

# SUPPLEMENTARY ORDER PAPER.

## HOUSE OF REPRESENTATIVES.

Tuesday, the 24th Day of September, 1901.

### LICENSING ACT AMENDMENT BILL.

Mr. HUTCHESON, in Committee, to move the following new clauses :—

Repeal of section 8, "Alcoholic Liquors Sale Control Act Amendment Act, 1895."

A. Section eight of "The Alcoholic Liquors Sale Control Act Amendment Act, 1895," is hereby repealed, and in lieu thereof the following is enacted :—

The Returning Officer shall count the votes, and reject all the informal votes, and shall ascertain and determine the result of the licensing poll, so far as the same affects the granting of licenses in the district in which such poll is taken, as follows :—

When proposal deemed to be carried.

- (1.) If the Returning Officer finds that the number of votes recorded in favour of the proposal that licenses be granted in the district is an absolute majority of all the voters whose votes were recorded, or that the number of votes recorded in favour of the proposal that no licenses be granted in the district is not an absolute majority of all the voters whose votes were recorded, then such first-mentioned proposal, unless superseded as hereinafter provided, shall be deemed to be carried, and he shall notify the Licensing Committee thereof, and the number of licenses shall continue as they are until the taking of the next licensing poll; subject, nevertheless, to the discretion of the Licensing Committee, who may in their discretion refuse to grant or renew any license which, in their opinion, is not required in the neighbourhood; and subject, also, to the power of refusing to renew licenses objected to under subsections one to four, inclusive, of section eighty-one of "The Licensing Act, 1881," and to the provisions of the Licensing Acts relating to forfeiture.

- (2.) If the Returning Officer finds that the number of votes recorded in favour of the proposal that no licenses be granted in the district is an absolute majority of all the voters whose votes were recorded, then such proposal shall be deemed to be carried, and he shall notify the Licensing Committee thereof, and thereafter no licenses of any description shall be granted therein until after another licensing poll has been taken.

B. Section seven of "The Alcoholic Liquors Sale Control Act Amendment Act, 1895," is hereby repealed, and in lieu thereof the following is enacted :—

The poll shall be taken as follows :—

- (1.) The Returning Officer of each electoral and licensing district shall appoint a sufficient number of Deputy Returning Officers and poll-clerks to assist him at the taking of the licensing poll.

Repeal of section 7, "Alcoholic Liquors Sale Control Act Amendment Act, 1895."

Provisions subject to which poll to be taken.

- (2.) The Returning Officer shall, upon the said day, proceed to take the poll in the manner provided by "The Electoral Act, 1893," for taking the electoral poll; and shall provide voting-papers and all things necessary for taking the poll.
- (3.) He shall also provide separate ballot-boxes for the licensing poll, and the poll for the election of the Committee, and each class of ballot-box shall be painted of a different colour, or otherwise have sufficient distinguishing marks to prevent mistakes.
- (4.) All mistakes made by depositing ballot-papers and voting-papers in the wrong boxes shall be corrected by the Returning Officer when counting the papers, and all the papers shall be duly included in the counting.
- (5.) The voting-papers shall be printed in the form in the *First* Schedule to this Act.
- (6.) The Returning Officer and his deputies shall cause the voting-papers to be marked in the same manner as the ballot-paper for an electoral poll, and shall give the voting-paper and the ballot-paper for the election of the Licensing Committee simultaneously to each voter.
- (7.) The voter shall strike out one or two of the proposals on his voting-paper, as he thinks fit, and his vote shall be deemed to be given in favour of the proposals or proposal which he does not strike out.
- (8.) If the voter strike out all, or fail to strike out at least one of, the proposals, his voting-paper shall be void, and he shall not be deemed to be a voter who has recorded his vote.
- (9.) The polling-booths in each district shall be the same as those used at the election of the Licensing Committee.
- (10.) Every elector shall fold up his voting-paper in the same manner as the ballot-paper at an electoral poll, and shall place it in the ballot-box specially set apart for receiving the said voting-papers.
- (11.) No voting-paper shall be taken out of the polling-booth.
- (12.) The scrutineers for the candidates at the poll for election of Licensing Committees may act as scrutineers in respect of the licensing poll.
- (13.) If the result of any licensing poll is disputed, any twenty-five electors may require an inquiry to be held in manner provided by section forty-eight and the subsequent sections of "The Regulation of Local Elections Act, 1876," and the matter in dispute shall be determined in the same manner, *mutatis mutandis*, as if the said poll were an electoral poll.
- (14.) All expenses incident to the taking of a licensing-poll shall be defrayed out of moneys to be appropriated by Parliament for the purpose.
- (15.) Every person who refuses or neglects to comply with or commits a breach of any of the provisions of this part of this Act is liable for every such offence to a penalty not exceeding *twenty* pounds.

C. (1.) The Minister, on receiving from the Returning Officers the statements and results of all the licensing polls throughout the colony, shall tabulate the same, and ascertain therefrom the determination of all the electors on the proposal that no licenses be granted in the colony.

(2.) If he finds that the total number of votes recorded throughout the colony in favour of such proposal is an absolute majority of all the voters whose votes are recorded, then such pro-

posal shall be deemed to affirm a determination by the people, by colonial option poll, that no licenses shall be granted in the colony; and he shall forthwith notify the fact in the *Gazette*, together with the aforesaid tabulated statements and results. And such determination shall supersede the proposals in respect of the granting of licenses in each district in the colony.

(3.) The determination of the people shall in such case come into force and take effect on the thirty-first day of March ensuing next after the expiration of twelve months from the day on which the licensing poll was taken at which such determination was arrived at; and all licenses existing in force on the said thirty-first day of March may continue in force until the thirtieth day of June then next ensuing, unless previously forfeited, and thereafter shall not be renewed, nor shall any license of any description be granted, anything in the licensing Acts to the contrary notwithstanding.

(4.) From and after the taking effect of any such determination of the electors as last aforesaid, and so long as such determination continues in force, the following provisions shall apply:—

(a.) It shall be unlawful, except as hereinafter provided, to import any liquor into the colony for any purpose, or to distil any spirituous liquors in the colony, or to manufacture in the colony any liquor for sale or barter, or to supply any liquor for removal therein or elsewhere beyond the colony, or to sell any liquor.

(b.) In any prosecution for any breach of this section, it shall lie on the accused to prove that any liquor in question was not distilled, or was not imported, or was not manufactured in the colony, or was not sold as aforesaid, as the case may be.

(c.) Except as hereinafter provided—

(1.) All liquors imported into the colony shall be landed and placed in the King's Bond, there to remain at the expense of the importers thereof, who shall forthwith cause the same to be exported from the colony.

(2.) No liquors shall be landed from any vessel arriving in the colony on or after the first day of July next ensuing after the above-mentioned thirty-first day of March.

(3.) No person selling any spirituous or distilled perfume, nor any apothecary, chemist, or druggist administering or selling any spirituous, distilled, or fermented liquor for medicinal use, shall do so otherwise than in such combination as renders it unfit for use as a beverage.

(4.) The Governor may at any time, by notice in the *Gazette*, declare what alcoholic compounds or proportion of alcohol in such compounds shall constitute such combination as aforesaid.

(5.) The fact that no such *Gazette* notice has been issued respecting any alcoholic compound or combination shall not relieve any chemist or other person from responsibility for a reasonable interpretation of this provision respecting such alcoholic compound or combination.

(d.) Except as specified in subsection (c) hereof, no liquor shall be sold for either medicinal use or use in the arts and manufactures, unless—

(1.) At such places and by such persons in His Majesty's Customs as the Governor from time to time appoints; nor

(2) Unless in such closed and sealed bottles or other receptacles as that the liquor therein cannot be poured out without such seal being first broken ; nor

(3.) Unless with a Government label declaring the kind, quantity, quality, and price of the liquor, as these may be determined by the Governor ; nor

(4.) Unless at the price so declared by the Governor ; nor

(5.) Unless the price of the liquor is paid at the time of purchase ; nor

(6.) Unless for consumption or use elsewhere than upon the premises where sold.

- (e.) Except as specified in subsection (c) hereof, no liquor shall be sold for medicinal use otherwise than upon presentation of a certificate in the prescribed form to the Customs officer, from a duly qualified medical practitioner, authorising the application for the same, which certificate shall be retained and registered by the Customs officer.
- (f.) No liquor shall be sold for use in the arts and manufactures otherwise than upon such evidence given as shall satisfy the Customs officer of the *bona fides* of the application, and also upon the registration of the purchaser and his purchase.
- (g.) In every case discretion shall rest with the said Customs officer to refuse the application if not satisfied of its *bona fides*, or to make inquiries respecting it.