

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Friday, the 22nd Day of November 1968

STATUTES AMENDMENT BILL

Proposed Amendments

Hon. Mr HANAN, in Committee, to move the following amendments:

New Clause

To insert, after clause 96, the following new clause:

96A. **Time for laying information**—The principal Act is hereby amended by inserting, after section 100, the following section:

“100A. Notwithstanding anything in section 14 of the Summary Proceedings Act 1957, any information in respect of any offence against this Act may be laid at any time within two years after the time when the matter of the information arose.”

That clauses 95, 96, 96A, and 97 be a separate Bill, and that for clause 95 there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Public Revenues Act 1953

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

1. **Short Title**—This Act may be cited as the Public Revenues Amendment Act 1968, and shall be read together with and deemed part of the Public Revenues Act 1953 (hereinafter referred to as the principal Act).

Further New Clause

To insert, after clause 118, the following new clause:

118A. **Seals of local and special Boards of Directors of trustee companies**—Section 20 of the principal Act is hereby amended by adding to subsection (2) the words “and shall for all purposes be deemed to be the seal of the company”.

That clauses 117, 118, 118A, and 119 be a separate Bill, and that for clause 117 there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Trustee Companies Act 1967

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

1. Short Title—This Act may be cited as the Trustee Companies Amendment Act 1968, and shall be read together with and deemed part of the Trustee Companies Act 1967 (hereinafter referred to as the principal Act).

Further New Clauses

To insert, after clause 144, the following heading and new clauses:

Sale of Liquor

145. Sections to be read with Sale of Liquor Act 1962—This section and the next three succeeding sections shall be read together with and deemed part of the Sale of Liquor Act 1962* (in those sections referred to as the principal Act).

*1962, No. 139

Amendments: 1963, No. 114; 1964, No. 55; 1965, No. 70; 1967, No. 6; 1967, No. 34

146. Amending limitations on right of appeal against certain decisions of Commission—(1) Section 229 of the principal Act is hereby amended by omitting from subsection (1) (as amended by section 7 (1) of the Decimal Currency Act 1964) the words “ten thousand dollars”, wherever those words occur in that subsection, and substituting in each case the words “two thousand dollars”.

(2) Section 318 of the principal Act is hereby amended by omitting from subsection (1) (as amended by section 7 (1) of the Decimal Currency Act 1964) the words “ten thousand dollars”, and substituting the words “two thousand dollars”.

147. Appeals to Supreme Court to be heard by Administrative Division—(1) The principal Act is hereby further amended by inserting, after section 230, the following heading and section:

“General Provision as to Appeals

“230A. Every appeal to the Supreme Court under any of the provisions of sections 226, 227, 229, 286A, 297, and 318 of this Act shall be heard and determined by the Administrative Division of the Supreme Court; and accordingly all references to the Supreme Court in those sections (except in subsection (9) of section 229) shall, unless the context otherwise requires, be read as references to the Administrative Division of the Supreme Court.”

(2) Section 53 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Every question of law arising on any case stated under this section shall be heard and determined by the Administrative Division of the Supreme Court”.

(3) Section 9A of the Licensing Amendment Act 1910 (as substituted by section 2 of the Licensing Amendment Act 1963) is hereby amended by omitting from subsection (2) the words “and 226”, and substituting the words “226, and 230A”.

(4) Every appeal made or case stated to the Supreme Court under the principal Act before the commencement of this section, and not determined at the commencement of this section, shall be deemed to have been made or stated to the Administrative Division of the Supreme Court:

Provided that if the appeal or case has been wholly or partly heard it shall be determined as if this section had not been passed.

148. Conversion of provisional hotel premises licence to tavern premises licence—(1) Section 286B of the principal Act (as inserted by section 5 (1) of the Sale of Liquor Amendment Act (No. 2) 1967) is hereby amended by inserting, after the words “where under”, the words “section 308 or”.

(2) Section 314 of the principal Act is hereby amended by inserting, after the words “Where under”, the words “section 308 or”.

(3) This section shall come into force on the first day of January, nineteen hundred and sixty-nine.

That clauses 145 to 148 be a separate Bill, and that for clause 145 there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Sale of Liquor Act 1962

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

1. Short Title—This Act may be cited as the Sale of Liquor Amendment Act 1968, and shall be read together with and deemed part of the Sale of Liquor Act 1962 (hereinafter referred to as the principal Act).

EXPLANATORY NOTE

Clause 96A provides that the period of limitation for the laying of informations for offences against the Public Revenues Act 1953 shall be 2 years. The present period is the general period of 6 months which applies under the Summary Proceedings Act 1957.

Clause 118A: Section 20 (2) of the Trustee Companies Act 1967 declares that the seal of a local or special Board of Directors of a trustee company shall have the same force and effect as the seal of the company. The clause strengthens this provision by declaring that the seal of such a local or special Board of Directors shall for all purposes be deemed to be the seal of the company. The provision is designed to overcome problems that have arisen in connection with sections 161 and 178 of the Land Transfer Act 1952.

Clause 146: Under sections 229 and 318 of the Sale of Liquor Act 1962 there are rights of appeal against decisions of the Licensing Control Commission requiring alterations, repairs, or rebuilding of premises involving an expenditure of \$10,000 or more. This clause extends these rights of appeal by substituting in each case the lower figure of \$2,000.

Clause 147: Under the Sale of Liquor Act 1962 rights of appeal to the Supreme Court are given by section 226 (against the determination of the Licensing Control Commission or a Licensing Committee on a point of law); section 227 (against certain decisions of a Licensing Committee); section 229 (against certain decisions of the Commission); section 286A (10) and (14) (against an assessment by the Chairman of a Licensing Committee of the annual fee for a tavernkeeper's licence; see section 3 of the Sale of Liquor Amendment Act 1967); section 297 (against an order of the Commission varying provisions in documents as to concessions on purchases by licensees of liquor from other licensees); and section 318 (against certain decisions of the Commission on the conversion of provisional licences).

Subclause (1) of this clause inserts a new section 230A in the Sale of Liquor Act 1962 with the effect that all such appeals will be heard and determined by the Administrative Division of the Supreme Court.

Subclause (2): Under section 53 of the Sale of Liquor Act 1962 the Commission or a Licensing Committee may state a case for the opinion of the Supreme Court on a question of law. The new subsection inserted by this subclause provides that such cases are to be heard and determined by the Administrative Division.

Subclause (3) is a consequential amendment.

Subclause (4) is a transitional provision.

Clause 148: Under section 286B of the Sale of Liquor Act 1962, where on the review of a provisional hotel premises licence the Commission decides to convert it to a tavern premises licence, the holder of the hotelkeeper's licence becomes the holder of a tavernkeeper's licence on the fourteenth day after the decision, and the tavernkeeper's licence fee of 3 percent of gross purchases of liquor for the tavern becomes payable from that time. Also, under section 314, he is relieved of his obligation to provide accommodation and meals from the date of the decision.

The amendments made by this clause make it clear that these provisions also apply to the case where, under section 308, the holder of a provisional licence makes a voluntary application to convert to a tavern premises licence (instead of waiting for a decision on a review) and on that application the Commission decides to authorise the issue of such a licence.