

## LICENSING TRUSTS AMENDMENT BILL

### EXPLANATORY NOTE

This Bill amends the Licensing Trusts Act 1949, the Masterton Licensing Trust Act 1947, and the Invercargill Licensing Trust Act 1950.

*Clause 1* relates to the Short Title.

### PART I

#### LICENSING TRUSTS

*Clause 2:* This Part is to be read with the Licensing Trusts Act 1949.

*Clause 3:* Subsection (3) of section 14 of the principal Act provides that any person who does any act as a member of a Licensing Trust, being incapacitated under subsection (1), except paragraph (d) thereof, is liable to a fine not exceeding \$100. Subsection (4) of that section makes it the duty of the Audit Office to institute proceedings for the recovery of any fine under the section, but does not prevent proceedings being taken by any other person. The amendments now proposed make an act contrary to subsection (1), except paragraph (d), an offence punishable on summary conviction and involve the repeal of subsection (4).

*Clause 4* inserts a new section 28B in the principal Act. The new section authorises district Licensing Trusts to establish and maintain cabarets in their districts. The cabaret premises and the services and facilities provided therein are to be of a standard for the time being approved by the Minister. Local Trusts and suburban Trusts have already the right to apply for cabaret licences.

*Clause 5* requires an annual report with respect to the maintenance, on premises in which liquor is sold by or on behalf of a Trust, of safeguards and means of warning and escape in case of fire. Such a report may be made at present but it is not mandatory.

*Clause 6* authorises Licensing Trusts to place money on deposit with trustee savings banks.

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PART II

MASTERTON LICENSING TRUST

*Clause 7:* This Part is to be read with the Masterton Licensing Trust Act 1947.

*Clauses 8 to 11:* The amendments made by these clauses parallel those made to the Licensing Trusts Act 1949 by *clauses 3 to 6* of this Bill.

PART III

INVERCARGILL LICENSING TRUST

*Clause 12:* This Part is to be read with the Invercargill Licensing Trust Act 1950.

*Clause 13* enables areas to be included within the Invercargill Licensing Trust District in anticipation of a change in the boundaries of the City of Invercargill.

*Clauses 14 to 17:* The amendments made by these clauses parallel those made to the Licensing Trusts Act by *clauses 3 to 6* of this Bill.

*Hon. Dr Finlay*

## LICENSING TRUSTS AMENDMENT

### ANALYSIS

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### A BILL INTITULED

**An Act to amend the Licensing Trusts Act 1949, the Masterton Licensing Trust Act 1947, and the Invercargill Licensing Trust Act 1950**

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

**1. Short Title**—This Act may be cited as the Licensing Trusts Amendment Act 1973.

## PART I

## LICENSING TRUSTS

**2. This Part to be read with Licensing Trusts Act 1949—**  
 This Part of this Act shall be read together with and deemed  
 part of the Licensing Trusts Act 1949\* (in this Part referred 5  
 to as the principal Act).

**3. Disqualification of members of Trust—**(1) Section 14 of  
 the principal Act is hereby amended by omitting from sub-  
 section (3) the words “shall be liable”, and substituting the 10  
 words “commits an offence and shall be liable on summary  
 conviction”.

(2) The said section 14 is hereby further amended by  
 repealing subsection (4).

**4. Cabarets—**(1) The principal Act is hereby amended by  
 inserting, after section 28A, the following section: 15

“28B. (1) For the purposes of this section, ‘cabaret’ means  
 premises (other than premises in which accommodation is  
 provided) used for the provision, for members of the public,  
 or for persons on whose behalf the premises have been  
 reserved, of refreshments, of facilities for dancing, and of 20  
 entertainment of the kind in which the performers are physi-  
 cally present and actually perform the entertainment; but on  
 which the sale and disposal of liquor is ancillary to the  
 provision of facilities for dancing and of entertainment.

“(2) The Trust may within the Trust district establish and 25  
 maintain cabarets, in which it may sell and dispose of liquor,  
 for consumption only on the premises of the cabaret, at any  
 time between the hours of 6 o’clock in the evening and 11.30  
 o’clock at night, on any day except Sunday and Good Friday:

“Provided that any such liquor served in a cabaret before 30  
 11.30 o’clock at night may be consumed in the cabaret by the  
 persons to whom it was served during a period not exceeding  
 30 minutes immediately after 11.30 o’clock.

“(3) The Trust shall not establish or maintain a cabaret for 35  
 the purposes of this section unless the cabaret premises and  
 the services and facilities provided therein are of a standard  
 for the time being approved by the Minister, who may give  
 his approval on and subject to such terms and conditions as  
 he thinks fit. If at any time the premises, services, and facili-  
 ties are not maintained in accordance with the standard 40

\*Reprinted 1969, Vol. 3, p. 2285  
 Amendments: 1970, No. 76; 1971, No. 107; 1972, No. 77

so approved the Minister may, if he thinks fit, require that the premises be closed, and thereupon the Trust shall close the premises.

5 “(4) The following provisions shall apply to any such cabaret, namely:

“(a) Liquor shall be supplied only to persons seated at tables:

10 “(b) Every bottle or other container in which liquor is supplied in the cabaret, and every drinking vessel used for the consumption of such liquor, shall be removed from the tables immediately after 12 o'clock at night.

“(5) In any case where any of the provisions of subsection (4) of this section are not complied with, the person for the 15 time being charged with the management of the cabaret shall be deemed to have committed an offence and shall be liable on summary conviction to a fine not exceeding \$40”.

(2) Section 34A of the principal Act (as inserted by section 6 (1) of the Licensing Trusts Amendment Act 1962) is 20 hereby amended by inserting in paragraph (d) of subsection (2), after the word “shall”, the words “, unless they are established and maintained pursuant to section 28B of this Act.”.

(3) The said section 34A is hereby further amended by 25 inserting in subsection (2), after paragraph (d), the following paragraph:

“(da) Premises established and maintained pursuant to section 28B of this Act shall be deemed to be 30 premises in respect of which a cabaret licence is in force.”.

(4) The said section 34A is hereby further amended by adding to subsection (2) the following paragraph:

“(h) In respect of any premises to which paragraph (da) 35 of this subsection applies, the Trust shall be deemed to be the holder of a cabaret licence, and the person for the time being charged with the management of the premises shall be deemed to be a manager duly appointed under the Sale of Liquor Act 1962.”.

40 **5. Fire safety reports**—(1) Section 36B of the principal Act (as inserted by section 10 of the Licensing Trusts Amendment Act 1962) is hereby amended by repealing subsection (3) (as amended by section 99 of the Fire Services Act 1972), and substituting the following subsection:

(3) A member of the fire service established under the Fire Services Act 1972 authorised to undertake fire safety inspections shall report to the Secretary for Justice, on or before the 31st day of May in every year, with respect to the maintenance, on premises in which liquor is sold or supplied by or on behalf of the Trust, of safeguards and means of warning and escape in case of fire.” 5

(2) The Fire Services Act 1972 is hereby amended by repealing so much of the Second Schedule as relates to the principal Act. 10

6. Investment of money belonging to Trust—Section 42 of the principal Act is hereby amended by inserting in paragraph (b), after the words “Post Office Savings Bank”, the words “or in any trustee savings bank established under the Trustee Savings Banks Act 1948”. 15

## PART II

### MASTERTON LICENSING TRUST

7. This Part to be read with Masterton Licensing Trust Act 1947—This Part of this Act shall be read together with and deemed part of the Masterton Licensing Trust Act 1947\* (in this Part referred to as the principal Act). 20

8. Disqualification of members of Trust—(1) Section 14 of the principal Act is hereby amended by omitting from subsection (3) the words “shall be liable”, and substituting the words “commits an offence and shall be liable on summary conviction”. 25

(2) The said section 14 is hereby further amended by repealing subsection (4).

9. Cabarets—(1) The principal Act is hereby amended by inserting, after section 28A, the following section: 30  
“28B. The provisions of section 28B of the Licensing Trusts Act 1949 shall apply to the Trust.”

(2) Section 34A of the principal Act (as inserted by section 15 (1) of the Licensing Trusts Amendment Act 1962) is hereby amended by inserting in paragraph (d) of subsection (2), after the word “shall”, the words “, unless they are established and maintained pursuant to section 28B of the Licensing Trusts Act 1949,”. 35

(3) The said section 34A is hereby further amended by inserting in subsection (2), after paragraph (d), the following paragraph:

5 “(da) Premises established and maintained pursuant to section 28B of the Licensing Trusts Act 1949 shall be deemed to be premises in respect of which a cabaret licence is in force.”

(4) The said section 34A is hereby further amended by adding to subsection (2) the following paragraph:

10 “(h) In respect of any premises to which paragraph (da) of this subsection applies, the Trust shall be deemed to be the holder of a cabaret licence, and the person for the time being charged with the management of the premises shall be deemed to be a manager duly appointed under the Sale of  
15 Liquor Act 1962.”

**10. Fire safety reports**—(1) Section 36B of the principal Act (as inserted by section 19 of the Licensing Trusts Amendment Act 1962) is hereby amended by repealing subsection  
20 (3) (as amended by section 99 of the Fire Services Act 1972), and substituting the following subsection:

25 “(3) A member of the fire service established under the Fire Services Act 1972 authorised to undertake fire safety inspections shall report to the Secretary for Justice, on or before the 31st day of May in every year, with respect to the maintenance, on premises in which liquor is sold or supplied by or on behalf of the Trust, of safeguards and means of warning and escape in case of fire.”

30 (2) The Fire Services Act 1972 is hereby amended by repealing so much of the Second Schedule as relates to the principal Act.

**11. Investment of money belonging to Trust**—Section 42 of the principal Act is hereby amended by inserting in paragraph (b), after the words “Post Office Savings Bank”, the  
35 words “or in any trustee savings bank established under the Trustee Savings Banks Act 1948”.

## PART III

## INVERCARGILL LICENSING TRUST

**12. This Part to be read with Invercargill Licensing Trust Act 1950**—This Part of this Act shall be read together with and deemed part of the Invercargill Licensing Trust Act 1950\* (in this Part referred to as the principal Act). 5

**13. Boundaries of Trust district**—Section 3 of the principal Act is hereby amended by inserting, after subsection (1A) (as inserted by section 2 (1) of the Invercargill Licensing Trust Amendment Act 1954), the following subsection: 10

“(1AB) Subject to the proviso to subsection (1A) of this section, an Order in Council made under that subsection may include within the boundaries of the Trust district any area that is not for the time being within the boundaries of the said city or borough if the Minister in his recommendation to the Governor-General states that in his opinion a change in the boundaries of the said city is imminent and that it is likely that the area will, by that change, be included within the boundaries of the said city.” 15

**14. Disqualification of members of Trust**—(1) Section 15 20 of the principal Act is hereby amended by omitting from subsection (3) the words “shall be liable”, and substituting the words “commits an offence and shall be liable on summary conviction”.

(2) Section 15 of the principal Act is hereby further 25 amended by repealing subsection (4).

**15. Cabarets**—(1) The principal Act is hereby amended by inserting, after section 29A, the following section:

“29B. The provisions of section 28B of the Licensing Trusts Act 1949 shall apply to the Trust.” 30

(2) Section 35A of the principal Act (as inserted by section 24 (1) of the Licensing Trusts Amendment Act 1962) is hereby amended by inserting in paragraph (d) of subsection (2), after the word “shall”, the words “, unless they are established and maintained pursuant to section 28B of the 35 Licensing Trusts Act 1949.”

(3) The said section 35A is hereby further amended by inserting in subsection (2), after paragraph (d), the following paragraph:

5       “(da) Premises established and maintained pursuant to section 28B of the Licensing Trusts Act 1949 shall be deemed to be premises in respect of which a cabaret licence is in force.”

(4) The said section 35A is hereby further amended by adding to subsection (2) the following paragraph:

10       “(h) In respect of any premises to which paragraph (da) of this subsection applies, the Trust shall be deemed to be the holder of a cabaret licence, and the person for the time being charged with the management of the premises shall be deemed to be a manager duly appointed under the Sale of Liquor Act 1962.”

**16. Fire safety reports**—(1) Section 37B of the principal Act (as inserted by section 28 of the Licensing Trusts Amendment Act 1962) is hereby amended by repealing subsection

20 (3) (as amended by section 99 of the Fire Services Act 1972), and substituting the following subsection:

25       “(3) A member of the fire service established under the Fire Services Act 1972 authorised to undertake fire safety inspections shall report to the Secretary for Justice, on or before the 31st day of May in every year, with respect to the maintenance, on premises in which liquor is sold or supplied by or on behalf of the Trust, of safeguards and means of warning and escape in case of fire.”

30       (2) The Fire Services Act 1972 is hereby amended by repealing so much of the Second Schedule as relates to the principal Act.

**17. Investment of money belonging to Trust**—Section 44 of the principal Act is hereby amended by inserting in paragraph (b), after the words “Post Office Savings Bank”, the words “or in any trustee savings bank established under the Trustee Savings Banks Act 1948”.