

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,
7th August, 1914.

[AS REPORTED FROM COMMITTEE OF THE WHOLE COUNCIL.]
Legislative Council, 9th September, 1914.

Right Hon. Mr. Massey.

LICENSING AMENDMENT.

ANALYSIS.

	<i>Wine-makers' Licenses.</i>
1. Short Title.	6. Wine-makers' licenses. Application for licenses. Fees. Powers conferred by license. Penalty. Cancellation of license.
2. Boundaries where practicable to be fixed so as to include licensed premises.	Certain provisions of principal Act relating to licensed premises applied to premises used for the purposes of wine-makers' licenses.
3. Section 72 of principal Act amended.	Schedule.
4. Section 202 of principal Act amended.	
5. Fourth Schedule of Amendment Act, 1910, repealed.	

A BILL INTITLED

AN ACT to amend the Licensing Act, 1908.

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

- 1. This Act may be cited as the Licensing Amendment Act, 1914, and shall form part of and be read together with the Licensing Act, 1908 (hereinafter referred to as the principal Act).
- 2. Whenever the Representation Commissioners divide New Zealand into electoral districts as provided by the Legislature Act, 1908, they shall, wherever practicable, fix the boundaries so that no licensed premises shall be placed in a no-license district. Where in the opinion of the Commissioners it is not practicable to comply with this provision they shall mention the fact in their report, and the reason for such non-compliance.

New.

2A. (1.) Subsection one of section fourteen of the principal Act is hereby amended as follows:—

(a.) As to paragraph (a) thereof, by adding thereto the words "and the Deputy Returning Officers appointed by the Returning Officer for the taking of the electoral poll shall be the Deputy Returning Officers for the taking of the licensing poll."

(b.) As to paragraph (c) thereof, by omitting the words "shall also appoint a Deputy Returning Officer and," and substituting the words "may also appoint."

(2.) Section five of the Legislature Amendment Act, 1911, is hereby amended by omitting from paragraph (a) the words "Deputy Returning Officer and," and by omitting from paragraph (b) the words "a different Deputy Returning Officer and."

Title.

Short Title.

Boundaries where practicable to be fixed so as to include licensed premises.

Section 14 of principal Act amended.

Section 5 of Legislature Amendment Act, 1911, amended.

Section 72 of principal Act amended.

3. Paragraph (a) of subsection three of section seventy-two of the principal Act is hereby amended by inserting, after the word "widow," the words "or a wife who has obtained a divorce."

New.

Section 120 of principal Act amended.

3A. Section one hundred and twenty of the principal Act is hereby amended by the addition of the following subsection:—

"(4.) It shall not be necessary for the granting of such temporary license for such Chairman and members to formally meet together for that purpose."

Struck out.

Section 202 of principal Act amended.

4. Subsection one of section two hundred and two of the principal Act is hereby amended by substituting the words "Every holder of a license of any description" for the words "Every licensee" at the commencement of the subsection, and by inserting the words "or not to be consumed" in the second line thereof.

New.

Section 202 of principal Act amended.

4A. (1.) Subsection one of section two hundred and two of the principal Act is hereby amended as follows:—

(a.) By omitting the words "Every licensee," and substituting therefor the words "Every holder of a license of any description";

(b.) By omitting the words "in his licensed premises";

(c.) By omitting the words "to be consumed on the premises"; and

(d.) By omitting the words "spirits, wine, ale, beer, or porter," and substituting therefor the words "intoxicating liquor."

(2.) Subsection two of the same section is hereby amended—

(a.) By omitting the words "for consumption on the premises"; and

(b.) By omitting the words "spirits, wine, ale, beer, or porter," and substituting therefor the words "intoxicating liquor."

Repeal.

(3.) Section two hundred and three of the principal Act is accordingly repealed.

Section 204 of principal Act amended.

(4.) Section two hundred and four of the principal Act is hereby amended by omitting the word "child," and substituting therefor the word "person"; and by omitting the word "thirteen," and substituting the words "twenty-one."

Section 205 of principal Act amended.

(5.) Section two hundred and five of the principal Act is hereby amended by omitting paragraph (c) thereof.

Fourth Schedule of Amendment Act, 1910, repealed.

5. The Fourth Schedule to the Licensing Amendment Act, 1910, is hereby repealed, and the *First* Schedule hereto substituted in lieu thereof.

New.

Provisions as to delivery of liquor in no-license districts.

5A. (1.) In this section, unless the context otherwise requires,—
"Carrier" does not include an officer of the Government railways acting in pursuance of his duty as such officer, but, with that exception, means and includes every person who takes into a no-license district, or from a railway-station in a no-license district, liquor on account of, or to the order of, or to be delivered to, any other person:

New.

"No-license district" means any district to which sections one hundred and forty-six and one hundred and forty-seven of the principal Act apply :

"Purchaser" means any person on whose account, or to the order of whom, or to be delivered to whom, liquor is taken into a no-license district or from a railway-station in a no-license district.

(2.) If liquor is taken into a no-license district by a carrier at a point within a radius of ten miles from the residence of the purchaser of the liquor, or if liquor is taken by a carrier in a no-license district from a railway-station within a radius of ten miles from the residence of the purchaser of the liquor,—

(a.) The carrier shall deliver such liquor to the purchaser on the same day as the liquor is taken into the no-license district or from a railway-station in a no-license district.

(b.) The carrier shall not remove such liquor from the conveyance in which it is carried into the no-license district or from such railway-station except at the residence of the purchaser.

(c.) The carrier shall not retain such liquor in such conveyance longer than is necessary for the actual transit to the residence of the purchaser.

(3.) If the residence of the purchaser is more than ten miles from the point at which the liquor is taken into the no-license district or from the railway-station at which liquor is received for delivery within a no-license district, such liquor shall be carried, despatched, or sent by the carrier to the residence of the purchaser with no more delay than is reasonably necessary for the course of transit.

(4.) No carrier shall take liquor into a no-license district, or from a railway-station in a no-license district, except in pursuance of and in compliance with an order signed by and stating the address and occupation of the purchaser, a copy whereof must be in the possession of the carrier at the time when he so takes the liquor into the no-license district or from the railway-station. Every carrier is required to produce such copy order to any officer of police on demand.

(5.) No person shall sell, supply, or send any liquor intended to be taken into a no-license district except on, and in pursuance of the terms of, an order signed by and stating the address and occupation of the purchaser thereof. All such orders shall be kept and filed by the person selling or supplying the liquor, and such person shall on demand produce the file of such orders and any particular order for liquor to any officer of police.

(6.) Any person who commits a breach of any provision of this section is liable to the penalties provided by section one hundred and ninety-five of the principal Act as if he had committed the offence of selling liquor without being duly licensed to sell the same.

5b. (1.) With respect to any area proclaimed by the Governor under section two hundred and seventy-two of the principal Act or the corresponding provisions of any former Licensing Act,

Provisions as to delivery of liquor in areas proclaimed under section 272 of principal Act.

New.

no liquor shall be consigned or offered for consignment or conveyance upon any of the New Zealand railways or left at any post-office or delivered to any Post Office official to be sent through the post to any place within any such area, or taken by any person into any such area, unless a statement in writing of the nature and quantity of the liquor and of the name and address of the person to whom it is being sent is securely attached to the outside of the package containing the liquor. 5

(2.) Any person who commits a breach of this section is liable to the penalties provided by section one hundred and ninety-five of the principal Act as if he had committed the offence of selling liquor without being duly licensed to sell the same. 10

(3.) Nothing in this section shall be interpreted as imposing any liability upon any official of the Post Office or of the Government Railways Department, but, nevertheless, every such official is hereby empowered to detain, or refuse to receive or to deliver, any liquor in respect of which it appears that any condition or requirement of this section or of the principal Act has not been complied with. 15

Employment of minors in bars prohibited.

5c. (1.) After the first day of April, nineteen hundred and fifteen, no person under the age of twenty-one years shall be employed in any capacity in any bar (whether a public bar or otherwise) of any licensed premises at any time while liquor is sold. 20

(2.) If any such person is so employed, the licensee is liable to a fine not exceeding *ten* pounds. 25

Wine-makers' Licenses.

Wine-makers' licenses.

6. (1.) Wine shall not be manufactured for sale except under the authority of a wine-maker's license granted under this section.

Application for licenses.

(2.) Application for a wine-maker's license may be made in the prescribed form to the Clerk of the Magistrates' Court nearest to the place where the applicant proposes to manufacture wine. 30

(3.) Every such application shall be referred to the senior officer of police in the district for inquiry and report as to the fitness of the applicant.

(4.) No such license shall be granted unless the Magistrate is satisfied that the applicant is a fit person to be the holder of such a license. 35

Struck out.

Fees.

(5.) A fee of *ten* pounds shall be payable in respect of a wine-maker's license, and shall be applied in the manner prescribed by section one hundred and forty of the principal Act. 40

New.

(5A.) In respect of a wine-maker's license there shall be paid to the said Clerk of the Magistrate's Court with the application the fee defined in the *Second* Schedule to this Act. All such fees shall be applied in the manner prescribed by section one hundred and forty of the principal Act. 45

(5B.) Every application for a wine-maker's license shall state whether the total quantity of wine intended to be manufactured by

New.

the licensee, whether for sale or otherwise, during the year of the currency of his license does not exceed five hundred gallons or does not exceed one thousand gallons, or exceeds one thousand gallons.

5 A wine-maker's license shall authorize the licensee to manufacture wine in a quantity not exceeding the limit (if any) named in the application.

(5c.) If any holder of a wine-maker's license in any year manufactures or causes or permits to be manufactured more than the
10 quantity of wine authorized by his license, he commits a breach of this section.

(6.) A wine-maker's license shall authorize the holder thereof to sell wine of his own manufacture in quantities of not less than two gallons to any one person at any one time. Such wine may be
15 delivered from one place only (as specified in the license).

(7.) A wine-maker's license shall (unless sooner cancelled, as hereinafter provided) continue in force until the thirty-first day of December next after its issue.

(8.) No wine shall be sold, or offered for sale, by the holder of a
20 wine-maker's license unless the name and address of the licensee are printed on labels attached to the cask or bottle in which the wine is contained.

(9.) Every person who commits a breach of this section is liable
to a fine not exceeding *one hundred* pounds. Penalty.

(10.) On the conviction of the holder of a wine-maker's license for the breach of any of the provisions of this section or of the principal Act, the convicting Court may cancel his license, and a person whose license is so cancelled shall be thereby disqualified from
30 holding a license under this section for two years after the date of such cancellation. Cancellation of license.

(11.) For the purposes of this section "wine" includes any liquor being the produce of fruit (*other than apples or pears*) grown in New Zealand ~~and of a strength not exceeding twenty per centum of proof spirit.~~

(12.) A manufacturer of wine, within the meaning of this section, shall be deemed to be a brewer of liquor within the meaning of paragraph (f) of section one hundred and forty-six of the principal Act.

(13.) The place specified in a wine-maker's license as the place from which wine may be delivered on sale shall be deemed to be
40 licensed premises, and the holder of such license shall be deemed to be a licensed person, within the meaning of the following provisions of the principal Act, namely:—

Sections one hundred and eighty-nine and one hundred and ninety (relating to closing-hours for licensed premises);

45 Part VI (relating to prohibition orders);

Sections two hundred and eighteen to two hundred and thirty-two (relating to the inspection of licensed premises); and

Sections two hundred and thirty-three to two hundred and thirty-six (relating to adulteration).

Certain provisions of principal Act relating to licensed premises applied to premises used for the purposes of wine-makers' licenses.

Schedule.

SCHEDULES.

FIRST SCHEDULE.

VOTING-PAPER ON ISSUE OF NATIONAL PROHIBITION.

Licensing District of

I VOTE for National Continuance.

I VOTE for National Prohibition.

Directions.

The voter must strike out the proposal for which he does not wish to vote. If the voter strikes out both or fails to strike out one of the proposals, the voting-paper will be void, and his vote will not be recorded.

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 into which he drops his electoral ballot-paper.

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

New.

SECOND SCHEDULE.

WHERE the total quantity intended to be manufactured by the licensee in the year of the currency of his license, including wine manufactured for any purpose as well as wine manufactured for sale,—

Does not exceed 500 gallons, a fee of	£2
Exceeds 500 gallons but does not exceed 1,000 gallons, a fee of	£5
Exceeds 1,000 gallons, a fee of	£10

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