

Hon. Mr. Mason

## LICENSING AMENDMENT

### ANALYSIS

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### A BILL INTITULED

AN ACT to Amend the Licensing Act, 1908.

Title.

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

1. This Act may be cited as the Licensing Amendment Act, 1949, and shall be read together with and deemed part of the Licensing Act, 1908 (hereinafter referred to as the principal Act).

Short Title.  
See Reprint  
of Statutes,  
Vol. IV, p. 234

*General Licensing Poll*

General  
licensing poll  
to be taken  
in Maori  
electoral  
districts as  
well as in  
licensing  
districts.  
See Reprint  
of Statutes,  
Vol. VI, p. 542

2. (1) Section twelve of the principal Act is hereby amended as follows:—

(a) By inserting, after the words “electors of each electoral district”, the words “and of the poll of the electors of each Maori electoral district constituted under Part IV of the Electoral Act, 1927,”: 5

(b) By omitting the words “upon the proposals to be submitted to them under this Act”, and substituting the words “upon the questions to be submitted to them in accordance with section fifty-six of the Licensing Amendment Act, 1918 ”: 10

(c) By inserting in paragraph (a) of the proviso to that section, after the words “licensing district”, the words “and in every such Maori electoral district as aforesaid ”. 15

(2) The said section twelve is hereby further amended by adding the following as subsection two thereof:— 20

“(2) Subject to the provisions of this Act, the following provisions shall apply to the general licensing poll under this section:—

“(a) The provisions of the Electoral Act, 1927, shall, as far as they are applicable and with the necessary modifications, apply as if the poll were the electoral poll, and the poll shall be taken in the manner prescribed by that Act for the taking of the electoral poll: 25

“(b) The electoral rolls for the time being in force under that Act shall be deemed to be the rolls of electors for the purposes of the poll: 30

“(c) The voting-paper given to any elector of a Maori electoral district shall be printed both in the English language and in the Maori language.” 35

Consequential  
amendments.

3. (1) Section five of the principal Act is hereby amended by omitting from subsection one the words “and the rolls of electors of members of Parliament for the time being in existence for the said electoral districts shall be the rolls of electors for the purposes of this Act ”. 40

(2) Section fourteen of the principal Act is hereby amended by omitting from paragraph (b) of subsection one the words "by the Legislature Act, 1908,".

(3) Section seventy-four of the Licensing Amendment Act, 1918, is hereby amended by adding the following as subsection two thereof:—

"(2) In the application, for the purposes of this section, of the said sections fifty-six to fifty-nine, the references in sections fifty-six and fifty-eight to licensing districts shall be deemed to include references to Maori electoral districts constituted under Part IV of the Electoral Act, 1927."

See Reprint of Statutes, Vol. IV, p. 375

#### *Local Restoration Polls*

4. (1) The Licensing Amendment Act, 1910, is hereby amended by repealing section eight, as enacted by subsection one of section eighty-two of the Licensing Amendment Act, 1948, and substituting the following section:—

Questions to be submitted at local restoration polls in no-licence districts.

"8. (1) At every licensing poll there shall be submitted for the determination of the electors of every no-licence district the question whether licences shall be restored in that district (hereinafter referred to as the restoration question), and the further question whether, if the proposal for the restoration of licences is carried, a local Trust shall be established to conduct hotels and sell intoxicating liquor in the district (hereinafter referred to as the Trust question).

See Reprint of Statutes, Vol. IV, p. 351 1948, No. 74

"(2) The questions shall be submitted in separate voting-papers in the forms numbered 1 and 2 in the Second Schedule to this Act, and in the manner prescribed by the principal Act, as amended by this Act.

"(3) The questions shall be submitted concurrently with the questions submitted at the licensing poll in accordance with section fifty-six of the Licensing Amendment Act, 1918."

See Reprint of Statutes, Vol. IV, p. 375

5. The Licensing Amendment Act, 1910, is hereby further amended by repealing section nine, and substituting the following section:—

When proposals deemed to be carried.

“ 9. (1) When on the taking of the poll in any such district the number of votes recorded in favour of the proposal that licences be restored in the district is not less than three-fifths of all the votes recorded in respect of the restoration question, 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 licences. 5

“ (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 was taken, and on the coming into force of the determination the district shall cease to be a no-licence district. 10

“ (3) If the determination of the electors is deemed to be in favour of the restoration of licences as aforesaid, and if the number of votes recorded in favour of the proposal that a local Trust be established to conduct hotels and sell intoxicating liquor in the district exceeds the number of votes recorded against that proposal, that proposal shall be deemed to be carried, and the determination of the electors of the district shall be deemed to be in favour of that proposal. In any such case, nothing in section ten or section eleven of this Act shall apply with respect to the district; and a licensing Trust shall be constituted in respect of the district.” 15 20 25

Consequential amendments.

6. (1) The Licensing Amendment Act, 1910, as amended by subsection one of section eighty-three of the Licensing Amendment Act, 1948, is hereby further amended as follows:—

- (a) By inserting at the commencement of section ten the words “ Subject to the foregoing provisions of this Act,”: 30
- (b) By omitting from subsection one of section fourteen the words “ in favour of, and against, each of the said proposals ”, and substituting the words “ in favour of each of the proposals submitted at the poll on the restoration question and, in the case of the poll in respect of the Trust question, the number of votes recorded in favour of and against the proposal ”: 35 40
- (c) By repealing the Second and Third Schedules, and substituting the new Second and Third Schedules set out in the Schedule to this Act.

(2) Section fifty-one of the Statutes Amendment Act, 1946, as amended by subsection two of section eighty-three of the Licensing Amendment Act, 1948, is hereby further amended by omitting from paragraph (b) of subsection three the words "in favour of, and against, each proposal submitted at the poll", and substituting the words "in favour of each of the proposals submitted at the poll on the restoration question and, in the case of the poll in respect of the Trust question, the number of votes so recorded in favour of and against the proposal".

(3) Sections eighty-two and eighty-three of the Licensing Amendment Act, 1948, and the First Schedule to that Act, are hereby repealed.

15 *Miscellaneous*

7. (1) Section eighteen of the principal Act is hereby amended by omitting the words "the seventh day", and substituting the words "the twelfth day".

(2) Section nineteen of the principal Act is hereby amended by omitting the words "not earlier than the fifth nor later than the third day", and substituting the words "not earlier than the tenth nor later than the fifth day".

8. (1) Section one hundred of the principal Act is hereby amended as follows:—

(a) By omitting from the proviso to subsection one the words "seven days' notice", and substituting the words "fourteen days' notice":

(b) By adding to the said proviso the words "and shall, at least once in each of the two weeks immediately following the giving of the notice, publish in a newspaper circulating in the district in which are situated the premises in respect of which the licence is to be applied for a notice in writing, signed by the applicant, stating his intention to apply for the licence at the expiration of the said period of fourteen days, and specifying the name and description of the applicant and the address of the said premises".

1946, No. 40

Repeals.

Amending provisions as to appointment of scrutineers for licensing polls.

Amending provisions as to mode of applying for wholesale licence.

(2) The form of notice of application for a wholesale licence set out in the Eighth Schedule to the principal Act is hereby consequentially amended by omitting the words "seven days", and substituting the words "fourteen days".

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Making provision for removal of wholesale licences.

9. Section one hundred and twenty-seven of the principal Act is hereby amended as follows:—

(a) By omitting from subsection one the words "a wholesale licence":

(b) By inserting in subsection four, after the words "accommodation licence", the words "or wholesale licence".

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Amending section 52 of Licensing Amendment Act, 1948 (as to advertisement inviting applications for licence). 1948, No. 74

10. (1) Section fifty-two of the Licensing Amendment Act, 1948, is hereby amended by omitting from subsection two the words "and any requirements determined as aforesaid as to the provision of accommodation and services".

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(2) The said section fifty-two is hereby further amended by adding the following subsections:—

"(3) The notice shall also specify any requirements determined as aforesaid as to the provision of accommodation and services:

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"Provided that if in the opinion of the Chairman of the Licensing Committee it is impracticable or inexpedient to specify those requirements in the notice, it shall not be necessary to do so; and in any such case the notice shall specify the places where and the times at which particulars of those requirements may be inspected.

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"(4) In any case where any such requirements as aforesaid are not specified in the notice under this section, full particulars thereof shall be deposited for public inspection in the office of the Clerk to the Licensing Committee and in the office of every Magistrate's Court in the district, and shall be kept there until the expiration of the period of sixty days after the last publication of the notice. Any person may, at any time while any such office is open to the public, inspect those particulars at that office and make any copy thereof or of any part thereof."

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Repeal. See Reprint of Statutes, Vol. IV. p. 378

11. The Licensing Amendment Act, 1920, is hereby repealed.

SCHEDULE

Schedule.

“ SECOND SCHEDULE

Section 6.

“ VOTING-PAPERS AT LOCAL RESTORATION POLL IN NO-LICENCE DISTRICT

“ Form No. 1

“ *Licensing District of*

“ I vote for Local Restoration

“ I vote for Local No-licence

“ *Directions*

“ The voter must strike out one line, leaving untouched the line which shows the way he wishes to vote.

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

“ The voting-paper so marked is to be folded up so that the contents cannot be seen, and placed by the voter in the ballot-box or (in the case of an absentee vote) handed back to the Deputy Returning Officer.

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

“ Form No. 2

“ *Licensing District of*

(*Proposal that, if local restoration is carried, a local Trust be established to conduct hotels and sell intoxicating liquor in the district.*)

“ I vote FOR Trust Control

“ I vote AGAINST Trust Control

“ *Directions*

“ The voter must strike out one line, leaving untouched the line which shows the way he wishes to vote.

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

“ The voting-paper so marked is to be folded up so that the contents cannot be seen, and placed by the voter in the ballot-box or (in the case of an absentee vote) handed back to the Deputy Returning Officer.

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

## " THIRD SCHEDULE

## " DECLARATION OF RESULT OF LOCAL RESTORATION POLL

" *Licensing District of*

" In pursuance of the Licensing Act, 1908, I hereby give public notice that at the licensing poll taken under section eight of the Licensing Amendment Act, 1910, the total number of valid votes recorded was as follows:—

## " On the Restoration Question—

" For Local Restoration .. .. .	..	..	..
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" For Local No-Licence .. .. .	..	..	..
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## " On the Trust question—

" For Trust Control .. .. .	..	..	..
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" Against Trust Control .. .. .	..	..	..
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" I hereby declare that, as the total number of valid votes recorded in favour of the proposal for local restoration is not less than [*or is less than*] three-fifths of all the valid votes recorded on the restoration question, the determination of the electors of the district is in favour of [*or is against*] the restoration of licences.

" [*Add, if restoration proposal carried:* I hereby further declare that, as the total number of valid votes recorded in favour of the Trust proposal exceeds [*or does not exceed*] the number of valid votes recorded against the Trust proposal, the determination of the electors is in favour of [*or is against*] the proposal that a local Trust be established.]

" Dated at \_\_\_\_\_, this \_\_\_\_\_, day of \_\_\_\_\_, 19 ..

....., Returning Officer."