

# INVERCARGILL LICENSING TRUST BILL

## EXPLANATORY NOTE

THIS Bill reconstitutes the Invercargill Licensing Trust as an elective body instead of an appointed one. It also consolidates and amends the various enactments dealing with the Trust.

References to corresponding sections of the 1944 Act (1944, No. 4) and its amendments appear under the marginal notes to the clauses of this Bill.

Notes on the main amendments are set out below.

*The Trust District.*—The Trust district is to consist of the City of Invercargill and the Borough of South Invercargill as constituted on the passing of the Bill (*clause 3*). This brings into the Trust district a small area of the City which was not previously included.

*Reconstitution of Trust (Clauses 5, 6, 7, 11, and 12).*—The Trust will have six members (as at present) to be elected by the residents of the Trust district (except in the case of the first election, where the election will be conducted on the existing municipal rolls). The present Government nominees will be replaced by three elected members at the local body elections this year. The present representatives of the City of Invercargill and the Borough of South Invercargill will be replaced by three elected members in 1953. Thereafter three members will be elected in every third year. All elected members will hold office for six years. *Clauses 8, 10, and 13 to 20* deal with electors, the conduct of elections, disqualification and vacancies, the Chairman, and the Deputy Chairman. These provisions are the same as those already applying to all other Trusts.

*Situation of proposed hotels and bottle stores (clause 35).*—Any twenty or more electors residing within a quarter of a mile of any land on which a hotel or bottle store is proposed to be established may apply to a Magistrate for an order prohibiting its establishment, or requiring a poll to be taken on the proposal, on the grounds stated in *clause 35 (4)*. Similar provisions apply to all other Trusts. At present, in Invercargill, any resident in the neighbourhood may object (on the grounds stated in section 19 (3) of the 1944 Act) and apply to a Judge of the Supreme Court for an order as to whether or not a hotel should be established.

*Provisions not re-enacted.*—The following provisions are not included in the Bill:—

- (a) Power for the Minister of Finance to make advances to the Trust for the acquisition of property or payment of preliminary expenses (section 22 (3) of the 1944 Act):
- (b) Power to sell liquor in restaurants (section 37 of the Statutes Amendment Act, 1944).

*Minor amendments.*—These include the following:—

- (a) As in the case of other Trusts, there is power to sell liquor or grant permits for its sale at shows, &c., on terms similar to those of a conditional licence (*clause 33 (2)*):
- (b) The Trust is empowered to insure its members against personal accident while engaged in their duties (*clause 40*):
- (c) As in the case of other Trusts, not more than half the net profits are to be distributed in any year if the Trust's liabilities exceed two thirds of its assets (excluding goodwill); and distribution is not to be made from profits accrued for more than three financial years (*clause 46 (1)*).

*This PUBLIC BILL, originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
28th September, 1950.*

*Hon. Mr. Webb*

## INVERCARGILL LICENSING TRUST

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## A BILL INTITULED

Title. AN ACT to Provide for the Reconstitution of the Invercargill Licensing Trust as an Elective Trust, and to Consolidate and Amend the Enactments relating to that Trust. 5

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

Short Title. 1. This Act may be cited as the Invercargill Licensing Trust Act, 1950. 10

Interpretation. Cf. 1944, No. 4, s. 2 2. In this Act, unless the context otherwise requires,—

“Elector” means any person qualified to vote at any election of members of the Trust under this Act: 15

“Intoxicating liquor” and “liquor” have the same meaning as in the Licensing Act, 1908:

“Invercargill Licensing Trust district”, or “Trust district”, means the Invercargill Licensing Trust district constituted under this Act: 20

“Minister” means the Minister of Justice:

“Trust” means the Invercargill Licensing Trust constituted under this Act.

*Invercargill Licensing Trust District* 25

Invercargill Licensing Trust district.

3. (1) There is hereby constituted for the purposes of this Act a district, to be called the Invercargill Licensing Trust district, which shall comprise the City of Invercargill and the Borough of South Invercargill as constituted at the passing of this Act, being the area 30 described in the *First* Schedule to this Act,

(2) Notwithstanding any changes in electoral districts made at any time before or after the passing of this Act, but subject to the provisions of this Act, the Trust district shall be deemed for the purposes of the  
5 Licensing Act, 1908, to be and to continue to be a  
licensing district with the name of the Invercargill  
Licensing District, and the boundaries of any licensing  
district for the time being adjoining the Trust district  
shall be deemed to be so adjusted as to exclude from  
10 any such adjoining licensing district as aforesaid any  
part thereof that is situated within the Trust district.

Consequential  
adjustments  
of boundaries.  
*Cf.* 1946,  
No. 16, s. 38  
See Reprint  
of Statutes,  
Vol. IV, p. 234

(3) Whenever the Representation Commission established under the Electoral Act, 1927, divides New Zealand into electoral districts, and any part of any  
15 electoral district so fixed is situated within the Trust  
district, the Commission shall—

See 1945,  
No. 10, s. 2

- (a) Declare any remaining part of that electoral district to be a separate licensing district; or
- 20 (b) Declare any such remaining part to be united  
with and to form part of any adjoining  
licensing district; or
- (c) Declare any such remaining part to be divided  
amongst any two or more adjoining licensing  
districts in such manner as it thinks fit—

25 and may adjust the boundaries of any such adjoining  
licensing district as aforesaid in such manner as may be  
necessary to give effect to any such declaration:

Provided that nothing in this subsection shall be  
construed to authorize the Commission to alter in any  
30 way the boundaries of any no-licence district to which  
subsection one of section ten of the Electoral Amendment  
Act, 1945, applies.

1945, No. 10

(4) The Representation Commission shall in its  
report declare the name and boundaries of every  
35 district declared to be a licensing district, and of every  
licensing district of which the boundaries are adjusted  
or deemed to be adjusted, under this section, and the  
districts so declared shall, upon the taking effect of the  
report, be deemed to be constituted licensing districts  
40 under the Licensing Act, 1908.

(5) There may from time to time be appointed a Returning Officer for each licensing district constituted under this section. All references in the Licensing Act, 1908, to the Returning Officer shall, in relation to any such licensing district, be deemed to be made to the Returning Officer appointed under this subsection, and not to the Returning Officer appointed for the electoral district. 5

*Invercargill Licensing Trust*

Invercargill  
Licensing Trust.  
Cf. 1944, No. 4,  
s. 3

**4.** (1) There is hereby established for the Trust district a Trust, to be called the Invercargill Licensing Trust. 10

(2) The Trust shall be a body corporate, having perpetual succession and a common seal, with power to make, alter, and renew the seal, and with power to purchase, take or otherwise acquire, hold, transfer, and lease or otherwise dispose of real and personal property, to sue and be sued in any Court, and to do and suffer all other acts and things that a body corporate may lawfully do and suffer. 15

(3) The Trust established under this section is hereby declared to be the same body corporate as the Invercargill Licensing Trust established under the Invercargill Licensing Trust Act, 1944. 20

Constitution  
of Trust.  
Cf. *ibid.*, s. 4

**5.** Subject to the provisions of this Act, the Trust shall consist of six members, who shall be elected by the electors of the Trust district in the manner hereinafter provided. 25

Existing  
members  
of Trust.

**6.** The following provisions shall apply with respect to the members of the Invercargill Licensing Trust appointed under section four of the Invercargill Licensing Trust Act, 1944, and holding office on the passing of this Act:— 30

(a) Until the first election of members under this Act, the members so holding office shall be the members of the Trust under this Act: 35

(b) The terms of office of such of those members as were appointed on the nomination of the Minister under subsection one of the said section four shall expire on the day appointed for the first election of members under section *eleven* of this Act: 40

(c) The terms of office of such of those members as were appointed on the nomination of the Invercargill City Council or on the nomination of the South Invercargill Borough Council under the said subsection one shall continue until the day appointed for the second election of members under section *twelve* of this Act, and shall then expire:

(d) Notwithstanding anything contained in this section, each of those members, unless he sooner vacates his office, shall continue in office until his successor is elected, notwithstanding that his term of office may have expired:

(e) Each of those members shall, if otherwise qualified under this Act, be eligible for election as a member of the Trust under this Act.

7. (1) Every elective member of the Trust shall come into office on his election.

Terms of office of elective members of Trust.

(2) Every elective member of the Trust shall hold office for a term of six years, but may from time to time be re-elected.

Cf. 1944, No. 4, s. 4 (3)

(3) Every elective member of the Trust, unless he sooner vacates his office, shall continue in office until his successor comes into office, notwithstanding that his term of office may have expired.

8. (1) In any case in which the Minister is satisfied that any member of the Trust is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may on the nomination of the Trust, or, failing such nomination, if he thinks fit, appoint a deputy to act for that member during his incapacity, and any such deputy shall, while he so acts as such, be deemed for all purposes to be a member of the Trust.

Deputies of members.  
Cf. *ibid.*, s. 5

(2) Notwithstanding anything contained in subsection *one* of this section, not more than one deputy shall hold office under this section at any one time.

(3) No appointment of a deputy and no acts done by him as such, and no acts done by the Trust while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

Remuneration  
and expenses  
of members.  
Cf. *ibid.*, s. 6

9. (1) There shall be paid to the Chairman and to the other members of the Trust such remuneration by way of fees or allowances as the Governor-General from time to time approves:

See Reprint  
of Statutes,  
Vol. VII, p. 522

Provided that any moneys received pursuant to this subsection by any member who is an officer of the Public Service shall be subject to the provisions of the Public Service Act, 1912. 5

(2) The members of the Trust shall be paid such travelling expenses and allowances as may from time to time be prescribed by regulations under this Act. 10

(3) All payments under this section shall be made out of the funds of the Trust.

*Electors and Elections*

Electors of  
Trust district.

1941, No. 2

10. (1) With respect to every election after the first election under this Act, every person shall be an elector of the Invercargill Licensing Trust district who is entitled by virtue of a residential qualification, being a qualification in respect of an address within the Trust district, to vote at any election of members of the local authority of any district of which the whole or part is situated within the Trust district. For the purposes of this subsection the expression "residential qualification" includes a qualification under section seven of the Local Elections and Polls Amendment Act, 1941. 15 20 25

(2) Notwithstanding anything to the contrary in any other Act, where any person is enrolled or entitled to be enrolled on the roll of electors of any such local authority as aforesaid by virtue of another qualification, and that person would, but for that other qualification, be entitled by virtue of a residential qualification to be enrolled on that roll in respect of an address within the Trust district, it shall be the duty of the Clerk of the local authority, except in respect of the first election, to indicate on the roll the residential qualification of that person as well as that other qualification— 30 35

(a) If that person, being then enrolled by virtue of that other qualification, duly makes a claim for enrolment on the ground of possessing the residential qualification, unless to the knowledge of the Clerk any statement made by the applicant in his claim is untrue; or 40

(b) If that person, not being then enrolled by virtue of that other qualification, duly makes a claim for enrolment on the grounds of possessing the residential qualification and the other qualification, unless to the knowledge of the Clerk any statement made by the applicant in his claim is untrue; or

(c) If to the knowledge of the Clerk that person possesses the residential qualification.

(3) Every elector shall have one vote only at each election at which he is entitled to vote under this Act.

**11.** (1) An election of three members of the Trust (in this Act referred to as the first election) shall be held on the day on which the triennial election of Councillors under the Municipal Corporations Act, 1933, is held in the year nineteen hundred and fifty.

First election of members of Trust.

1933, No. 30

(2) The members referred to in this section shall be elected by the electors of the City of Invercargill and the Borough of South Invercargill, who shall be deemed to be the electors of the Trust district.

**12.** On the day on which the triennial election of Councillors under the Municipal Corporations Act, 1933, is held in the year nineteen hundred and fifty-three, and on every day on which such an election is held thereafter, there shall be held an election of three members of the Trust.

Subsequent elections.

**13.** (1) Subject to the provisions of this Act and of any regulations under this Act, the provisions of the Local Elections and Polls Act, 1925, shall apply to every election under this Act, and the Trust shall be deemed to be a local authority for the purposes of that Act.

Conduct of elections.

See Reprint of Statutes, Vol. V, p. 447

(2) At every election held under this Act the Returning Officer for the City of Invercargill shall be the Returning Officer for the Trust district.

(3) The rolls of electors for the districts which are situated wholly or partly within the Trust district shall be the rolls of electors for elections under this Act.

(4) Except in the case of the first election, it shall be the duty of the Clerk of the local authority of every district situated wholly or partly within the Trust district to indicate on the roll of electors for the district of that local authority, by appropriate words, abbreviations, or marks, the names of the persons entitled to vote at elections of members of the Trust.



(5) The poll at every election under this Act shall be conducted within the district of each such local authority as aforesaid by the Returning Officer for the local authority on behalf of the Returning Officer for the Trust district. After ascertaining the total number of votes recorded in his district for each candidate the Returning Officer for the local authority shall forthwith send particulars of the numbers to the Returning Officer for the Trust district, who shall make up the total number of votes received by each candidate and declare the result of the poll.

(6) The reasonable cost of every election that is not held simultaneously with the election of members of any such local authority, and the reasonable additional cost incurred by any such local authority in respect of any election under this Act that is held simultaneously with the election of members of the local authority (except in every case the expenses of scrutineers and other expenses incurred by or on behalf of candidates), shall be paid by the Trust. Any dispute arising as to the amount to be paid to any local authority under this subsection shall be determined by the Audit Office after such inquiry as it thinks fit, and the decision of the Audit Office in any such dispute shall be final.

(7) Every candidate at any election under this Act shall at the time of nomination deposit the sum of three pounds with the Returning Officer for the Trust district. If at the election that candidate does not receive one-eighth of the votes received by the successful candidate, or, as the case may be, by the successful candidate receiving the fewest votes, the deposit shall be forfeited to the Trust; but otherwise, or if the candidate duly withdraws his nomination before the election or is elected without a poll, the deposit shall be returned to him.

In default  
of election  
Governor-  
General may  
appoint  
members.

14. If on the day appointed for the first election or any subsequent election of members of the Trust no persons are duly elected, or the number of persons elected is less than the required number, the Governor-General may appoint as many qualified persons to be members as are required, and every person so appointed shall hold office in all respects as if he had been duly elected in conformity with this Act.

*Disqualification and Vacancies*

15. (1) The following persons shall be incapable of being elected or appointed to be or of being members of the Trust:—

Disqualification  
of members of  
Trust.

- 5 (a) A person who, in the case of the first election of members under this Act, does not possess a residential qualification within the meaning of section *ten* of this Act, or, in the case of any subsequent election, is not an elector of the Trust district:
- 10 (b) A person who carries on the business of a brewer, wine or spirit merchant, maltster, or distiller, or of an importer for sale of or a dealer in fermented or spirituous liquors, or who is in partnership with any person carrying on any such business, or who is a member or employee or the husband or wife of a member or employee of an incorporated company which carries on any such business as a substantial part of its undertaking:
- 15 (c) A person who is the owner of an estate in fee simple or any less estate in any licensed house within the meaning of the Licensing Act, 1908, or who is a member or employee or the husband or wife of a member or employee of an incorporated company which owns any such estate:
- 20 (d) A person of unsound mind:
- 25 (e) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled:
- 30 (f) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon or has served his sentence or otherwise suffered the penalty imposed on him.
- 35

See Reprint  
of Statutes,  
Vol. IV, p. 234

(2) The Trust shall be deemed to be a local authority for the purposes of the Local Authorities (Members' Contracts) Act, 1934.

*Cf.* 1944, No. 4,  
s. 7  
1934, No. 17

(3) If any person does any act as a member, being incapacitated under subsection *one* of this section, except paragraph (*d*) thereof, he shall be liable to a fine not exceeding fifty pounds.

(4) It shall be the duty of the Audit Office to institute proceedings for the recovery of any fine under this section, but nothing herein shall be so construed as to prevent those proceedings being taken by any other person.

Vacation of  
office by  
members.

**16.** The office of a member of the Trust shall become vacant, and the vacancy shall be deemed to be an extraordinary vacancy, if the member—

(*a*) Dies; or

(*b*) Resigns his office by writing under his hand delivered to the Secretary or Chairman of the Trust, or is ousted from office; or

(*c*) Is absent without the leave of the Trust from four consecutive meetings of the Trust; or

(*d*) Becomes incapable of continuing to hold office under the *last preceding* section.

Filling of  
extraordinary  
vacancies.

**17.** (1) In the event of an extraordinary vacancy in the office of a member of the Trust occurring within twelve months before the expiry of the term of office of that member the Trust may by resolution determine—

(*a*) That the vacancy shall be filled by election in the manner prescribed by the provisions in that behalf of the Local Elections and Polls Act, 1925; or

(*b*) That the vacancy shall be filled by appointment by the Trust of a person qualified to be elected as a member:

See Reprint  
of Statutes,  
Vol. V, p. 447

Provided that where any such vacancy occurs within six months before the expiry of the term of office of the member whose office has become vacant the Trust may by resolution determine that the vacancy shall not be filled until the next triennial election of members is held.

(2) Notwithstanding anything to the contrary in the Local Elections and Polls Act, 1925, every resolution of the Trust under this section shall have effect according to its tenor.

(3) Every person appointed by the Trust pursuant to this section shall for all purposes be deemed to have been elected to fill the vacancy.

(4) In any case to which subsection *one* of this section does not apply, the vacancy shall be filled by election in the manner prescribed by the provisions in that behalf of the Local Elections and Polls Act, 1925.

5 (5) Any member elected or appointed to fill any extraordinary vacancy shall hold office only for the unexpired portion of the term of office of his predecessor.

*Ouster of Office*

10 **18.** (1) Upon proof in the first instance by affidavit Ouster of office. or otherwise that any member of the Trust is or has become incapable under this Act or any other Act of holding his office, any Magistrate's Court in the Trust district may grant a summons calling upon the person holding that office to show cause why he should not be  
15 adjudged to be ousted of his office.

(2) If on the return of the summons it appears to the Court, on affidavit or oral evidence on oath, that the person is incapable under this Act or any other Act of holding his office, the Court may adjudge him to be  
20 ousted of that office, and he shall be ousted of that office accordingly.

(3) In any proceedings under this section the Magistrate's Court may exercise all the powers and authorities that it may exercise in its ordinary jurisdiction in civil cases; and the procedure of the Court shall,  
25 as far as it is applicable, apply generally to proceedings under this section.

(4) No matter in relation to a disputed election shall be heard by the Magistrate's Court under this section.

30 (5) No question that may be tried under this section shall be tried in the Supreme Court; and no proceedings in the Magistrate's Court under this section shall be removable into the Supreme Court by certiorari or otherwise.

35 *Chairman and Deputy Chairman*

**19.** (1) The person holding office as Chairman of the Trust on the passing of this Act shall, unless he sooner vacates that office, continue to hold office as Chairman until the first election of members under this Act. Chairman to be appointed by Trust.  
Cf. 1944,  
No. 4, s. 4 (2)

(2) At the first meeting of the Trust after the first election of members, and at its first meeting after every triennial election of members thereafter, the Trust shall elect one of its members to be the Chairman of the Trust. 5

(3) During the election of a Chairman the Secretary of the Trust shall preside. In any case of an equality of votes at any election of a Chairman the Secretary shall determine the election by lot in such manner as the Trust directs. 10

(4) The Chairman shall come into office on his election and shall, unless he sooner vacates his office, hold office until the election of his successor, but may from time to time be re-elected.

(5) The Chairman may resign his office by writing 15 under his hand delivered to the Secretary of the Trust; and in such case, or in the case of his ceasing from any cause to be a member of the Trust, his office shall become vacant, and the Secretary shall forthwith convene a meeting of the Trust for the election of another 20 Chairman.

Deputy  
Chairman of  
Trust.

**20.** (1) The Trust may from time to time appoint from among its members a Deputy Chairman, who shall act as Chairman of the Trust during the temporary absence or incapacity of the Chairman. 25

(2) While so acting the Deputy Chairman may do all acts that the Chairman as such might do.

(3) The fact that the Deputy Chairman exercises any power, duty, or function of the Chairman shall be sufficient evidence of his authority so to do; and no 30 person shall be concerned to inquire whether any occasion has arisen requiring or authorizing him so to do, or be affected by notice that no such occasion has arisen.

*Proceedings of Trust*

Meetings of  
Trust.

*Cf.* 1944, No. 4,  
s. 8

**21.** (1) Meetings of the Trust shall be held at such 35 times and places as the Trust determines.

(2) At any meeting of the Trust three members shall form a quorum.

(3) The Chairman shall preside at all meetings of the Trust at which he is present.

(4) At any meeting of the Trust the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(5) All questions before the Trust shall be decided by a majority of the valid votes recorded thereon.

**22.** Subject to the provisions of this Act and of any regulations under this Act, the Trust may from time to time regulate the meetings, proceedings, and general conduct of the business of the Trust in such manner as it thinks fit.

**23.** No act or proceeding of the Trust, or of any person acting as a member of the Trust, shall be invalidated in consequence of there being a vacancy in the membership of the Trust at the time of the act or proceeding, or of the subsequent discovery that there was some defect with regard to the election or appointment of any member of the Trust or of any person so acting or that he was or had become disqualified.

*Officers*

**24.** (1) The Trust may from time to time appoint a General Manager, a Secretary, a Treasurer, and all such other officers and employees as it thinks necessary; and may from time to time remove any of the officers or employees; and may pay such salaries and allowances to the officers and employees as it thinks reasonable.

(2) One person may hold two or more offices under the Trust.

(3) No member of the Trust shall be capable of holding any such office, unless without remuneration.

(4) During the absence from duty of any officer of the Trust by reason of illness, leave of absence, or other cause, his duties and powers may be performed and exercised by an acting officer appointed by resolution of the Trust. Any such appointment may be either general or for some occasion only.

Regulating the conduct of business.

*Cf.* 1944, No. 4, s. 9

Proceedings not invalid by reason of vacancy or irregularities in election of members, &c.

Trust may appoint officers and employees. *Cf.* *ibid.*, s 10

Trust may appoint officers and employees. *Cf.* *ibid.*, s 10

(5) The Trust shall forthwith after any manager or acting manager is appointed in respect of any premises notify the chief officer of police in the Trust district of the appointment and of the premises in respect of which the appointment has been made, and the notification shall in any proceedings for an offence against any of the provisions of the Licensing Act, 1908, be sufficient evidence until the contrary is proved that the person named therein as manager or acting manager is for the time being charged with the management of the premises therein referred to. 5

See Reprint  
of Statutes,  
Vol IV, p. 234

Trust may  
contract as to  
tenure of office  
of employees.  
Cf. 1944, No. 4,  
s. 11

**25.** (1) Notwithstanding anything to the contrary in this Act or in any rule of law, the Trust may enter into an agreement in writing with any person whom it proposes to appoint, or who has been appointed, an officer or employee of the Trust to the effect that the person shall not be removed from office, except as provided in the agreement or except for conduct justifying summary dismissal,— 10

(a) During such period (not exceeding three years from the date of his appointment or the date of the agreement, as the case may be) as is specified in the agreement; or 20

(b) Except after such notice, not exceeding three months, as may be specified in the agreement in that behalf. 25

(2) Any agreement to which paragraph (a) of the *last preceding* subsection relates may from time to time be renewed for any period not exceeding three years at any one time from the date of the renewal. 30

#### *Contracts*

Contracts of  
Trust.  
Cf. *ibid.*, s. 12

**26.** (1) Any contract which if made between private persons must be by deed shall, if made by the Trust, be in writing under the seal of the Trust.

(2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith shall, if made by the Trust, be either in writing under the seal of the Trust or in writing signed by any person acting on behalf of and with the authority of the Trust. 35 40

(3) Any contract which if made between private persons may be made orally may be similarly made by or on behalf of the Trust by any person acting on behalf of and with the authority of the Trust, but no oral  
5 contract shall be made involving the payment by the Trust of a sum exceeding twenty pounds.

(4) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Trust shall be invalid by reason only that it  
10 not made in the manner prescribed by this section if it is made pursuant to a resolution of the Trust or to give effect to a resolution of the Trust.

*Functions and Powers of Trust*

27. (1) The functions of the Trust shall be to  
15 provide accommodation and other facilities for the travelling public within the Trust district, to establish and maintain hotels and suitable places within the district for the sale or supply of refreshments, to sell  
20 and supply intoxicating liquor within the district and establish and maintain premises for that purpose, and to do all such other acts and things as may in the opinion of the Trust be necessary or desirable having regard to the general purposes of this Act.

(2) Except as otherwise expressly provided in this  
25 Act, the Licensing Act, 1908, shall apply in the Trust district.

28. (1) The Trust shall have all such powers, rights, and privileges as may reasonably be necessary or expedient to enable it to carry out its functions.

(2) Except as expressly provided in this Act or in  
30 regulations under this Act, nothing hereinafter contained shall be held to derogate from or prejudice the generality of the provisions of this section and the powers, rights, and privileges conferred by this section.

29. (1) Subject to the provisions of this Act, the  
35 Trust may within the Trust district establish and maintain hotels and suitable places for the sale or supply of refreshments.

(2) The Trust may establish and maintain in such  
40 hotels facilities for the accommodation of the travelling public, and dining and refreshment rooms for the sale

Functions of Trust.

*Cf.* 1944, No. 4, s. 13

See Reprint of Statutes, Vol. IV, p. 234

General powers of Trust.

*Cf.* 1944, No. 4, s. 14

Establishment and maintenance of hotels, &c.

*Cf.* *ibid.*, s. 15



or supply of meals and refreshments to the general public, including, if the Trust thinks fit, the sale or supply of intoxicating liquor.

(3) The Trust may purchase such stocks of liquor, foodstuffs, and goods of any other kind whatsoever as are required for the purpose of any business being carried on by the Trust. 5

(4) The Trust may establish and maintain, either within or outside the Trust district, premises for the storage of liquor, foodstuffs, and other goods as aforesaid. 10

(5) The Trust may establish and maintain bonded warehouses and stores from which it may deliver liquor sold by or on behalf of the Trust.

(6) The Trust may carry on any business which in the opinion of the Trust may suitably and conveniently be carried on in conjunction with any business which the Trust is specifically authorized to carry on. 15

Establishment and maintenance of brewery.

*Cf.* 1944, No. 4, s. 15 (7) (as enacted by 1949, No. 43, s. 47)

See Reprint of Statutes, Vol. VII, p. 246

Acquisition of shares in brewery company.

*Cf.* 1944, No. 4, s. 15 (8) (as enacted by 1949, No. 43, s. 47) 1933, No. 29

Acquisition of premises, &c.  
*Cf.* 1944, No. 4, s. 16

30. The Trust may, in accordance with Part III of the Finance Act, 1915, apply for a brewer's licence within the meaning of that Act, and may, if the licence is granted, establish and maintain a brewery either within or outside the Trust district. 20

31. (1) The Trust may acquire and hold shares or stock in the capital of any company registered under the Companies Act, 1933, that is carrying on the business of a brewer either within or outside the Trust district. 25

(2) Nothing in paragraph (b) or paragraph (c) of subsection *one* of section *fifteen* of this Act shall be construed to apply with respect to any person by reason only of the fact that he is for the time being acting as the authorized representative of the Trust in relation to any company in the capital of which the Trust holds any shares or stock under this section. 30

32. (1) The Trust may purchase or otherwise acquire, or take on lease or bailment, any land, plant, and equipment, and may construct, alter, and maintain any buildings or works necessary or convenient for the purpose of carrying out its functions. 35

(2) The Trust may from time to time let or sublet any premises or any part of any premises owned or leased by the Trust.

(3) For the purpose of facilitating the acquisition of land for the purposes of this Act the Governor-General may, on the application of the Trust and at its expense in all things, take under the Public Works Act, 1928, any land, or any particular estate or interest in land (whether for the time being subsisting separately or not), or any easement over any land (whether for the time being subsisting or not).

See Reprint of Statutes, Vol. VII, p. 622

(4) Notwithstanding anything to the contrary in the Public Works Act, 1928, the effect of a Proclamation issued for the purposes of this section shall be to vest the land, estate, interest, or easement, as the case may be, in the Trust instead of His Majesty; and all proceedings subsequent to the issue of the Proclamation in respect of compensation, or otherwise for the purpose of complying with the said Act, shall be taken against the Trust, which shall be deemed to be the respondent and shall be liable in respect of the taking to the same extent as His Majesty or the Minister of Works would have been liable if the taking had been for the purposes of a Government work.

**33.** (1) Intoxicating liquor may be sold in the district by or on behalf of the Trust in such premises as the Trust may determine, and it shall not be necessary for any licence under the Licensing Act, 1908, to be issued to the Trust or to any person selling liquor on behalf of the Trust:

Premises in which liquor may be sold.  
Cf. 1944, No. 4, s. 17; 1944, No. 25, s. 37 (b)  
See Reprint of Statutes, Vol. IV, p. 234

Provided that, except in the case of premises established temporarily pursuant to the *next succeeding* section, liquor shall not be sold for consumption on the premises where it is sold unless the premises are of a standard at least equal to the standard required of premises in respect of which a licence under the Licensing Act, 1908, is in force.

(2) Intoxicating liquor may be sold at any fair, show, races, or other place of public amusement, or at any saleyard or other place used for the sale of live-stock,—

(a) By the Trust for any period not exceeding seven days; or

(b) By any person holding a written permit granted by the Trust in that behalf for any period not exceeding, with any renewal or renewals thereof, seven days, upon and subject to any terms and conditions imposed pursuant to the *next succeeding* subsection. 5

(3) On any application being made for a permit under the *last preceding* subsection the Trust may in its discretion refuse to grant a permit, or may grant a permit upon and subject to such terms and conditions as it thinks fit. 10

(4) Where any permit is granted under subsection *three* of this section the person to whom it is granted shall, for the purposes of the Licensing Act, 1908, as applied by this Act, be deemed to be the holder of a conditional licence under that Act. 15

Temporary provision pending acquisition of hotel premises. Cf. 1944, No. 4, s. 18

**34.** (1) If the Trust is not able to arrange for suitable permanent premises for the sale or supply of liquor in the Trust district, premises may be established temporarily until sufficient suitable permanent premises are available. 20

(2) The Minister may at any time, if he thinks fit, and if any premises established temporarily under the *last preceding* subsection are not in his opinion equal to the standard required of a publichouse under the Licensing Act, 1908, require that the premises be closed, and thereupon the Trust shall close the premises. 25

Number and situation of hotels. Cf. *ibid.*, s. 19

**35.** (1) Subject to the provisions of this section and of any regulations that may be made under this Act, the Trust may establish and maintain such number of hotels as it thinks fit, and may establish them in such localities as it determines. 30

(2) In determining from time to time the number of hotels to be established and maintained and the type and location of each hotel, regard shall be had to the requirements of the travelling public and of the residents within the Trust district. 35

(3) The Trust shall give not less than fourteen days' notice by advertisement in a newspaper circulating in the Trust district of its intention to establish any hotel. The position of the land on which it is 40

proposed to establish the hotel shall be sufficiently described or referred to in the notice to enable it to be readily identified without necessity of reference to the plans or records of any office.

5 (4) When any such notice of an intention to establish any hotel is published any twenty or more electors residing within the area described in the *next succeeding* subsection may, within the said fourteen days, apply to a Magistrate for an order—

10 (a) That the hotel shall not be established on that land, on the ground that the hotel will be in the vicinity of a place of public worship, hospital, or school; or

15 (b) That a poll of electors under this section be taken on the proposal that the hotel be so established, on the ground aforesaid; or

20 (c) That a poll be taken as aforesaid on the ground that the said area is predominantly a residential area and that there is reason to believe that a substantial number of the residents in the said area object to the establishment of the hotel on that land.

(5) The area referred to in the *last preceding* subsection shall be the area contained within a radius 25 of a quarter of a mile from a point at the middle of the frontage of the land on which it is proposed to establish the hotel.

(6) On any application under this section the Magistrate may hold such inquiry and take evidence 30 from such interested parties as he thinks fit; and if he is of opinion that the application has been made in good faith and that an order under this section should be made he may make an order accordingly.

(7) If the Magistrate orders that a poll be taken 35 under this section, he may, by the same or any further order—

(a) Determine an area within which the poll is to be taken and define the boundaries of that area:

40 Provided that, so far as may be practicable for the purpose of defining the boundaries, the area so determined shall not be less than the area described in subsection *five* of this section:

45 (b) Fix the date for the taking of the poll.

(8) Every order or decision of the Magistrate under this section shall be final and binding on all parties.

(9) Every poll under this section shall be a poll of the electors residing, on a date to be determined in accordance with regulations under this section, in the area determined by the Magistrate. 5

(10) Every such poll shall, subject to the provisions of this section, be held and conducted in such manner as may be prescribed in that behalf by regulations under this section. 10

(11) If in the case of a poll being ordered a majority of the votes given at the poll are in favour of the proposal, but not otherwise, the Trust may establish the hotel accordingly.

(12) The Governor-General may from time to time make such regulations, not inconsistent with this section, as may in his opinion be necessary or expedient for giving full effect to the provisions of this section. Without limiting the generality of the foregoing provisions of this subsection, any such regulations may be made for all or any of the following purposes:— 15 20

(a) Prescribing the manner in which and the authorities by whom any poll shall be held and conducted:

(b) Providing for the preparation and closing of the roll for any poll: 25

(c) Prescribing the form of voting paper to be used at any poll:

(d) Prescribing the manner in which electors shall be entitled to vote at any poll: 30

(e) Providing for the payment by the Trust of the reasonable costs and expenses incurred by any Government Department or local authority in connection with any poll.

(13) For the purposes of this section, the term “hotel” includes any premises intended to be used for the retail sale or supply of liquor in quantities of less than two gallons at any one time. 35

Miscellaneous

36. (1) Such of the provisions of the Licensing Act, 1908, and its amendments, as are referred to in the *Second* Schedule to this Act shall not apply in or in  
5 respect of the Trust district.

Application of Licensing Act, 1908, within the Trust district.

(2) Subsection one of section two hundred and one of the Licensing Act, 1908, shall not apply in respect of any servant of the Trust who, in any place referred to in paragraph (a) of that subsection, is selling or  
10 exposing for sale any liquor in the course of his employment, and not in contravention of any orders or instructions of the Trust.

*Cf.* 1944, No. 4, s. 20; 1944, No. 25, s. 37 (a)  
See Reprint of Statutes, Vol. IV, p. 234

(3) For the purposes of the Licensing Act, 1908, premises maintained by the Trust in which liquor is  
15 sold or supplied by or on behalf of the Trust shall be deemed to be licensed premises within the meaning of that Act, and the person for the time being charged with the management of any such premises shall be deemed to be a licensed person and to be the licensee  
20 of the premises within the meaning of that Act, and all the provisions of that Act shall, with the necessary modifications, apply accordingly except so far as they are inconsistent with any of the provisions of this Act.

(4) In the application of the provisions of the  
25 Licensing Act, 1908, pursuant to the *last preceding* subsection, any premises of the Trust in which lodging is provided shall be deemed to be an inn and the person for the time being charged with the management thereof shall be deemed to be the innkeeper.

(5) The provisions of section one hundred and seven  
30 of the Licensing Amendment Act, 1948, shall extend and apply to the Trust district in all respects as if references in that section to the Chairman of any Licensing Committee were references to a Magistrate.

1948, No. 74

(6) Section thirty-five of the Licensing Trusts Act,  
35 1949, is hereby consequentially amended by omitting from subsection five the words "the Invercargill Licensing district as defined by the Invercargill Licensing Trust Act, 1944, and "

1949, No. 43

Licence fees payable to local authority. Cf. 1944, No. 4, s. 21

**37.** (1) The Trust shall pay in respect of premises in which liquor is sold by or on behalf of the Trust the annual fee prescribed in respect of publicans' licences by the Licensing Act, 1908.

(2) The fees shall be paid within fourteen days after the commencement of each financial year of the Trust, or, in the case of premises first used during any financial year for the sale of liquor, within fourteen days after the premises are so first used. 5

(3) The fees payable under this section shall be paid to the treasurer of the local authority within whose district the premises are situated. 10

Borrowing powers of Trust. Cf. *ibid.*, s. 22 See Reprint of Statutes, Vol. V, p. 354

**38.** (1) The Trust may borrow by way of overdraft in manner prescribed by section three of the Local Bodies' Finance Act, 1921-22, and the provisions of that section shall, with the necessary modifications, apply to the Trust in all respects as if it were a local authority within the meaning of that Act. 15

(2) In addition to the power conferred by the *last preceding* subsection, the Trust shall have power, with the consent of the Minister of Finance and upon and subject to such conditions as that Minister thinks fit, to borrow moneys and mortgage or charge any of its real or personal property. 20

Bank accounts of Trust. Cf. 1944, No. 4, s. 23

**39.** The Trust may establish at such branch or branches of the Bank of New Zealand as it thinks fit, in the name of the Trust, such accounts as it deems necessary or convenient for the exercise of its powers under this Act, and may authorize the accounts to be operated on by such person or persons as the Trust from time to time appoints for that purpose. 25 30

Insurance of members of Trust against personal accident while engaged in duties.

**40.** It shall be lawful for the Trust from time to time to enter into contracts of insurance insuring members of the Trust against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members of the Council, and to pay the premiums payable in respect of such contracts. 35

Unauthorized expenditure. Cf. *ibid.*, s. 24

**41.** The Trust may in every financial year expend for purposes not authorized by this Act or by any other Act or law for the time being in force any sum or sums not amounting in the whole to more than two hundred pounds. 40

42. (1) The Trust shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid, and of the several purposes for which such sums of money have  
5 been received and paid.
- (2) The Trust shall keep such accounts of moneys and stores, and keep them in such manner, as may be required by the Audit Office.
43. (1) The Trust shall establish a depreciation  
10 reserve, to which may be charged any depreciation in the value of the Trust's assets, and any loss involved in the destruction of or injury to any such assets, and any expenditure involved in the replacement of assets.
- (2) The Trust may also from time to time, with the  
15 consent of the Minister of Finance, establish such other reserves as it deems necessary or expedient.
- (3) The Trust may invest any of the moneys to the credit of any reserve account either in the business of the Trust or as provided in the *next succeeding* section.
- 20 44. Any moneys belonging to the Trust and available for investment may be invested in the manner following:—
- (a) In New Zealand Government securities; or  
25 (b) On deposit in the Bank of New Zealand or in the Post Office Savings Bank; or
- (c) In any other securities that may from time to time be authorized by the Minister of Finance.
45. (1) On or before the last day of May in each year the Treasurer of the Trust shall prepare and send to the  
30 Audit Office a yearly balance sheet and a profit and loss account together with such other statements of accounts as may be necessary to show fully the financial position of the Trust and the financial results of its operations during the financial year ended on the thirty-first day of  
35 March then last past.
- (2) The yearly balance sheet, account, and statements shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act, 1926, in respect of  
40 public moneys and public stores and the audit of local authorities' accounts.

Proper books of account to be kept.  
*Cf.* 1944, No. 4, s. 25

Depreciation and other reserves.  
*Cf. ibid.*, s. 26

Investment of moneys belonging to Trust.  
*Cf. ibid.*, s. 27

Yearly balance sheet and statements.  
*Cf. ibid.*, s. 28

See Reprint of Statutes, Vol. VII, p. 10



(3) A copy of the yearly balance sheet, profit and loss account, and statements shall, when duly audited, be submitted by the Trust to the Minister accompanied by a report as to the operations of the Trust for the year; and a copy of the balance sheet, account, statements, and report shall be laid before Parliament within twenty-eight days after its receipt by the Minister if Parliament is then in session, and, if not, then within twenty-eight days after the commencement of the next ensuing session. 5 10

Distribution of profits arising from operations of Trust.  
Cf. 1944, No. 4, s. 29

**46.** (1) The net profits arising from the operations of the Trust, or so much thereof as the Trust shall determine, may be expended or distributed by the Trust within the Southland Land District in such manner as the Trust thinks fit for the promotion, advancement, or encouragement of education, science, literature, art, physical welfare, and other cultural and recreational purposes; for the erection, laying out, maintenance, or repair of buildings or places intended to further any of those purposes; for any philanthropic purpose; or for any other purpose for the benefit of the Trust district or the residents therein as the Minister may approve: 15 20

Provided that if at the end of any financial year the liabilities of the Trust amount in the aggregate to more than two thirds of the value of the Trust's assets, excluding goodwill, as shown in the balance sheet in respect of that year the Trust shall not expend or distribute under this section more than half of the net profits arising in that year and remaining after provision has been made for payment of taxes on such profits: 25 30

Provided also that in expending or distributing any moneys under this section resort shall not be had to any profits accrued for more than three financial years before the date of the expenditure or distribution.

(2) Notwithstanding anything contained in this section, the Trust shall be liable to income tax and to rates and to all other taxes and duties as if it were a body corporate formed for private pecuniary profit. 35 40

Regulations.  
Cf. *ibid.*, s. 30

**47.** The Governor-General may from time to time, by Order in Council, make regulations for any purpose for which regulations are contemplated by this Act, and may make all such other regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof. 45

48. (1) The following enactments are hereby repealed, namely:—

- |   |   |                                     |
|---|---|-------------------------------------|
|   | (a) The Invercargill Licensing Trust Act, 1944:                                 | Repeals and savings.<br>1944, No. 4 |
| 5 | (b) Sections thirty-seven and thirty-eight of the Statutes Amendment Act, 1944: | 1944, No. 25                        |
|   | (c) Section thirty-eight of the Finance Act, 1946:                              | 1946, No. 16                        |
|   | (d) Section forty-seven of the Licensing Trusts Act 1949.                       | 1949, No. 43                        |

10 (2) All offices, appointments, Orders in Council, regulations, contracts, instruments, notices, records, and generally all acts of authority that originated under any of the enactments hereby repealed, and are subsisting or in force on the commencement of this Act, shall, in so far as they are not inconsistent with this Act, enure  
15 for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

20 (3) All matters and proceedings commenced under the said enactments, and pending or in progress on the commencement of this Act, may be continued, completed, and enforced under this Act.

SCHEDULES

Schedules.

FIRST SCHEDULE

Section 3 (1)

INVERCARGILL LICENSING TRUST DISTRICT

ALL that area in the Southland Land District, bounded as follows: commencing at a point on the western side of the Invercargill-Kingston Railway where the left bank of the Waihopai River intersects the said railway; thence north-easterly generally along the left bank of the Waihopai River to a point in line with the western boundary of Section 26, Block I, Invercargill Hundred; thence southerly by a right line to and along the western boundary of the said Section 26 to a point 300 links north of Albert Street; thence in an easterly direction by a right line parallel to Albert Street to the eastern side of Elles Road; thence in a southerly direction along the eastern side of Elles Road to a point 300 links north of Layard Street; thence in an easterly direction by a right line parallel to Layard Street to the western boundary of Lot 1 on the plan numbered 3802, deposited in the office of the District Land Registrar at Invercargill; thence in a northerly and easterly direction along the western and northern boundaries of

Lot 1 on the said plan numbered 3802 to the eastern boundary of Section 36, Block I, Invercargill Hundred; thence in a northerly direction along the said eastern boundary of Section 36 to the Waihopai River; thence in a south-easterly direction generally along the left bank of the Waihopai River to the production of a line 300 links east of and parallel to Salford Street; thence in a southerly direction by the aforesaid line to a point 300 links north of Layard Street; thence in an easterly direction along a right line parallel to Layard Street to the western side of Racecourse Road; thence across Racecourse Road to the southernmost corner of Section 2, Block II, Invercargill Hundred; thence in a north-easterly direction along the south-eastern boundary of the said Section 2 for a distance of 300 links; thence by a right line parallel to Racecourse Road to Findlay Road; thence in a south-westerly direction along the northern side of Findlay Road to Racecourse Road; thence across Racecourse Road to the northernmost corner of Section 7, Block I, Invercargill Hundred; thence in a south-westerly direction along the north-western boundaries of the said Section 7 and Section 6, Block I, Invercargill Hundred, to the westernmost corner of Lot 1 on the plan numbered 3718, deposited as aforesaid; thence in a south-easterly direction along the south-western boundary of Lot 1 on the said plan numbered 3718 and the south-western boundary of Section 6, Block I, Invercargill Hundred, to the Invercargill-Dunedin State Highway; thence by a right line across the Invercargill-Dunedin State Highway to the north-eastern corner of Lot 10 on the plan numbered 3876, deposited in the office of the District Land Registrar at Invercargill; thence in a south-easterly direction to and along the north-eastern boundary of the said Lot 10 to the easternmost corner thereof; thence in a south-westerly direction along the south-eastern boundary of Lots 10, 9, 8, 7, 6, 5, and 4 on the said plan numbered 3876 to the south-western boundary of Section 12, Block I, Invercargill Hundred; thence in a south-easterly direction along the said south-western boundary of Section 12 to Tweed Street East; thence by a right line due south across Tweed Street East to the eastern side of Margaret Street; thence in a southerly direction along the eastern side of Margaret Street, a distance of 300 links; thence in a westerly direction by a right line parallel to Tweed Street East to the western boundary of Section 18, Block I, Invercargill Hundred; thence southerly along the western boundary of the said Section 18 to the south-western corner thereof; thence westerly along the northern boundary of Section 34, Block XIX, Invercargill Hundred, to the eastern side of Metzger Street; thence southerly along the eastern side of Metzger Street and the eastern boundary of Lot 10 on the plan numbered 2394, deposited as aforesaid, to the south-eastern corner thereof; thence westerly along the southern boundaries of the said Lot 10 and Lots 9, 8, 7, 6, 5, 4, 3, 2, and 1 on the said plan numbered 2394 and the production of the last mentioned boundary to the eastern side of Calypso Road; thence southerly along that side of Calypso Road

to the northern side of Tramway Road; thence easterly along the northern side of Tramway Road to the eastern side of Boundary Road; thence southerly along the eastern side of Boundary Road to the southern side of the road forming the southern boundary of the Invercargill Hundred; thence along the southern side of the said road to Lyons Street; thence across Lyons Street and northerly and north-westerly along the western side of Lyons Street and Ferguson Street to the eastern side of Richard Street; thence southerly along the eastern side of Richard Street to a point in line with the western side of Bain Street; thence to and along the western side of Bain Street to a point in line with the north-western boundary of Section 46, Block XIX, Invercargill Hundred; thence to and along that boundary to the eastern side of Bluff Road; thence northerly along the eastern side of Bluff Road to the northern boundary of Section 5, Block III, Invercargill Hundred; thence westerly along the production of the last mentioned boundary across Bluff Road and the Invercargill-Bluff Railway Reserve to the eastern boundary of Section 10, Block III, Invercargill Hundred; thence north-westerly along the eastern boundary of the said Section 10 to Stead Street; thence south-westerly along the southern and south-eastern sides of Stead Street to the north-eastern corner of part Section 10, Block III aforesaid; thence south-westerly, westerly, and northerly generally along the eastern, southern, and western boundaries of the said part of Section 10; thence south-westerly along the south-eastern side of Stead Street to a public road forming the north-eastern boundary of Section 9, Block XXI, Invercargill Hundred; thence north-westerly across Stead Street, to and along the north-eastern side of the public road forming the north-eastern boundary of the said Section 9, and Sections 8, 7, 6, 5, 4, 3, and 2, Block XXI aforesaid, and north-easterly along the south-eastern side of the public road forming the south-eastern boundary of Section 1, Block XXI aforesaid, to its junction with another public road forming the south-eastern boundary of Section 15, Block XV, Invercargill Hundred; thence north-easterly along the south-eastern side of the said public road and along the south-eastern boundary of part Section 15 and Section 21, Block XV aforesaid, to the western corner of Section 155, Block XV aforesaid; thence south-easterly and north-easterly along the south-western and south-eastern boundaries of the said Section 155 and the south-eastern boundary of Section 34, Block XV aforesaid, to the south-eastern corner thereof; thence northerly along the eastern boundary of the said Section 34 and Section 13, Block XV aforesaid, to Bay Road; thence north-easterly along the south-eastern side of Bay Road to the western boundary of Section 9, Block XV aforesaid; thence southerly along the western boundary of the said Section 9, and Section 29, Block XV aforesaid to the south-western corner thereof; thence easterly along the southern boundary of the said Section 29 to a public road forming the western boundary of Section 32, Block XV aforesaid; thence southerly along the western side of the said public

road to the north-western boundary of Section 19, Block XXI, Invercargill Hundred; thence north-easterly along the north-western boundary of the said Section 19 and that boundary produced to the Invercargill-Kingston Railway; thence southerly along the western side of the Invercargill-Kingston Railway to the point of commencement.

Section 36.

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*SECOND SCHEDULE*

PROVISIONS OF THE LICENSING ACT, 1908, NOT APPLICABLE IN THE  
INVERCARGILL LICENSING TRUST DISTRICT

PART III; Part IV (except sections 143, 146, and 147); sections  
148 to 160, 171, 180, 200, 234 to 236, 246 to 251, 253 to 258,  
291 to 296, 299 to 301.

PROVISIONS OF THE LICENSING AMENDMENT ACT, 1910, NOT,  
APPLICABLE IN THE INVERCARGILL LICENSING  
TRUST DISTRICT

Sections 8 to 12.