

Supplementary Order Paper.

HOUSE OF REPRESENTATIVES.

Friday, the 30th Day of October, 1931.

LICENSING POLL POSTPONEMENT AMENDMENT BILL.

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

Grant of licenses
subject to vote of
electors.

4. No license of any description shall be granted or renewed until the electors of the district have previously determined, in manner hereinafter provided,—

- (a) Whether the number of licenses existing in the district is to continue :
- (b) Whether the number of licenses existing in the district is to be reduced :
- (c) Whether no licenses are to be granted in the district.

Poll to be taken on
day of general
election.

5. On the day appointed for the taking of the poll (hereinafter called the electoral poll) of the electors of each electoral district for the return of a member of Parliament for such district, at every general election after the coming into operation of this Act, and simultaneously therewith, a poll (in this Act called the licensing poll) of the electors of such district shall also be taken upon the proposals to be submitted to them under this Act :

Provided that—

- (a) The licensing poll shall be taken in every licensing district, notwithstanding that in any such district no electoral poll may be required to be taken for such election as aforesaid.

Questions to be
submitted to poll.

6. (1) At every licensing poll the questions set forth in section *four* hereof shall be submitted in the form of the proposals set forth in the *First* Schedule hereto.

Number of proposals
to be voted on.

(2) Each voter shall be entitled to vote on any one or two of the proposals, and the voting shall not be cumulative.

Provisions subject
to which poll to be
taken.

7. (1) The poll shall be taken as follows:—

- (a) The Returning Officer of the electoral district shall be the Returning Officer.
- (b) The Returning Officer shall, upon the day appointed, proceed to take the licensing poll in the manner provided by the Electoral Act, 1927, for taking the electoral poll, and shall provide voting-papers and all things necessary for taking the licensing poll.
- (c) He shall also provide separate ballot-boxes for the licensing poll and the electoral poll, and each class of ballot-box shall be painted of a different colour, or otherwise have sufficiently distinguishing marks to prevent mistakes.
- (d) 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.

- (e) He shall also appoint a Deputy Returning Officer and a sufficient number of poll-clerks for the sole purpose of attending to the business of taking the licensing poll.
 - (f) The voting-papers for the licensing poll shall be different in colour to the ballot-papers for the electoral poll.
 - (g) The Returning Officer shall cause the voting-paper for the licensing poll to be marked in the same manner as the ballot-paper for the electoral poll, and shall give the voting-paper and the ballot-paper simultaneously to the voter.
 - (h) The Returning Officer and his deputy shall take care that every voter is provided with one voting-paper for the licensing poll.
 - (i) The voter shall strike out all the proposals on his voting-paper except one, or all except two, as he thinks fit; and his vote shall be deemed to be given in favour of the proposals which he does not strike out.
 - (j) If the voter strikes out all or fails to strike out at least one of the proposals the voting-paper shall be void, and he shall not be deemed to be a voter who has recorded his vote.
 - (k) The polling-booths in each district shall be the same as those used at the taking of the electoral poll.
 - (l) Every elector shall fold up the voting-paper at a licensing poll in the same manner as the ballot-paper at an electoral poll, but separate therefrom, and place it in the ballot-box specially set apart for receiving the said voting-papers.
 - (m) No voting-paper shall be taken out of the polling-booth.
 - (n) All expenses incident to the taking of a licensing poll shall be defrayed out of moneys provided by those asking for the poll.
- (2) Every person who refuses or neglects to comply with, or commits any breach of any of the provisions of this Part of this Act, or misleads or gives any misdirection to a voter in any matter relating to his vote, is liable for every such offence to a fine not exceeding *twenty* pounds.

Scrutineers.

8. Any ten or more electors who are in favour of the proposal that no licenses be granted in the district may, by nomination-paper under their hands, nominate any two specified persons to appoint one scrutineer to act at each ballot-box in the district in the interest of all electors who are in favour of that proposal.

9. Any ten or more electors who are not in favour of the proposal that no licenses be granted in the district may, in like manner, nominate any two specified persons to appoint one scrutineer to act at each such ballot-box in the interest of all electors who are not in favour of that proposal.

10. The nomination-paper shall be in the form numbered (1) in the *Second* Schedule hereto, and shall be verified by statutory declaration as therein set forth, but the statutory declaration shall be exempt from stamp duty.

11. The nomination-paper shall be lodged with the Returning Officer not later than the seventh day before the day of polling, and shall be open to public inspection.

12. On a day to be publicly notified by the Returning Officer, being not earlier than the fifth nor later than the third day before the day of polling, he shall publicly consider all the nomination-papers duly lodged as aforesaid, and, after hearing all objections thereto, select therefrom two fit persons to appoint one scrutineer, and two fit

Electors in favour of no-license may nominate persons to appoint scrutineers.

Similar provisions as to electors not in favour of no-license.

Form of nomination-paper: to be verified.

Nomination-paper to be lodged with Returning Officer.

Returning Officer to publicly consider nominations, and select fit persons to appoint scrutineers.

persons to appoint the other scrutineer, to act at each ballot-box in the respective interests as aforesaid; and the persons so selected may appoint accordingly.

Selection to be in writing.

13. The selection shall be by writing under the hand of the Returning Officer, in the form numbered (2) in the *Second* Schedule hereto.

Appointments to be in writing: form thereof.

14. The appointment shall in each case be by writing under the hands of the persons selected as aforesaid, and shall be in the form numbered (3) in the *Second* Schedule hereto.

Powers of scrutineers.

15. Every scrutineer so appointed shall, for the purposes of the licensing poll, have all the powers of a scrutineer under the Electoral Act, 1927, and shall make the declaration required to be made by scrutineers at elections under that Act.

Remuneration of scrutineers not expenses of poll.

16. The remuneration (if any) of the scrutineers shall not be deemed to be expenses incident to the taking of the licensing poll.

Result of Poll.

When proposal deemed to be carried.

17. The Returning Officer shall count the votes, and reject all the informal votes, and shall ascertain and determine the result of the licensing poll in manner following:—

(a) If the Returning Officer finds—

That the number of votes recorded in favour of the proposal that the number of licenses existing in the district shall continue is an absolute majority of all the voters whose votes were recorded,—

Then such 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, but not otherwise.

(b) If the Returning Officer finds—

That the number of votes recorded in favour of the proposal that the number of licenses existing in the district shall be reduced is an absolute majority of all the voters whose votes were recorded,—

Then such proposal, unless superseded as hereafter provided, shall be deemed to be carried, and shall supersede the proposal for continuance of licenses, and he shall notify the Licensing Committee thereof; and the number of licenses shall be reduced in manner following:—

(i) At its first annual meeting after the licensing poll the Committee shall reduce the number of publicans' licenses by not less than five per centum nor more than twenty-five per centum of the total number existing in the district at the time when the poll was taken, exclusive of licenses forfeited for breaches of the law:

Provided that the number of publicans' licenses shall be reduced by one at least where the number does not exceed ten, by two at least where the number exceeds ten but does not exceed thirty, and by three at least where the number exceeds thirty.

(ii) Those licenses which have been endorsed for breaches of the law in respect of selling liquor to children, or to female aboriginal Natives, or to drunken persons, or of selling liquor on Sundays, or of selling adulterated liquor, or in respect of which objections have been made and sustained under section one hundred and nine of the principal Act, shall be the first to be reduced, and next those held in respect of premises which comprise little or no accommodation for lodgers and travellers except the bar.

(iii) In making any reductions the Committee shall make such reductions to extend over the whole district in such manner as it thinks equitable, having regard to the convenience of the public and the particular requirements of the several localities within the district.

Declaration of result of poll.

18. (1) As soon as conveniently may be after the result of the licensing poll has been ascertained the Returning Officer shall give public notice, in the form in the *Third* Schedule hereto or to the like effect, of the total number of voters whose votes are recorded at the poll and of the number of votes recorded in favour of each of the aforesaid proposals, and shall declare the result of the poll respecting licenses in the district accordingly.

(2) Such notice shall be binding on the Licensing Committee.

Statement to be sent to Minister.

(3) As soon as conveniently may be after the result of the licensing poll has been notified as aforesaid the Returning Officer shall forward to the Minister a statement of the total number of voters whose votes are recorded at the poll, and of the number of votes recorded in favour of each of the proposals submitted thereat, together with a statement of the result of the poll.

Disposal of voting-papers.

19. As soon as the licensing poll has been taken, all the voting-papers used and unused thereat shall be packed in separate parcels, apart from the ballot-papers used at the electoral poll, and transmitted by the Returning Officer to the Clerk of the Magistrate's Court nearest to the principal polling-place, and the said Clerk shall deal with the said parcels in manner as provided by section twenty-nine of the Local Elections and Polls Act, 1908.

Result of poll to have effect.

20. The result of every valid licensing poll (whether taken before or after the coming into operation of this Act) shall have effect until superseded at a subsequent valid licensing poll.

Licenses not to be granted in no-license district.

21. In any district where no licenses exist as the result of any licensing poll it shall not be lawful, so long as such result is in force, to grant or renew therein any publican's license, New Zealand wine license, accommodation license, bottle license, packet license, wholesale license, conditional license, charter of any club, or license to sell liquor at a railway refreshment room.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

VOTING-PAPER.

Under the Licensing Act, 1908.

- I vote that the number of licenses existing in the district continue.
- I vote that the number of licenses existing in the district be reduced.
- I vote that no licenses be granted in the district.

General Directions.

The voter may strike out all the proposals except one, or all except two, but no more. The voter must strike out all the proposals which he does not wish to be carried. If the voter strikes out all or fails to strike out at least one of the proposals, the voting-paper will be void.

The voting-paper so marked is to be dropped by the voter into the separate ballot-box prepared for it, and not into the same box as that in which he drops his electoral ballot-paper.

The voter is not allowed to take his voting-paper out of the polling-booth.

SECOND SCHEDULE.

(1) NOMINATION OF SCRUTINEERS.

Under the Licensing Act, 1908.

FOR the purposes of the licensing poll to be taken in the District of _____ on the day of _____, 19____, we, the undersigned electors of the district, hereby nominate [*Full names, addresses, and occupations of the two persons nominated*] as fit persons to appoint one scrutineer to act at each ballot-box in the interest of all electors who are in favour [*or, as the case may be, not in favour*] of the proposal that no licenses be granted in the district. And in support of this our nomination we hereby severally, each for himself or herself, solemnly and sincerely declare that we are, and we verily believe each of the persons nominated as aforesaid to be, honestly in favour [*or, as the case may be, not in favour*] of the proposal that no licenses be granted in the district; and we severally make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1927.

Severally declared by each of the [*Number*] declarants whose signatures are subscribed hereto, this _____ day of _____, 19____, before me—

.....
J.P. [*Solicitor, or as the case may be.*]

Signature, Address, and Occupation.

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

NOTE—Not less than ten electors must sign.

(2) RETURNING OFFICER'S SELECTION.

Under the Licensing Act, 1908.

HAVING considered the nominations duly lodged in this behalf, and having heard all objections thereto, I hereby select [*Full names, addresses, and occupations of the two persons selected, &c. (as above)*] as fit persons to appoint one scrutineer to act at each ballot-box at the licensing poll for the District of _____ on the _____ day of _____, 19____, in the interest of all electors who are in favour [*or, as the case may be, not in favour*] of the proposal that no licenses be granted in the district.

Dated at _____, this _____ day of _____, 19____, _____, Returning Officer.

(3) APPOINTMENT OF SCRUTINEERS.

Under the Licensing Act, 1908.

To the Returning Officer.

FOR the purposes of the licensing poll for the District of _____ to be taken on the _____ day of _____, 19____, we, the undersigned, being duly authorized in this behalf, hereby appoint the persons named in the Schedule hereto to act as scrutineers at the ballot-boxes at the polling-places named in the Schedule, in the interest of all electors who are in favour [*or, as the case may be, not in favour*] of the proposal that no licenses be granted in the district.

Schedule.

Scrutineer.	Polling-place.
[<i>Full name, address, and occupation of the scrutineer.</i>]	[<i>Name of polling-place.</i>]

Dated at _____, this _____ day of _____, 19____.
[*Signatures of the two persons authorized to appoint.*]

THIRD SCHEDULE.

DECLARATION OF LICENSING POLL IN THE DISTRICT.

LICENSING DISTRICT OF _____

IN pursuance of the Licensing Act, 1908, I hereby give public notice of the result of the local-option poll taken under the provisions of the said Act.

Number of Votes recorded.

That the number of licenses existing in the district continue ..
That the number of licenses existing in the district be reduced ..
That no licenses be granted in the district
[*or, as the case may be,*

That licenses be restored in the district

That licenses be not restored in the district]

The total number of voters whose votes were recorded at the poll was ;
and, as the number of votes recorded in favour of the proposal that the existing number
of licenses in the district continue [*or be reduced, as the case may be*] is an absolute majority
of the total number of voters as aforesaid, I hereby declare such proposal to be carried.

[*or,*

The total number of voters whose votes were recorded at the poll was ;
and, as the number of votes recorded in favour of the proposal that no licenses be granted
in the district [*or that licenses be restored, or be not restored, in the district, as the case
may be*] is not less than three-fifths of the total number of voters as aforesaid, I hereby
declare such proposal to be carried.]

[*or,*

The total number of voters whose votes were recorded was ; and, as none
of the proposals respecting licenses in the district obtained the prescribed majority,
I declare none of them to be carried.]

Dated at this day of , 19 .

, Returning Officer.