaids prohibited.
  - 36. Illegal use of premises as places of resort for consumption of intoxicating liquor.
  - 37. Section 4 of principal Act amended.
  - 38. City licensing districts. Repeal.
  - 39. Section 202 of principal Act amended.
  - 40. Governor may proclaim areas within which liquor not to be supplied to Natives. Repeal. Saving.
  - 41. Illegal supply of liquor to Natives. Repeal.
  - 42. Section 147 of principal Act to apply to areas proclaimed under section 272 thereof.
  - 43. Proclaimed Native prohibition areas.
  - 44. Licenses not to be granted in respect of breweries within five miles of no-license districts.
  - 45. Brewery depots not to be established within five miles of no-license districts. Repeal. Schedules.

## A BILL INTITULED

Title. AN ACT to amend the Licensing Act, 1908.

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

Short Title.

1. This Act may be cited as the Licensing Amendment Act, 1910, and shall be read together with and be deemed to form part of the Licensing Act, 1908 (hereinafter referred to as the principal Act).

“No-license district” defined.

2. In this Act the term “no-license district” means a licensing district in which there is in force a determination of the electors at any licensing poll (whether taken before or after the passing of this Act) that no licenses shall be granted.

## PART I.

## LICENSING POLLS.

*Local No-License.*

Poll to determine whether licenses to continue in licensing districts.

3. (1.) At every licensing poll there shall be submitted for the determination of the electors of every licensing district (other than a no-license district) the question whether licenses shall continue to be granted in that district.

(2.) The question shall be submitted in the form set forth in the *First* Schedule hereto, and in the manner prescribed by the principal Act as amended by this Act.

(3.) The question shall be so submitted concurrently with the question as to national prohibition hereinafter referred to.

Proposal that no licenses be granted to be carried if three-fifths of voters in favour thereof.

4. (1.) When on the taking of any such poll in any such district the number of votes recorded in favour of the proposal that no licenses be granted in the district is not less than three-fifths of all the votes recorded in respect of the proposals submitted under section *three* hereof the proposal shall be deemed to be carried, and the electors of that district shall be deemed to have determined that no licenses shall be granted in that district.

(2.) Every such determination shall come into force on the day of the general election at which the poll is taken, on which the declaration of the Returning Officer of the result of the poll is published, and every such determination shall remain in force until superseded by the coming into force of a subsequent determination in favour of the restoration of licenses under the provisions hereinafter contained.

(3.) On the coming into force of any such determination all licenses of every description then existing in the district shall, unless sooner forfeited or determined in due course of law, continue in force and effect until the expiration of the periods for which they were respectively granted, and shall then lapse.

Provisions where proposal for no-license not carried.

5. (1.) If the proposal that no licenses shall be granted in the district is not carried, the number of licenses of each description subsisting at the date of the poll shall continue as they are until such proposal or determination is superseded by the coming into force of a subsequent determination that no licenses shall be granted

in the district; subject nevertheless to the power of the Licensing Committee to refuse to renew licenses objected to under section one hundred and nine of the principal Act, and subject also to the provisions of that Act relating to the forfeiture or increase of licenses.

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*Struck out.*

(2.) Whenever a license is granted after the taking of a poll in any district, the licensee shall have the right to an annual renewal of such license, until the coming into force of the next poll, unless in the meantime the license becomes indorsed for any breach of law for any of the offences mentioned in section twenty-four of the principal Act.

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(3.) Subsection three of section seventy-three of the principal Act is hereby repealed.

Repeal.

6. It shall not be lawful in a no-license district to grant or renew any publican's license, New Zealand wine license, accommodation license, packet license, wholesale license, conditional license, charter of a club, or license to sell liquor at a railway refreshment-room.

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Effect of carrying proposal for no licenses.

7. So long as in any district no licenses exist by reason of the determination of the electors at any licensing poll, taken whether before or after the passing of this Act, no Licensing Committee shall continue to exist or shall be constituted in that district until a new Licensing Committee is constituted in that district in pursuance of the provisions hereinafter contained in that behalf.

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No Licensing Committee in a no-license district.

#### *Local Restoration.*

8. (1.) At every licensing poll there shall be submitted for the determination of the electors of every no-license district the question whether licenses shall be restored in that district.

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Poll to determine whether licenses be restored in no-license district.

(2.) The question shall be submitted in the form set forth in the *Second* Schedule hereto, and in the manner prescribed by the principal Act as amended by this Act.

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(3.) The question shall be submitted concurrently with the question as to national prohibition hereinafter referred to.

9. (1.) When on the taking of the poll in any such district the number of votes recorded in favour of the proposal that licenses be restored in the district is not less than three-fifths of all the votes recorded in respect of the proposals submitted under section *eight* hereof, the proposal shall be deemed to be carried, and the determination of the electors of that district shall be deemed to be in favour of the restoration of licenses.

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Proposal for restoration to be carried if three-fifths of voters in favour thereof.

(2.) Every such determination shall come into force on the expiration of *three months* after the day of the general election at which the poll *is was* taken, and every such determination shall remain in force until superseded by the coming into force of a subsequent determination that no licenses shall be granted.

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10. On the coming into force of a determination in favour of the restoration of licenses in any district, a Licensing Committee shall thereupon be constituted for the district in accordance with the principal Act, save that the first election of the elective members of the Committee shall take place on a day appointed by the Governor in that behalf by notice in the *Gazette*; and all succeeding periodical elections shall take place on the second Tuesday in March in the

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Election of Licensing Committees for such districts.

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same year in which elections of Licensing Committees take place in accordance with the principal Act.

Licensing Committees to grant licenses as under principal Act.

11. (1.) At the first annual meeting of the Licensing Committee so constituted in the district after the coming into force of the said determination, and thereafter from time to time, licenses of the descriptions which may be granted under the principal Act shall be granted in accordance with that Act; and the Committee shall exercise in respect of such licenses all the powers vested in a Licensing Committee by the principal Act:

*New.*

Provided that every application for a license shall, notwithstanding anything herein, be subject to all the provisions of sections eighty-three to one hundred and five (except paragraph (c) of section ninety-one and section one hundred and three) of the principal Act.

(2.) The number of publicans' licenses so granted shall not exceed one for every complete five hundred electors of the district at the date of the general election at which the poll was taken, and shall not be less (if a sufficient number of such licenses are duly applied for) than one for every complete one thousand electors of the district at the date aforesaid.

(3.) In determining applications for such licenses the owners of premises in respect of which a publican's license was in existence at the time of the coming into force of the last licensing poll in favour of local no-license shall be given preference over applications by other persons, unless some objection within the meaning of section one hundred and nine of the principal Act shall be established.

*Change of Boundaries of Districts.*

Provisions to apply on alteration of boundaries of licensing districts.

12. Whenever, by reason of changes in electoral districts, the whole or any part of the area of a licensing district (hereinafter called "the original district") becomes comprised within the boundaries of another licensing district (hereinafter called "the new district") the following provisions shall apply:—

(a.) Until the Committee of the new district is duly constituted, the Committee of the original district shall continue to have jurisdiction throughout the whole of the area thereof in like manner as if that district existed unchanged.

(b.) Until the first licensing poll in the new district comes into force therein the result of the licensing poll in force in the original district immediately prior to the change shall continue in force throughout the whole of the area thereof in like manner as if that district existed unchanged.

(c.) If when the first licensing poll is to be taken in the new district the grant of licenses is, by reason of a former licensing poll, or by virtue of a Proclamation prohibiting the grant of licenses therein, prohibited throughout any area thereof containing more than half the population of the district, the poll shall be taken under section eight of this Act as if the grant of licenses was prohibited throughout the whole of the new district.

(d.) In any other case the first such poll shall be taken under section three of this Act as if the grant of licenses was not prohibited in any part of the new district.

(e.) For the purposes of the *two* last preceding paragraphs the Governor shall, by notice in the *Gazette* published not less than fourteen days before the day for taking the first licensing poll in the new district, specify with respect to that district the section of this Act under which the poll shall be taken in the district, and the poll shall be taken accordingly, but no poll shall be invalidated by any omission to publish any such notice as aforesaid.

*Struck out.*

(f.) If the result of a poll so taken under section *eight* of this Act is that licenses be not restored in the district, the determination of the electors at the former licensing poll that no licenses be granted shall come into force throughout the whole district, and every license of any description existing at the taking of the poll shall, unless sooner forfeited or determined in due course of law, continue in force until the expiration of the current term of that license, and shall then lapse.

*New.*

(f1.) If the result of a poll so taken under section *eight* of this Act is that licenses are not to be restored in the district, the determination of the electors shall be deemed to be a determination that no licenses shall be granted in that district, and the provisions of sections *six* and *seven* hereof shall apply to the district accordingly. All licenses existing in the district at the time when the poll was taken shall, unless sooner forfeited or determined in due course of law, continue in force until the thirtieth day of June next following the taking of the poll, and shall then lapse.

12A. The licensing districts of Clutha, Mataura, Invercargill, Ashburton, Oamaru, Grey Lynn, Bruce, Wellington Suburbs, Wellington South, Masterton, Ohinemuri, and Eden, as the said districts respectively are now constituted, are and shall for all purposes be deemed to be and to have been from the date of the taking of the last licensing poll no-license districts, the electors whereof have duly determined in manner prescribed by the principal Act that no licenses be granted therein; and the provisions of sections *six* and *seven* of this Act shall apply to each of the said districts.

Certain districts are no-license districts.

#### *Notification of Result of Polls.*

13. (1.) As soon as conveniently may be after the result of any licensing poll taken under the foregoing provisions of this Act has been ascertained in any district, the Returning Officer shall give public notice, in such of the forms in the *Third* Schedule hereto as may be appropriate, or to the like effect, of the total number of votes recorded at the poll in respect of the proposals submitted under section *three* or section *eight* hereof and of the number of votes recorded in favour of each of the said proposals, and shall declare the result of the poll respecting licenses in the district accordingly.

Notification by Returning Officer of result of licensing poll.

(2.) Such notice shall be binding on the Licensing Committee of the district.

## National Prohibition.

Proposal for national prohibition to be submitted to electors at licensing polls.

14. (1.) At every licensing poll there shall be submitted for the determination of the electors of each licensing district the question whether national prohibition shall come into force throughout New Zealand.

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(2.) The question shall be submitted in the form set forth in the *Fourth* Schedule hereto, and in the manner prescribed by the principal Act as amended by this Act in respect of licensing polls.

(3.) The voting-papers shall be different in colour from the voting-papers provided for the question submitted under section *three* or section *eight* hereof and from the ballot-papers for the electoral poll.

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Returning Officer to transmit to Minister statement as to votes recorded in favour of each proposal submitted to electors at licensing poll.

15. (1.) As soon as practicable after the close of the poll the Returning Officer shall count the votes recorded in respect of the proposals submitted under section *fourteen* hereof, and reject all informal votes.

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(2.) Immediately after he has counted the said votes, he shall transmit to the Minister a statement of the total number of votes recorded in respect of the said proposals, and of the total number of votes so recorded in favour of each of the said proposals.

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(3.) As soon as the Minister has received the said statements from the Returning Officers of all the licensing districts he shall ascertain,—

(a.) The total number of votes recorded throughout New Zealand in favour of national prohibition :

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(b.) The total number of votes recorded throughout New Zealand in respect of the proposals submitted under section *fourteen* hereof.

Minister to notify result of poll.

(4.) The Minister shall forthwith notify in the *Gazette* the numbers of the said votes as so ascertained by him, and the result thereof as determined by the provisions hereinafter contained in that behalf.

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(5.) If and as often as any amended statement under section *thirty* hereof is transmitted to the Minister, *he or if any error is discovered in any notice published by the Minister under the provisions of this section, the Minister* shall make a reascertainment of the numbers of the said votes, and shall forthwith publish in the *Gazette* an amended notice of the numbers of the said votes and of the result thereof.

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Proposal for national prohibition to be carried if three-fifths of voters in favour thereof.

16. If the total number of the votes so recorded in favour of national prohibition is not less than three-fifths of the total number of the votes so recorded throughout New Zealand *in respect of proposals submitted under section fourteen hereof*, the determination of the electors of New Zealand ~~in respect of proposals submitted under section fourteen hereof~~ shall be deemed to be in favour of national prohibition ; and this determination shall, when it comes into force, supersede the determination of the electors of any licensing district.

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Determination in favour of national prohibition not to come into force for four years.

17. Any such determination in favour of national prohibition shall come into force on the expiration of four years after the day of the general election on which the licensing polls were taken.

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National prohibition to remain in force until superseded by the restoration of licenses.

18. Any such determination in favour of national prohibition shall remain in force until superseded by the coming into force of a determination of the electors of New Zealand in favour of the restoration of licenses in accordance with the provisions in that behalf hereinafter contained.

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Effect of national prohibition as to licenses, &c.

19. (1.) On the coming into force of any determination in favour of national prohibition, all licenses of any description then existing in New Zealand shall, unless sooner forfeited or determined in due course of law, continue in force for the respective periods for which they were ~~theretofore~~ *respectively* granted, and shall then lapse. 10

(2.) While any such determination remains in force it shall not be lawful to grant or renew in any part of New Zealand any publican's license, New Zealand wine license, accommodation license, packet license, wholesale license, conditional license, charter of any club, or license to sell liquor at a railway refreshment-room.

(3.) At all times while by virtue of any such determination no licenses exist in New Zealand no Licensing Committees shall continue to exist or shall be constituted save in pursuance of the provisions hereinafter contained in respect of the restoration of licenses in New Zealand. 15

During national prohibition, liquor not to be imported, manufactured, or sold in New Zealand.

20. (1.) At all times while no licenses exist in New Zealand 20 by virtue of any determination in favour of national prohibition, and while that determination remains in force, it shall be unlawful for any person to import into New Zealand, or to manufacture, sell, or have in his possession for the purposes of sale, intoxicating liquor of any description. 25

(2.) Nothing in this section shall extend or apply to the importation, manufacture, or sale, in accordance with regulations made by the Governor in Council in that behalf, of intoxicating liquor for medicinal, scientific, sacramental, or industrial purposes exclusively.

(3.) Nothing in section two or section three of the principal Act 30 shall be so construed as to restrict in any manner the meaning and operation of this section.

Penalty for breach of section.

(4.) Any person who in breach of this section imports into New Zealand, manufactures, sells, or has in his possession for the purpose of sale, any intoxicating liquor, or who attempts to commit 35 any such offence, or who aids, abets, or procures the commission of any such offence, shall be liable on summary conviction to a fine not exceeding *one hundred* pounds in the case of a first offence, and to imprisonment for any term not exceeding *three* months in the case of a second or any subsequent offence against this section, 40 whether of the same or of a different kind. Where the defendant is a body corporate the penalty shall be a fine not exceeding *two hundred* pounds in the case of a first offence, and a fine not exceeding *one thousand* pounds for a second or any subsequent offence.

#### National Restoration.

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No licensing polls while national prohibition in force, except poll as to national restoration.

21. If at any licensing poll the determination of the electors of New Zealand is in favour of national prohibition in accordance with the foregoing provisions in that behalf, no licensing poll shall at any time thereafter, until a determination in favour of the national restoration of licenses has come into force, be taken in 50

any district, except a licensing poll on a proposal for the national restoration of licenses in accordance with the provisions hereinafter contained.

Poll as to national restoration of licenses.

22. (1.) At the first general election of members of Parliament which is held after the expiration of three years from the day of the coming into force of the determination of the electors in favour of national prohibition, and at every general election thereafter so long as that determination remains in force, a licensing poll shall be taken, and at that poll there shall be submitted to the electors of each licensing district the question whether licenses shall be restored in New Zealand. 5 10

(2.) The question shall be submitted in the form set forth in the *Fifth* Schedule hereto, and in the manner prescribed by the principal Act as amended by this Act in the case of a poll in a no-license district; and all the provisions of the principal Act as amended by this Act shall, so far as applicable, apply to any such poll accordingly. 15

Notification by Returning Officer as to result of poll for restoration of licenses or otherwise.

23. (1.) As soon as conveniently may be after the result of the poll has been ascertained in any district the Returning Officer shall give public notice of the total number of votes recorded at the poll and of the total number of votes so recorded in favour of each of the proposals submitted at that poll, and shall declare the result of the poll in that district accordingly. 20

(2.) Within seven days after the result of the poll in any district has been notified as aforesaid, the Returning Officer shall transmit to the Minister a statement of the total number of votes recorded at the poll, and of the total number of votes recorded in favour of each of the proposals submitted at the poll. 25

(3.) As soon as the Minister has received the said statements from the Returning Officers of all the licensing districts he shall ascertain the total number of votes so recorded throughout New Zealand in favour of the proposal that licenses shall be restored in New Zealand, and also the total number of votes so recorded throughout New Zealand in favour of the proposal that licenses shall not be restored in New Zealand. 30

Minister to notify result in *Gazette*.

(4.) The Minister shall forthwith notify in the *Gazette* the numbers of the said votes as ascertained by him, and the result thereof as determined by the provisions hereinafter contained in that behalf. 35

(5.) If and as often as any amended statement under section *thirty* hereof is transmitted to the Minister, ~~he~~ or if any error is discovered in any notice published by the Minister under the provisions of this section, the Minister shall make a reascertainment of the numbers of the said votes, and shall forthwith publish in the *Gazette* an amended notice of the numbers of the said votes and of the result thereof. 40

Proposal for restoration to be carried if three-fifths of voters in favour thereof.

24. If the result of the polls throughout New Zealand is that the total number of votes recorded in favour of the proposal that licenses be restored is not less than three-fifths of all the votes recorded, then that proposal shall be deemed to be carried, but not otherwise. 45

Determination in favour of restoration to come into force after three months.

25. Any such determination of the electors in favour of the restoration of licenses shall come into force throughout New Zealand on the expiration of three months after the day of the general election at which the poll was taken. 50



26. On the coming into force of that determination the following provisions shall apply:—

Provisions to apply on coming into force of determination.

- 5 (a.) The previous determination of the electors in favour of national prohibition shall be superseded, and shall cease to have any force or effect:
- 10 (b.) A Licensing Committee shall thereupon be constituted in each licensing district in accordance with the principal Act, save that the first election of the elective members of those Committees shall take place on a day appointed by the Governor in that behalf, and succeeding periodical elections shall take place on the corresponding day in every third year after:
- 15 (c.) At the first annual meeting of the Licensing Committee so constituted in any district, and thereafter from time to time, licenses of the descriptions which may be granted under the principal Act shall be granted in accordance with that Act, and the Committee shall exercise in respect of such licenses all the powers vested in a Licensing Committee by the principal Act:
- 20 (d.) The number of publicans' licenses so granted shall not exceed one for every complete five hundred electors of the district at the date of the coming into force of the determination in favour of the restoration of licenses, and shall not be less (if a sufficient number of such licenses is duly applied for) than one for every complete one
- 25 thousand electors of the district at the date aforesaid:

*New.*

30 Provided that every application for a license shall, notwithstanding anything herein, be subject to all the provisions of sections eighty-three to one hundred and five (except paragraph (c) of section ninety-one and section one hundred and three) of the principal Act.

35 27. (1.) After the coming into operation of a determination in favour of the restoration of licenses in New Zealand, licensing polls shall from time to time be taken in accordance with this Act in the same manner as if national prohibition had never been in force, and all the provisions of the principal Act and of this Act shall apply accordingly.

Licensing polls to be taken periodically after determination to restore licenses.

40 (2.) In determining applications for such licenses, the owners of premises in respect of which a publican's license was in existence at the time of the coming into force of the last licensing poll in favour of national prohibition shall be given preference over applications by other persons, unless some objection within the meaning of section one hundred and nine of the principal Act shall be established.

*Supplementary.*

45 28. No licensing poll under this Act shall affect the operation of any Proclamation in force under section two hundred and seventy-two of the principal Act (relating to Native land) or the provisions of the *King-country Licenses Act, 1909.*

Proclaimed areas not affected.

New publicans' licenses not to be granted hereafter, except in special cases.

29. (1.) Save as provided by this Act in respect of the restoration of licenses, or by section one hundred and forty-four of the principal Act with respect to increase of licenses, no new publican's license shall, after the passing of this Act, be granted in any licensing district, except when a publican's license has been forfeited, or has not been renewed, or has otherwise ceased to exist. *No such license shall be granted in respect of premises situated beyond the limits fixed by subsection four of section one hundred and twenty-seven of the principal Act.* 5

(2.) In every such case one new publican's license may ~~at any time within two years thereafter~~ *at the first annual meeting after the forfeiture of the former license, or at the annual meeting at which a renewal of the former license might have been granted if duly applied for,* be granted by the Licensing Committee having jurisdiction for the time being in the place where the premises were situated to which the former license related. 10 15

Provision on a recount.

30. (1.) If on any recount under section twenty-nine of the principal Act the Magistrate finds that the count of the Returning Officer of the number of votes recorded in favour of or against national prohibition or national restoration, as the case may be, or of the number of votes recorded at the poll, was incorrect, he shall order the Returning Officer to transmit to the Minister an amended statement showing the correct numbers as disclosed by such recount. 20

(2.) A copy of every such order, together with an amended statement in accordance therewith certified by the Magistrate, shall be forthwith transmitted by the Returning Officer to the Minister. 25

Minister's notice under section 15 or section 23 final.

31. (1.) Any notice or amended notice, as the case may be, published by the Minister under the provisions of section *fifteen* or of section *twenty-three* hereof shall be final and conclusive for all purposes, and the result of the poll as stated therein shall not be questioned in any proceedings whatsoever. 30

(2.) A determination or order of any Court under section thirty-three of the principal Act shall not affect the validity or the result of the poll in respect to national prohibition.

*New.*

(3.) If the Attorney-General, within fourteen days after the publication of the *Gazette* notice provided in sections *fifteen* or *twenty-three* hereof, certifies that he is satisfied that a *prima facie* case has been established that irregularities within the meaning of paragraph (c) of section thirty-five of the principal Act have been committed in connection with such poll, which might have materially affected the result of the poll, then nothing in this section shall preclude the right provided for by section thirty of the principal Act to demand an inquiry as to the conduct of the poll, and the Court shall, on such inquiry, have all the powers conferred by sections thirty to thirty-six of the principal Act, and the period of fourteen days mentioned in the said section thirty shall, if the Attorney-General so certifies, be extended to twenty-eight days, provided that the inquiry shall be limited to irregularities under the said paragraph (c) of section thirty-five. 35 40 45 50

(4.) Whenever a licensing poll is declared void under this section a fresh poll shall be taken on a day to be fixed by the

New.

Minister, and in the manner prescribed by the principal Act as amended by this Act, and the determination of the electors at such fresh poll shall take effect and come into force as if the said poll were an ordinary licensing poll. At any such poll the same roll of electors shall be used as was used at the voided poll.

32. Section seven of the principal Act is hereby amended by repealing paragraph (d) thereof.

Section 7 of principal Act amended.

33. The principal Act is hereby amended in the manner and to the extent specified in the *Sixth* Schedule to this Act.

Miscellaneous amendments of principal Act.

34. After the passing of this Act no bottle license shall be granted or renewed.

No bottle license shall be granted or renewed.

PART II.

GENERAL.

35. (1.) After the first day of June, nineteen hundred and eleven, save as provided by this section, no female shall be employed in any capacity, or permitted to serve in any capacity, in or about the bar of any licensed premises at any time while the bar is open for the sale of liquor.

Employment of barmaids prohibited.

(2.) If any licensed person commits a breach of the provisions of this section, he shall be liable to a fine not exceeding *ten* pounds for every day on which the offence is committed.

(3.) Nothing in this section shall apply to the employment or service of—

- (a.) The wife, sister, or daughter of the licensee of the premises :
- (b.) The licensee, being a woman :
- (c.) Any person duly registered as a barmaid under this Act.

(4.) Every person who at any time within one year before the passing of this Act has been employed as a barmaid in any licensed premises for any continuous period not less than three months shall be entitled to be registered as a barmaid under this Act, if application for registration is made by her in accordance with this Act and the regulations made thereunder, on or before the first day of June, nineteen hundred and *eleven*.

(5.) An application for registration under this section shall be made by the applicant in writing to the Secretary of Labour, at Wellington, and shall be accompanied by a statutory declaration (which shall be exempt from stamp duty) setting out the facts on which the applicant founds her claim to be registered.

(6.) The Secretary of Labour shall keep a register in which he shall enter the names of all persons registered as barmaids under this Act, together with such other particulars as may be prescribed or as he thinks fit.

(7.) So soon as practicable after the completion of the said register, and thereafter from time to time as he thinks fit, the Secretary of Labour shall publish in the *Gazette* a list of all persons so registered, and a copy of the *Gazette* shall be sufficient evidence that the persons therein named are duly registered as barmaids under this Act, and that any person who is not therein named is not so registered.

(8.) The Secretary of Labour shall from time to time amend the register by striking off the names of all persons who have died, or who have been registered in error, or who have ceased for a period of not less than two years to be employed as barmaids in any licensed house.

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(9.) The Governor may from time to time by Order in Council make regulations as to the mode of such registration, and any other regulations which he deems necessary for carrying into full effect the provisions of this section.

Illegal use of premises as places of resort for consumption of intoxicating liquor.

36. (1.) No building, room, or other premises in any no-license district shall be kept or used as a place of resort for the consumption of intoxicating liquor on those premises.

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(2.) Nothing in this section shall extend or apply to the consumption of liquor by any person on any premises in which he dwells or is resident, whether he is the occupier of those premises or not, or to the consumption of liquor supplied to any person by way of gift by any person who so dwells or is resident on the premises on which the liquor is consumed.

15

(3.) If any premises are kept or used in breach of this section as a place of resort for the consumption of liquor, the occupier of the same, and every person having or taking part in the care, management, or control of the same, are severally liable to a fine not exceeding *twenty* pounds for every day on which the premises are so kept or used.

20

(4.) Every person (other than a constable) found on any premises kept or used in breach of this section shall be liable to a fine not exceeding *five* pounds.

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(5.) For the purposes of this section, any person who acts as or as if he were an occupier or a person having any part in the care, management, or control of any premises shall be deemed, though not to the exclusion of the liability of any other person, to be the occupier thereof, whether he is the real occupier or not.

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(6.) For the purposes of this section, premises shall be deemed to be a place of resort for the consumption of intoxicating liquor notwithstanding the fact that they are open only for the use of particular persons or particular classes of persons, and are not open to all persons desirous of using the same.

35

*Struck out.*

(7.) No prosecution for an offence against this section shall be commenced without the consent of the Attorney-General.

40

(8.) Any Justice of the Peace, if satisfied by information on oath that there is reasonable ground to suspect that any premises are kept or used as a place of resort for the consumption of liquor in breach of this section, may, in his discretion, grant a warrant under his hand, by virtue whereof it shall be lawful for any constable named in that warrant, at any time or times by day or night within one month thereafter, to enter, with or without such assistants as he may deem requisite and by force if need be, the premises named in the warrant and every part thereof and examine the same.

45

*New.*

5 36A. (1.) It shall not be lawful within any no-license district, or within any area to which section two hundred and seventy-three of the principal Act is applicable, for any person whomsoever to store or keep liquor for any other person, or to lease, let, hire, or permit or suffer to be used any building or place belonging to or occupied by him or in his possession or under his control, or any part of any such building or place, for the purpose of storing or keeping therein or thereon any liquor for or by any other person.

Illegal storing of liquor in no-license area.

10 (2.) Every person who commits a breach of this section is liable for a first offence to a fine not exceeding *fifty* pounds, and for a second or any subsequent offence to imprisonment for any term not exceeding *three* months.

15 36B. Any Justice of the Peace, if satisfied by information on oath that there is reasonable ground to suspect that any premises are kept or used as a place of resort for the consumption of liquor in breach of section thirty-six hereof or for any of the purposes mentioned in section thirty-sixa hereof, may, in his discretion, grant a warrant under his hand, by virtue whereof it shall be lawful for any constable named in that warrant, at any time or times by day or night within one month thereafter, to enter, with or without such assistants as he may deem requisite, and by force if need be, the premises named in the warrant and every part thereof and examine the same.

Warrant to search suspected premises.

25 37. Section four of the principal Act is hereby amended by adding, at the end of the definition of "borough," the words "and also any town district."

Section 4 of principal Act amended.

30 38. (1.) The following districts are hereby declared to be city licensing districts under the principal Act, that is to say,—

City licensing districts.

The Auckland Licensing District, comprising the three electoral districts of Auckland East, Auckland West, and Auckland Central;

The Wellington Licensing District, comprising the three electoral districts of Wellington East, Wellington North, and Wellington Central;

35 The Christchurch Licensing District, comprising the three electoral districts of Christchurch East, Christchurch North, and Christchurch South; and

40 The Dunedin Licensing District, comprising the three electoral districts of Dunedin North, Dunedin West, and Dunedin Central.

(2.) Whenever the Representation Commissions divide New Zealand into electoral districts as provided by the Legislature Act, 1908, they shall in their report declare in the case of each city licensing district what electoral districts are substituted for the electoral districts aforesaid, and the city licensing districts shall on the coming into operation of the said report comprise the electoral districts so substituted instead of the electoral districts aforesaid.

(3.) This section is substituted for section six of the principal Act, which section is hereby accordingly repealed.

Repeal.

50 39. Section two hundred and two of the principal Act is hereby amended by substituting the word "twenty-one" for the word "eighteen" wherever that word occurs in the section.

Section 202 of principal Act amended.

Governor may  
proclaim areas  
within which liquor  
not to be supplied  
to Natives.

40. (1.) The Governor may from time to time proclaim any part or parts of New Zealand as districts in which the provisions of this section shall apply, and may at any time revoke or vary any such proclamation.

(2.) Every person (whether a licensed person or not) who in any such district supplies liquor to any Native shall be liable on summary conviction to a fine not exceeding *fifty* pounds. 6

(3.) This section shall not apply to—

(a.) The supply of liquor on licensed premises for consumption on those premises : 10

(b.) The supply of liquor for medicinal purposes, on the authority of a registered medical practitioner :

(c.) The supply of liquor to any Native who is the wife of any person other than a Native.

(4.) For the purposes of this and ~~the next succeeding section~~ 15  
*of sections forty-one and forty-three* the term "Native" means a person belonging to the aboriginal race of New Zealand, and includes a half-caste and a person intermediate in blood between half-castes and persons of pure descent from that race.

Repeal.

(5.) Section two hundred and seventy of the principal Act is 20 hereby repealed.

Saving.

(6.) All parts of New Zealand which have heretofore been defined by the Governor in Council in pursuance of the said section two hundred and seventy, and to which the provisions of the said section are applicable at the passing of this Act, shall be deemed to 25 have been proclaimed under this section, and the provisions of this section shall apply thereto accordingly.

Illegal supply of  
liquor to Natives.

41. (1.) Every person (whether a licensed person or not) is liable on summary conviction to a fine not exceeding *fifty* pounds who, in any part of New Zealand,— 30

(a.) Supplies liquor to an intoxicated male Native ; or

(b.) Supplies liquor to any female Native unless that Native is the wife of a person other than a Native, or except for medicinal purposes upon the authority of a registered medical practitioner. 35

Repeal.

(2.) Section two hundred and seventy-one of the principal Act is hereby repealed.

Section 147 of  
principal Act to  
apply to areas  
proclaimed under  
section 272 thereof.

42. The provisions of section one hundred and forty-seven of the principal Act shall apply within all areas proclaimed in pursuance of section two hundred and seventy-two of that Act, *or in pursuance* 40  
*of any former Act*, in the same manner as if such proclaimed areas were districts in which, by reason of the determination of the electors at a licensing poll, no licenses exist, and those provisions shall be construed as being supplementary to and not as being in abrogation of the provisions of section two hundred and seventy-three of the 45  
principal Act.

Proclaimed Native  
prohibition areas.

43. (1.) The Governor may from time to time, on the recommendation of the Maori Council of any district under the Maori Councils Act, 1900, proclaim such district as a district in which the provisions of this section shall apply, and may at any time revoke or 50  
vary any such Proclamation.

(2.) In any district proclaimed under this section a poll shall be taken, on a day to be appointed by the Governor by notification in the *Gazette* and *Kāhiti*, of the Maoris residing in such district who are qualified to vote as electors at any election of a member of Parliament under Part IV of the Legislature Act, 1908 (relating to Maori representation), to determine, in manner hereinafter provided, whether liquor shall be supplied to Natives in such district or not.

(3.) The question set forth in the *last preceding* subsection shall be submitted in such form and the poll thereon shall be taken and the result of such poll declared in such manner as may be prescribed by the Governor by regulations.

(4.) The cost of every poll under this section shall be paid by the Maori Council of the district in which it is taken.

(5.) If the result of the poll is that a majority of the electors are in favour of the proposal that liquor shall not be supplied to Natives in the district, then, on the expiry of one month after the declaration of the result of the poll, every person (whether a licensed person or not) who in any such district (whether on licensed premises or not) supplies liquor to any Native shall be liable on a summary conviction to a fine not exceeding *one hundred* pounds :

Provided that this subsection shall not apply to the supply of liquor for medicinal purposes on the authority of a registered medical practitioner, or for religious purposes, or to the supply of liquor to any Native who is the wife of any person other than a Native.

44. (1.) Notwithstanding anything in the Beer Duty Act, 1908, it shall not be lawful to grant under that Act a license in respect of any brewery situated within a no-license district or within five miles of the boundary of any such district.

Licenses not to be granted in respect of breweries within five miles of no-license districts.

(2.) Nothing in this section shall prevent the renewal of any license, or the grant of a new license to the successor in business of any person holding a license or to any person of a new license in lieu of any license which was formerly held by that person but which has lapsed or otherwise determined within six months before the grant of such new license.

45. (1.) Notwithstanding anything in the Beer Duty Act, 1908, it shall not be lawful for any brewer to use for the storage of beer any warehouse, depot, or other building or place (not forming part of a brewery) situated in a no-license district or within five miles of the boundary of any such district :

Brewery depots not to be established within five miles of no-license districts.

Provided that this subsection shall not apply to a brewer's ordinary bottling warehouse established prior to the carrying of no-license in such district, *so long as that bottling warehouse is used exclusively as such.*

(2.) Any brewer who commits a breach of this section shall be liable on summary conviction to a fine not exceeding *fifty* pounds for every day on which the offence is committed.

(3.) Subsections three and four of section thirty-two of the Beer Duty Act, 1908, are hereby repealed.

Repeal.

Schedules.

## SCHEDULES.

Sections 3, 14.

## FIRST SCHEDULE.

## LICENSING POLL IN DISTRICTS WHERE LICENSES EXIST.

Licensing District of

I VOTE for Continuance.

I VOTE for No-License.

*Directions.*

The voter must strike out the proposal for which he does not wish to vote.

If the voter strikes out both or fails to strike out one of the proposals, the voting-paper will be void, and his vote will not be recorded.

The voting-paper so marked is to be dropped by the voter into the separate ballot-box prepared for it, and not into the same box as that into which he drops his electoral ballot-paper.

The voter is not allowed to take this voting-paper out of the polling-booth.

Sections 8, 14.

## SECOND SCHEDULE.

## LICENSING POLL IN NO-LICENSE DISTRICTS.

Licensing District of

I VOTE for Local Restoration.

I VOTE for Local No-License.

*Directions.*

The voter must strike out the proposal for which he does not wish to vote.

If the voter strikes out both or fails to strike out one of the proposals, the voting-paper will be void, and his vote will not be recorded.

The voting-paper so marked is to be dropped by the voter into the separate ballot-box prepared for it, and not into the same box as that into which he drops his electoral ballot-paper.

The voter is not allowed to take this voting-paper out of the polling-booth.

Section 13.

## THIRD SCHEDULE.

## FORM No. 1.

*Declaration of Licensing Poll.*

Licensing District of

IN pursuance of the Licensing Act, 1908, I hereby give public notice that at the licensing poll taken under the provisions of the said Act the number of votes recorded for each proposal submitted under section *three* hereof was as follows:—

For the proposal that licenses be granted in the district ...

For the proposal that no licenses be granted in the district ...

The total number of votes recorded at the poll was , and, as the number of votes recorded in favour of the proposal that no licenses be granted in the district is less than [*or is not less than*] three-fifths of the total number of votes recorded, I hereby declare that proposal to be not carried [*or to be carried*].

Dated at , this day of , 19

, Returning Officer.



THIRD SCHEDULE—*continued.*

FORM No. 2.

*Declaration of Licensing Poll.*

Licensing District of .

In pursuance of the Licensing Act, 1908, I hereby give public notice that at the licensing poll taken under the provisions of the said Act the number of votes recorded for each proposal submitted under section *eight* hereof was as follows:—

For the proposal that licenses be restored in the district ...  
 For the proposal that licenses be not restored in the district ...

The total number of votes recorded at the poll was , and, as the total number of votes recorded in favour of the proposal that licenses be restored in the district is less than [*or is not less than*] three-fifths of the total number of votes recorded, I hereby declare that proposal to be not carried [*or to be carried*].

Dated at , this day of , 19 . , Returning Officer.

FOURTH SCHEDULE.

Section 22.

VOTING-PAPER ON ISSUE ~~whether Licenses be restored in New Zealand of National Prohibition.~~

Licensing Dis-  
trict of

I VOTE against National Prohibition.

I VOTE for National Prohibition.

*Directions.*

The voter must strike out the proposal for which he does not wish to vote. If the voter strikes out both or fails to strike out one of the proposals, the voting-paper will be void, and his vote will not be recorded.

The voting-paper so marked is to be dropped by the voter into the separate ballot-box prepared for it, and not into the same box as that into which he drops his electoral ballot-paper.

The voter is not allowed to take this voting-paper out of the polling-booth.

FIFTH SCHEDULE.

Licensing Dis-  
trict of

I VOTE for National Restoration.

I VOTE for National Prohibition.

*Directions.*

The voter must strike out the proposal for which he does not wish to vote. If the voter strikes out both or fails to strike out one of the proposals, the voting-paper will be void, and his vote will not be recorded.

The voting-paper so marked is to be dropped by the voter into the separate ballot-box prepared for it, and not into the same box as that into which he drops his electoral ballot-paper.

The voter is not allowed to take this voting-paper out of the polling-booth.

Section 31.

## SIXTH SCHEDULE.

## MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT.

Number of Section affected.	Nature and Extent of Amendment.
Section 3 ...	<i>By inserting after the word "purposes" in paragraph (b), the words "exclusively and in accordance with regulations made by the Governor in Council in that behalf."</i>
Section 4 ...	<i>By inserting, after the word "nature" in the definition of "intoxicating liquor," the words "and includes medicated wines containing more than ten per centum of proof spirit."</i>
Section 8 ...	By repealing the section.
Section 11 ...	By repealing the section.
Section 12 ...	By repealing paragraph (c) thereof.
Section 13 ...	By repealing the section.
Section 14 (i) ...	<i>By omitting the words "all the proposals," and substituting the words "such one of the proposals"; by omitting the words "except one, or all except two"; and by omitting the word "proposals," and substituting the word "proposal."</i>
Section 14 (j) ...	<i>By omitting the word "all," and substituting the word "both"; and by omitting the words "at least."</i>
Section 15 ...	<i>By inserting the words "or for national prohibition or for national restoration, as the case may be," after the words "granted in the district."</i>
Section 16 ...	<i>By inserting the words "or for national prohibition or for national restoration, as the case may be," after the words "granted in the district."</i>
Section 24 ...	By repealing the section.
Section 25 ...	By repealing the section.
Section 28 ...	By repealing the section.
Section 33 ...	<i>By adding the following subsection: " (1.)—A copy of every such order, together with a statement of the number of votes recorded in favour of each proposal and of the total number of votes recorded at the poll as found by the Court, shall, within seven days after the making of the order, be sent by the Chairman of the Court to the Minister."</i>
Section 37 ...	By repealing the proviso to subsection (1) thereof.
Section 38 ...	By repealing the section.
Section 75 ...	<i>By repealing the section.</i>
Section 145 ...	By repealing the section.
Section 147 (1)	<i>By adding at the end of paragraph (h) the words "and in accordance with regulations made by the Governor in Council in that behalf."</i>
Section 189 (1)	<i>By omitting all words after the words "following morning" in paragraph (b).</i>
Second Schedule	By repealing the Schedule.
Fourth Schedule	By repealing the Schedule.
Sixth Schedule	By repealing the Schedule.