

# SUPPLEMENTARY ORDER PAPER.

## HOUSE OF REPRESENTATIVES.

Friday, the 4th Day of October, 1901.

### LICENSING ACT AMENDMENT BILL.

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

Prohibition in the  
King-country.

A. With respect to that district of the North Island known as Rohe-Potae, or the King-country, the following provisions shall apply:—

- (1.) It shall not be lawful for any person whomsoever—
  - (a.) To solicit or receive any order for any liquor within such district; nor
  - (b.) To sell, or expose or keep for sale, any liquor within such district; nor
  - (c.) To send (either from without or within such district) or deliver to any person residing therein, or at any place situate therein, any liquor which the person sending or delivering the same has reasonable ground to suspect is intended to be sold, or exposed or kept for sale, therein; nor
  - (d.) To send or deliver to any person residing therein or to any place situate therein any package containing liquor, unless such package bears distinctly written or printed on the outside thereof a statement that it contains liquor. Any Inspector appointed under the Licensing Acts may detain and in the presence of at least two witnesses examine the contents of any package in respect whereof a violation of this provision is reasonably suspected by him.
- (2.) Every person who commits any breach of any of the provisions of this section is liable for a first offence to a penalty not exceeding *fifty* pounds, and for a second offence to imprisonment for any term not exceeding *three* months, and for any subsequent offence to imprisonment for any term not exceeding *twelve* months.
- (3.) In any prosecution for the sale of liquor in breach of this section it shall not be necessary, in proving the sale, to show that any money or money's worth passed, or that any other consideration for the sale existed, if the Court is satisfied that a transaction in the nature of a sale actually took place.
- (4.) In any prosecution for exposing or keeping liquor for sale in breach of this section it shall lie on the accused to show that the liquor proved to be exposed or kept was not so exposed or kept for sale.
- (5.) In any prosecution for sending or delivering liquor in breach of this section it shall lie on the accused to show that he had no reasonable ground to suspect that such liquor was intended to be sold, or exposed or kept for sale, within such district.

Barmaids abolished.

B. (1.) From and after the first day of July, one thousand nine hundred and two, no female shall be employed in the bar of any licensed house; and every holder of a license who shall commit or permit a breach of the provisions of this section upon his licensed premises shall be liable for a first offence to a penalty not exceeding *twenty* pounds, and for every subsequent offence to a penalty not exceeding *fifty* pounds.

(2.) A record of every conviction under this section shall be indorsed on the license of the offender, and upon the second of such convictions his license shall be forfeited.

Bar at Bellamy's abolished.

C. (1.) No liquor shall be sold or exposed for sale within the precincts of the Parliament Buildings.

(2.) Section thirteen of "The Alcoholic Liquors Sale Control Act Amendment Act, 1895," is hereby repealed.

Ten o'clock closing.

D. Subsections three and four of section twelve of "The Alcoholic Liquors Sale Control Act, 1893," are hereby repealed.

Requirements of neighbourhood to be considered on renewal.

E. Section eighty-one of "The Licensing Act, 1881," is hereby amended by the addition of the following subsection:—

"(5.) That the licensing thereof is not required in the neighbourhood, or that the quiet of the place in which such premises are situate will be disturbed if a license is granted."

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

#### CLUBS.

A. (1.) Every club charter shall be subject to the result of the licensing poll in manner following:—

(a.) If in any district the result of the licensing poll is that no licenses be granted therein, every club charter then in existence therein may continue in force until the thirtieth day of June then next ensuing, and shall on and after that date be null and void, and no new charter shall be granted therein so long as such result continues in operation.

(b.) If the result of the colonial option poll is that no licenses be granted in the colony, every club charter therein shall be deemed to be revoked on the day when all publicans' licenses ceased to be granted, and no club charter shall thereafter be in force in the colony so long as such result continues in operation.

(c.) If the result of the colonial option poll is that licenses be restored in the colony then after the date of the *Gazette* notice of such result, and until such result is reversed by a subsequent colonial option poll, club licenses may be granted or not in such district according to the result of the licensing poll in such district on the proposals for the restoration or non-restoration of licenses therein.

(2.) Subsection two of section fourteen of the said Act, and subsection three of section twenty-seven of "The Alcoholic Liquors Sale Control Act, 1893," are hereby repealed.

B. (1.) No liquor shall be sold at any club at any hour when liquor may not be lawfully sold on any licensed premises.

(2.) For the purpose of this section every club charter shall be deemed to be an extended license within the meaning of subsection three of section twelve of the last above-mentioned Act.

C. Notwithstanding anything to the contrary contained in subsection one of section twenty-seven of the last above-mentioned Act, it is hereby declared that proceedings against any club for breaches of the provisions therein referred to may be taken without the direction of the Colonial Secretary.

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

D. On the day appointed for the election of a Licensing Committee in each licensing district under the provisions of section nineteen of the said Act, a poll (hereinafter called "the licensing poll") of the electors of such district shall also be taken.

Mr. G. J. SMITH, in Committee, to move the following new clauses:—

Penalty for sale of liquor by holder of packet license contrary to terms of license.

A. Any person, being the holder of a packet license issued under the said Act, who—

- (a.) Sells, gives, or supplies liquor to any person whomsoever, other than a *bonâ fide* passenger, while on board the packet or vessel in respect of which the license is issued, and only during any part of the actual passage of such packet or vessel between the places named in such license, and for the personal use and consumption of such passenger only on board the packet or vessel;
- (b.) Allows any liquor to be consumed by any person whomsoever, other than a *bonâ fide* passenger as aforesaid, on board such packet or vessel as aforesaid;
- (c.) Exposes any liquor for sale on board such packet or vessel except during the actual passage of such packet or vessel as aforesaid;
- (d.) Permits drunkenness on board the packet or vessel;
- (e.) Sells, gives, or supplies liquor to any passenger already in a state of intoxication;
- (f.) By any means encourages or incites any passenger to drink liquor;
- (g.) Sells, gives, or supplies liquor to any passenger apparently under the age of sixteen years;
- (h.) Sells, gives, or supplies liquor to or for any passenger against whom, to the licensee's knowledge, a prohibition order has been made and is current;
- (i.) Sells, gives, or supplies to any passenger any adulterated liquor within the meaning of section one hundred and ninety-one of the said Act;
- (j.) Sells, gives, or supplies liquor to or for any passenger who is a female aboriginal native—

shall, on conviction thereof, be liable and subject to the following penalties, that is to say,—

- (1.) For the first offence he shall be liable to a penalty not exceeding *fifty* pounds, or to imprisonment with or without hard labour for a term not exceeding *one* month.
- (2.) For the second offence he shall be liable to a penalty not exceeding *one hundred* pounds, or to be imprisoned with or without hard labour for a term not exceeding *three* months, and he may by order of the Court by which he is tried be disqualified for any term not exceeding *five* years from holding any license for the sale of liquors.
- (3.) For the third and any subsequent offence he shall be liable to a penalty not exceeding *one hundred* pounds, or to imprisonment with or without hard labour for any term not exceeding *six* months, and may by order of the Court by which he is tried be disqualified for any term of years, or for ever, from holding any license for the sale of liquors.

Owner of packet or vessel liable to pay fine.

B. When a penalty has been imposed upon the holder of a packet license under the last section, and he either fails to pay the whole amount of the penalty or the whole amount of the penalty cannot be recovered from him by distress or other process of law, the owner of

the packet or vessel of which the holder of the license so convicted is the captain shall be liable to pay the said penalty or any portion thereof remaining unpaid, and he may be sued therefor, and the same may be recovered by the informant or by the bailiff of any Court of competent jurisdiction.

Indorsement of  
fine on license.

C. Any conviction under section *two* hereof shall be duly recorded on the license of the person convicted.

And to move to add the following subsection to clause 3 :—

(4a.) As to section thirteen, by the addition of the following subsection :—

“(8.) The vote referred to in this section shall be recorded in *Hansard* in the same manner as divisions in the House or in Committee of the House.”

And to move the addition of the following new clauses :—

A. The bar of every hotel shall, so far as selling alcoholic liquors to any persons not lodgers in the hotel nor *bonâ fide* travellers visiting the hotel, be deemed a shop within the meaning of “The Shops and Shop-assistants Act, 1894.”

B. Subsection two of section thirty-seven of “The Licensing Act, 1881,” is hereby repealed, and in place thereof it is enacted that a licensee shall have one bar only on his licensed premises, and no liquor shall be sold or exposed for sale except in the said bar, but such provision shall not prevent the licensee supplying liquor from the said bar to persons in other rooms of the said licensed premises.

C. Any constable may demand the name and address of any person found on any premises during the period during which they are required by the provisions of the Licensing Acts to be closed; and, if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address; and may, if such person fail upon such demand to give his name or address or such evidence, apprehend him without warrant, and bring him as soon as practicable before a Justice of the Peace.

D. Any person required by a constable under the preceding section to give his name and address who fails to give the same, or gives a false name and address, shall be liable to a penalty not exceeding *five* pounds.

E. Every person who, by falsely representing himself to be a traveller or lodger, buys or obtains, or attempts to buy or obtain, at any premises any intoxicating liquor during the period during which such premises are closed in pursuance of the Licensing Acts shall be liable to a penalty not exceeding *five* pounds.

F. It shall not be lawful for any member of a Licensing Committee to supply any goods to, or for fee or reward perform any work for, a wine and spirit merchant, brewer, or an innkeeper. Any person guilty of a breach of this section shall thereupon cease to be a member of the Licensing Committee, and shall in addition be liable to a penalty not exceeding *twenty* pounds and not less than *ten* pounds.