

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Thursday, the 20th Day of September, 1894.

LICENSING BILL.

Mr. TANNER, in Committee, to move the following amendments:—

To strike out subsection (5) of clause 3, and insert a new clause, 8A, as follows:—

8A. The buildings known as the Parliament House, in the City of Wellington, are hereby constituted a special licensing district of the colony.

On the first day of the session of one thousand eight hundred and ninety-five the Clerk of each House shall conduct a poll, at which members of each House shall vote on the question: "Shall beer, wine, or spirituous liquors be sold within the precincts of the Parliament House during the remainder of the present Parliament?—"Aye" or "No"; and shall report the result to the Speakers of the Legislative Council and House of Representatives respectively.

If when the votes taken in both Houses are added together a majority of those voting record their votes against the proposal, then no wine, beer, or spirituous liquors shall be sold within the precincts of Parliament House during the remainder of the term of the then existing Parliament.

If a majority of those voting record their votes in favour of the proposal, then the Speakers of both Houses shall give authority for the sale of wine, beer, and spirituous liquors till the close of the last session of the then existing Parliament.

In case of equality of votes, the Clerk of the Legislative Council shall have a casting-vote.

A poll as aforesaid shall also be taken on the first day of the meeting of every ensuing Parliament.

Subsection five of clause three of "The Licensing Act, 1881," is hereby repealed.

Section 7: Strike out lines 5 and 6, and the word "districts" in line 7, and insert, "When a district under this Act shall be abolished and constituted into a new district." Strike out lines 10 to 13, and insert, "Nothing in section twenty-one of 'The Alcoholic Liquors Sale Control Act, 1893,' shall be construed or be deemed to affect or to have affected the position of the licenses in any proceedings taken regarding them in the Licensing Districts of Addington, Newtown, and Sydenham East, which were constituted under the Licensing Act of 1881."

Section 16: Line 32, after the word "functions," add, "save as provided in section *seventeen* hereof."

Section 21: Strike out from lines 26 to 43 inclusive, and insert—

Every club now existing shall apply through its secretary or other officer to the Colonial Secretary for a charter, and with the application shall forward a copy of its rules, a list of the officers and members, and a copy of the last balance-sheet, duly certified under the hand of the secretary.

When any number of persons not less than fifty have established a new club, and paid the first annual subscription thereto, all of them being resident within a mile of the proposed site of the club's intended premises, they shall forward to the Licensing Committee an application for a provisional charter, and in such application shall state the objects and site of the proposed premises, and enclose a copy of the rules adopted; and if the Licensing Committee is satisfied that such application is *bonâ fide*, the Committee may issue to such club a provisional charter, in the Form A in the *First* Schedule hereto, or to the effect thereof, which shall be in force for one year, before the expiration of which time the secretary of such club shall apply to the Licensing Committee for a permanent charter, and with the application shall forward a copy of its rules, a list of the officers and members, the latter not less than fifty in number, and a copy of the last balance-sheet duly certified under the hand of the secretary.

On being satisfied that any club has been permanently established for the proper purposes of a club, as defined in section *four*, the Licensing Committee may issue a permanent charter in the Form B. in the *First* Schedule hereto, or to the effect thereof, to such club, authorising its existence; and every charter granted as hereinbefore provided shall be subject to the following conditions:—

In lines 45 and 46, strike out "Public Account," and substitute therefor "Treasurer of the borough, county, or road district in which the club may be situate."

In line 19, page 13, after the word "Minister," insert "in the case of clubs now existing, and to the Licensing Committee in the case of clubs hereafter to be established."

In line 21, strike out "he," and substitute "the Minister or the Licensing Committee respectively," and consequential amendments as follows: In line 24, and in section 22, lines 33 and 35; and lines 2, 6, and 12, on page 14.

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

Line 29 (heading), page 20, struck out, and "National Option" substituted.

Section 41: Struck out.

Section 42: Lines 1 to 9, on page 21, struck out.

New clause:—

42A. At every such poll, the question whether any licenses are to be granted in the colony shall be submitted in manner hereinafter provided.

Section 43: Subsection (3), in line 40, the words "line in each," and in lines 40 and 41 the words "according to his opinion," struck out. In line 45, the words "line in respect of either" struck out. In line 51, the words "as to either proposal," and all the words after the word "void," to the end of subsection, struck out.

Section 44: Struck out.

Sections 46 and 47: Postponed until after section 51.

Section 47: That the following words be added to the section:—

"Provided, however, that in every poll taken under this section the question contained in subsection *two* of section *forty-one* shall not be submitted, and the necessary alterations shall be made in the *Third* Schedule to this Act."

Section 48: Struck out.

Section 49: Postponed until after section 51.

Section 50: In line 6, on page 25, the word "proposal" struck out, and "determination" substituted therefor.

Section 51: In line 16, all the words after "aforesaid" to the end of line 22 struck out, and the following substituted:—

"(1.) It shall be unlawful, except as hereinafter provided, to import any liquor into the colony for any purpose, or to distil any spirituous liquor in the colony, or to manufacture in the colony any liquor for sale or barter, or to supply for removal therein or elsewhere beyond the colony; and in any prosecution for such importation,

distillation, or manufacture 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 as aforesaid, as the case may be."

Same clause: Between lines 22 and 23 the following inserted:—

"(2.) Except as hereinafter provided,—(a)."

In line 27, after "colony," insert "(b)."

Before line 31 the following inserted:—

(3.) Except as hereinafter provided, 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 purposes, shall do so otherwise than in such combination as renders it unfit for use as a beverage.

(4.) No liquor shall be sold for either medicinal use or use in the arts and manufactures excepting at such places and by such persons, hereinafter called "spirit vendors," as the Governor shall appoint; nor excepting 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 with such seal broken; nor without a label declaring the kind, quantity, quality, and price of the liquor; nor at any price other than that so declared; nor for consumption or use upon the premises where sold.

(5.) Liquor for medicinal purposes shall not be sold otherwise than upon presentation of a certificate, in the form of the *Thirteenth* Schedule hereto, from a duly-qualified medical practitioner authorising the application for the same, which certificate shall be retained and registered by the spirit vendor; nor for use in the arts and manufactures, otherwise than upon such evidence given as shall satisfy the spirit vendor of the *bona fides* of the application, and the registration of the purchaser and his purchase; and in either case discretion shall rest with the said spirit vendor to refuse the application if not satisfied of its *bona fides*, or to make inquiries respecting it.

(6.) The Governor may appoint chemists to be spirit vendors for the purposes of the preceding subsection, and determine the remuneration for their services as such. The spirit vendors shall from time to time, as may be required of them, give account to the department of Customs of their disposal of the said liquors.

(7.) The Governor may determine what liquors shall for the purposes of this section be manufactured or imported, and make necessary regulations from time to time for carrying out the provisions of this section.

Same clause: In line 31, insert "(8)." before "Every."

New clauses:—

#### *Local Option.*

51A. From and after the passing of this Act, no license now in force shall be renewed until the electors of the district shall have previously determined, in manner hereinafter provided,—

- (1.) Whether the present number of licenses is to continue;
- (2.) Whether the number of any such licenses is to be reduced;
- (3.) Whether any licenses are to be granted.

51B. The Returning Officer of every licensing district shall appoint some one day within the month of March, one thousand eight hundred and ninety-seven, and thereafter within the month of March in every third year, for the taking in all licensing districts throughout the colony of the poll to be taken under the provisions of this Act; and the Returning Officer in each licensing district shall give not less than fourteen days' notice of the day so appointed.

At such poll the questions set forth in section *forty-one* of this Act shall be submitted in the form set forth in the *Third* Schedule to this Act.

51c. The poll shall be taken as follows:—

- (1.) The Returning Officer shall appoint such person or persons as he thinks fit to be his deputy or deputies to assist him at the taking of any poll as hereinafter provided.

- (2.) The Returning Officer shall, upon the day so appointed, proceed to take the poll in the manner provided by any law for the time being in force regulating the election of members of the House of Representatives, for taking a poll at any election, and shall provide voting-papers and all things necessary for taking the poll.
- (3.) The voting-papers shall be printed in the form in the *Third* Schedule, setting forth the proposals mentioned in section *forty-one*, with respect to each particular kind of license which is to be put to the vote.
- (4.) The voter shall erase two of the said words in each case, and his vote shall be deemed to be given in respect of each proposal according to the one of the said words which he leaves un erased.

If the voter fails to erase two of the said words as aforesaid, the ballot-paper shall be void.

- (5.) Each elector shall have only one vote, and the polling-booths in each district shall be the same as if it were an election under any such law as aforesaid.

All the provisions of that Act as regards taking a poll, and the penalties incurred in any respect in connection therewith, shall, *mutatis mutandis*, so far as they are applicable, and except as by this Act is otherwise provided, apply to the taking of any poll under this Act.

51D. As soon as conveniently may be after the result of the poll has been ascertained, the Returning Officer shall give public notice of the number of votes recorded for and against the several proposals as above provided, shall declare which proposal is carried, and shall notify the same to the Licensing Committee.

- (1.) If, on counting the votes, the Returning Officer finds that an absolute majority of the votes recorded are given in favour of the proposal that the number of licenses in the district shall continue as they exist, then such proposal shall be deemed to be carried, and the number of licenses shall continue as they are, subject to the power of refusing to renew any licenses under the provisions of subsection *six* of section *twelve*.
- (2.) If, on counting the votes, the Returning Officer finds that an absolute majority of the votes recorded are given in favour of the proposal that the number of licenses in the district shall be reduced, then such proposal shall be deemed to be carried, and the number of licenses shall be reduced accordingly.
- (3.) If, on counting the votes, the Returning Officer finds that a majority of the votes recorded are given in favour of the proposal that no licenses shall be granted in the district, then such proposal shall be deemed to be carried; and thereafter no licenses shall be granted in the district until after another poll of electors has been taken therein.
- (4.) If, on counting the votes, the Returning Officer finds that the number of votes recorded in favour of the proposal that no licenses be granted in the district does not amount to a majority of the total number of votes recorded at the poll, but yet that the votes given in favour of such proposal added to the number of votes given at the same poll in favour of the proposal that the number of licenses in the district shall be reduced amount together to an absolute majority of the total number of votes recorded at the poll, then and in such case the proposal that the number of licenses in the district be reduced shall be deemed to be carried, and the number of licenses shall be reduced accordingly.

Section 52 : Struck out.

Section 53 : In line 47, "and" struck out, and "or where" substituted.