

Dr Bassett

PORTAGE LICENSING TRUST

ANALYSIS

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A BILL INTITULED

An Act to reconstitute the Portage Licensing Trust

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

1. **Short Title**—This Act may be cited as the Portage Licensing Trust Act 1973 and shall be read together with and be deemed part of the Licensing Trusts Act 1949 (hereinafter called the principal Act).
- 10 2. **Interpretation**—In this Act, unless the context otherwise requires,—
“Trust district” means the Portage Licensing Trust district constituted under this Act.
“Trust” means the Portage Licensing Trust constituted
15 under this Act.

No. 109—1

Price 5c

3. Constitution of the Trust district—There is hereby constituted for the purposes of this Act a licensing trust district, to be called the Portage Licensing Trust district, which shall comprise the area described in Part I of the First Schedule of this Act.

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4. Establishment of the Trust—There is hereby established for the Trust district a licensing trust to be called the Portage Licensing Trust.

5. Applications of Part I of the principal Act—Subject to the provisions of sections 6, 7, 8, and 9 of this Act, the provisions of Part I of the principal Act (except subsections (2) and (2A) of section 4, and paragraph (a) of subsection (3) of section 5) shall, as far as they are applicable and with the necessary modifications, apply to the Trust district and the Trust constituted under this Act.

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6. Existing members of Trust—The following provisions shall apply with respect to the members of the Portage Licensing Trust duly elected pursuant to the Portage Licensing Trust Constitution Notice 1972 and holding office on the passing of this Act:

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- (a) Until their respective terms of office expire in accordance with this section such members so holding office shall be members of the Trust and they shall be deemed to be elective members and to have been elected by the Wards for which they were respectively elected to the Portage Licensing Trust as hitherto constituted. 25
- (b) The terms of office of those members deemed to have been elected for Wards 2, 4, and 5 shall continue until the day appointed for the first election of members pursuant to section 11 of the principal Act. 30
- (c) The terms of office of the members deemed to have been elected for Wards 1 and 3 shall continue until the day appointed for the second election of members pursuant to section 11 of the principal Act. 35
- (d) Each of those members shall, if otherwise qualified under the principal Act, be eligible for re-election as a member of the Trust under the principal Act. 40

(e) The members of the Portage Licensing Trust as hitherto constituted and holding office on the passing of this act as Chairman and Deputy Chairman thereof shall respectively be and be deemed to have
5 been elected as Chairman and Deputy Chairman of the Trust.

7. Election of subsequent members of Trust—(1) For the purpose of elections of members the Trust district is hereby divided into 5 Wards being the Wards numbered and
10 described in the Second Schedule to this Act.

(2) The Trust shall consist of 10 elective members of whom—

(a) 3 members shall be elected for Ward 1;

(b) 2 members shall be elected for each of Wards 2, 3,
15 and 4;

(c) 1 member shall be elected for Ward 5.

(3) Nothing contained in this Act shall limit or restrict the powers of the Minister under section 11A of the principal Act.

8. Quorum of members—At any meeting of the Trust 5 members shall form a quorum.

9. Distribution of profits—The area within which the Trust may expend or distribute profits pursuant to subsection 1 of section 11 of the principal Act shall be the whole of the
25 Trust district.

10. Wholesale premises—(1) Should the Trust hereinafter be deemed by virtue of paragraph (f) of subsection (2) of section 34A of the principal Act to be the holder of a wholesale licence in respect of premises notwithstanding the
30 provisions of section 26 of the principal Act the Trust may conduct in or from such premises all activities that the holder of a wholesale licence may lawfully conduct pursuant to section 67 of the Sale of Liquor Act 1962.

(2) The determination by the Licensing Control Commission fixing the fair price to be payable by the Trust in
35 respect of the wholesale licence under the Sale of Liquor Act 1908 hitherto issued to or being applied for by or on behalf of the Trust is hereby revoked.

(3) Any moneys hitherto paid by the Trust to the Licensing Fund on account of the fair price referred to in the preceding subclause of this clause shall forthwith be refunded from such Licensing Fund to the Trust and any security hitherto given by the Trust in respect of any unpaid portion of such fair price shall henceforth be void and cease to have any effect whatever. 5

11. Repeals and Savings—(1) The Portage Licensing Trust Constitution Notice 1972* is hereby revoked.

(2) All licences issued or authorised to be issued by the Licensing Control Commission within the Trust district in terms of or in pursuance of the decision of the Licensing Control Commission under section 9A of the Licensing Amendment Act 1910 and bearing date the 31st day of March 1971 are hereby revoked, but the Minister of Justice is deemed pursuant to section 32 (3) of the principal Act to have approved the establishment and maintaining by the Trust of taverns upon those sites in respect of which the Licensing Control Commission had hitherto granted or approved the issue of tavern premises licences. 10 15 20

(3) All offices, appointments, contracts, notices, records, and generally all acts and matters that originated under the Portage Licensing Trust Constitution Notice or by the Portage Licensing Trust as hitherto constituted and are subsisting or in force on the commencement of this Act, shall, in so far as they are not inconsistent with this Act, enure as fully and effectually as if they had originated under the corresponding provisions of this Act or the principal Act or the Trust district or by the Trust constituted by this Act, and accordingly shall, where necessary be deemed to have so originated. 25 30

(4) All matters and proceedings commenced by the Portage Licensing Trust as hitherto constituted and pending or in progress on the commencement of this Act may be continued, completed and enforced by the Trust constituted under this Act. 35

**Gazette*, 1972, page 1916.

SCHEDULES

FIRST SCHEDULE

PART I

The Trust Area

ALL that area comprising firstly, that part of Auckland City that is within the former no-licence district of Auckland Suburbs (being more particularly described in Part II of this Schedule); secondly, the whole of the Borough of Glen Eden; thirdly, the whole of the Borough of New Lynn; fourthly, the whole of the Titirangi Riding of Waitemata County; and fifthly, that part of the County Town of Kelston West that lies to the east of the middle line of the Great North Road.

PART II

Portion of Auckland City Within the Trust Area

All that area in the City of Auckland, North Auckland Land District, bounded by a line commencing at the intersection of the middle line of Great North Road and the middle line of Carrington Road and proceeding southerly along the last-mentioned line to a point in line with the southern boundary of Allotment 32, Titirangi Parish; thence westerly to and along that boundary to the middle of Oakley Creek; thence southerly up the middle of that creek to the north-eastern side of Richardson Road; thence south-easterly along that roadside to its junction with Stoddard Road; thence south-westerly along a right line crossing Richardson Road to the north-eastern corner of Lot 13, D.P. 41891; thence southerly along the western side of Richardson Road to the northernmost corner of Lot 1, D.P. 40677; thence south-westerly generally along the generally north-western boundaries of the said Lot 1, Lot 4, D.P. 48139, Lot 1, D.P. 50159, Lots 26 to 17, D.P. 51121, Lots 16 to 11 and 8, D.P. 50880 and that last boundary produced to a point in line with the north-eastern side of the New Windsor Road; thence north-westerly along a right line to and along the said roadside to a point in line with the production of the eastern side of Boundary Road; thence southerly along a right line to and along that eastern roadside to its intersection with the northern side of White Swan Road; thence along a right line across White Swan Road to the north-eastern corner of Allotment 75, Titirangi Parish, at the junction of White Swan Road and the eastern side of Lynbrooke Avenue; thence southerly along that eastern roadside to its intersection with the eastern boundary of the aforesaid Allotment 75; thence southerly along that eastern boundary to its intersection with the northern boundary of Lot 4, D.P. 20689; thence westerly along that boundary to and southerly generally along the generally western boundaries of the said Lot 4 and Lots 5 to 9, all on D.P. 20689, Lot 20, D.P. 52784, and Lot 12, D.P. 20889 to the mean high-water mark (spring tide) of the Manukau Harbour; thence westerly along the shores of that harbour to the western side of Portage Road; thence northerly along that roadside to and down the middle of the Avondale Stream to and along the mean high-water mark of the Whau River and the shores of the Waitemata Harbour and the southern bank of the Oakley Creek to the middle of Great North Road; thence easterly along the middle of that road to the point of commencement.

*Portage Licensing Trust*SCHEDULES—*continued*

SECOND SCHEDULE

WARDS OF TRUST AREA

Ward 1 (3 members)

ALL that part of the City of Auckland that is within the Trust area.

Ward 2 (2 members)

The whole of the Borough of New Lynn.

Ward 3 (2 members)

The whole of the Borough of Glen Eden.

Ward 4 (2 members)

The whole of the Titirangi Riding of the Waitemata County.

Ward 5 (1 member)

All that part of the County Town of Kelston West that is within the Trust area.