

[AS REPORTED FROM THE STATUTES REVISION
COMMITTEE]

House of Representatives, 16 July 1971.

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 1 December 1971

Words inserted are shown in roman underlined with a triple rule, or with triple rule before first line and after last line.

Hon. Mr Riddiford

SALE OF LIQUOR AMENDMENT (NO. 2)

ANALYSIS

Title	15. Variation of usual hours for sale of liquor in hotel and tavern premises
1. Short Title	16. Inspection of records of credit sales or deliveries by holders of certain licences
2. Application of Act	17. Appeal to Commission against decision of Licensing Committee
3. Ship licence	18. Unlawfully consuming liquor, etc., on hotel premises
4. Abolition of fair price for certain new or removed licences	19. Unlawfully consuming liquor, etc., on house premises
5. Conversion of hotel to tavern	20. Notification of certain convictions of licensee or manager
6. Transfer of restaurant licence	21. Calculation and payment of tavern-keeper's licence fee
7. Prohibition on storage of dried fruit by wine makers	22. Temporary licence in case of fire, etc.
8. Wine reseller's licence	23. Alterations in licensed premises
9. Conditions of club charter	24. Issue of hotel or tavern premises licence in place of provisional licence
10. Temporary removal of club charter	Schedule
11. Charters in no-licence districts	
12. Extended hours permit for tavern	
13. Special permit for social gatherings in tavern	
14. Exemptions as to entertainments	

A BILL INTITULED

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,
5 as follows:

No. 15—3

Price 20c

1. Short Title—This Act may be cited as the Sale of Liquor Amendment Act (No. 2) 1971, and shall be read together with and deemed part of the Sale of Liquor Act 1962* (hereinafter referred to as the principal Act).

2. Application of Act—Section 3 of the principal Act is hereby amended by inserting in subsection (2), after paragraph (d), the following paragraph: 5

“(dd) To any person who supplies, keeps for sale, or sells any liquor in any canteen established for officers of a penal institution with the authority of the Minister of Justice:” 10

3. Ship licence—Section 68 of the principal Act is hereby amended by omitting the words “during any voyage”, and substituting the words “for consumption on the ship”.

New 15

3A. Who may hold licences—(1) Section 72 of the principal Act is hereby amended by inserting in paragraph (c) (as substituted by section 2 (1) of the Sale of Liquor Amendment Act 1963), after the words “the Companies Act 1955”, the words “, or any company or other body corporate incorporated outside New Zealand,”. 20

New

(2) The said section 72 is hereby further amended by adding the following as subsections (2) and (3):

“(2) A hotel, tavern, or tourist-house premises licence shall at all times be held— 25

“(a) By the owner of the licensed premises; or

“(b) If the licensed premises are part only of a building, and if under subsection (1) of this section the owner of the building is not capable of holding the licence, by a lessee of the premises or other person who is so capable and is in either case approved by the Commission as a person suitable to hold the licence. 30

“(3) If any such premises licence is held by a lessee or other person, the holder of the licence and the owner of the licensed premises shall jointly and severally be subject to the duties and responsibilities of the holder of such a licence under this 35

New

Act and liable to comply with all directions and requirements given to or imposed on the holder of such a licence by or under this Act; and for the purposes of giving effect to this subsection any reference in this Act to the holder of a premises licence shall, unless the context otherwise requires, include a reference to the owner of the licensed premises.”

(3) Section 88 of the principal Act is hereby consequentially amended by adding to subsection (1) the following proviso:
10 “Provided that if the premises are part only of a building, and if the person who will be the owner of the premises is not capable, under subsection (1) of section 72 of this Act, of holding the licence, the application may be made by or on behalf and in the name of the person who will be the lessee of
15 the premises if a licence is granted, or of some other person.”

(4) If at the date of the passing of this Act any premises licence is held by a person other than the owner of the premises, the following provisions shall apply:

(a) Within 6 months after that date, the holder of the
20 licence shall apply to the Commission for directions as to the holding of the licence:

Provided that the Commission may accept an application under this paragraph after the expiry of the said period of 6 months if in its opinion there was
25 reasonable cause for the failure or inability of the holder to apply within that period:

(b) On any such application, after hearing the applicant and affording all persons having any estate or interest in the premises an opportunity to give evidence or make representations, the Commission may give such approvals or directions in respect of the licence and of the premises, whether as to the transfer or disposal of the licence or the premises or otherwise, as may in its opinion be necessary to ensure that subsection
30 (2) of section 72 of the principal Act (as added by subsection (2) of this section) is complied with in respect of the licence:

(c) It shall be the duty of the holder of the licence, and of all persons having any estate or interest in the premises, within such time as may be fixed by the Commission, to comply with any directions given by
40 the Commission under this subsection:

New

- (d) If in respect of the licence no application is made or accepted by the Commission in accordance with this subsection, or if within the time fixed by the Commission on any such application any directions of the Commission are not complied with to the satisfaction of the Commission, the licence shall, notwithstanding anything in subsection (1) of section 122 of this Act, expire on a date to be fixed by the Commission and notified to the holder of the licence and to any other person affected by the directions; and thereupon the premises to which the licence relates shall cease to be licensed premises: 5
- (e) Subject to paragraph (d) of this subsection, nothing in subsection (2) of section 72 of the principal Act (as added by subsection (2) of this section) shall invalidate the licence. 10 15

- 4. Abolition of fair price for certain new or removed licences**—(1) The principal Act is hereby amended by repealing sections 90 and 143. 20
- (2) The principal Act is hereby further amended in the manner indicated in the Schedule to this Act.

Struck Out

- (3) Notwithstanding anything in the foregoing provisions of this section, in any case where, before the passing of this Act, the Commission— 25
- (a) Under section 90 of the principal Act, has caused notice of a fair price to be given to an applicant for a hotel, tavern, or tourist-house premises licence; or
- (b) Under section 143 of the principal Act, has caused 30 notice of a fair price to be given to an applicant for the removal of any such licence or of a wholesale licence—
- the fair price shall be payable in respect of that licence or removal, as the case may require, and the provisions of the principal Act shall apply as if this Act had not been passed. 35

New

(3) In any case where, before the date of the passing of this Act, the Commission has fixed a fair price for a hotel, tavern, or tourist-house premises licence, or for the removal of any such licence or of a wholesale licence, and payment of the fair price has not before that date been made or secured, the fair price shall not be payable unless the licence has been issued or endorsed, as the case may be.

4A. Holder of special hotel premises licence may apply for hotel premises licence—(1) The principal Act is hereby further amended by inserting, after section 96, the following section:

“96A. (1) Notwithstanding anything in the foregoing provisions of this Part of this Act, the holder of a special hotel premises licence may at any time apply in writing to the Commission for the grant of an ordinary hotel premises licence in place of his special hotel premises licence.

“ (2) Every such application shall be accompanied by a statement in writing stating whether it is proposed, if the application is granted, that the existing house premises or, as the case may be, the existing bar premises shall become the hotel premises, and giving particulars of any alterations or additions proposed to be made to the existing premises.

“ (3) Every applicant under this section shall from time to time furnish to the Commission such further information and particulars as may be required by the Commission.

“ (4) Before granting any application under this section, the Commission shall hold a public sitting, of which public notice shall be given. The public notice shall state the name and locality of the existing premises that are to be the hotel premises if the application is granted, and whether those existing premises are the house premises or the bar premises. At the public sitting the Commission shall hold such inquiry and take evidence from such interested persons as it thinks fit.

“ (5) The provisions of sections 92 and 93 and of subsections (1) to (4) of section 94 of this Act shall apply, with all necessary modifications, to any grant made pursuant to this section:

“ Provided that—

“ (a) Subsections (3) to (12) of the said section 92 shall not apply if the premises in respect of which the application for an ordinary hotel premises licence has been granted are the existing bar premises only:

New

“(b) In the application of those subsections to the grant of the ordinary hotel premises licence in respect of the existing house premises, the references in those subsections to the premises and to the site of the premises shall be read as references to the existing house premises and to the site of those premises. 5

“(6) On the issue of a licence pursuant to this section the Chairman of the Licensing Committee shall cancel the special hotel premises licence then in force.” 10

(2) Section 229 of the principal Act is hereby amended by inserting in subsection (4), after paragraph (b), the following paragraph:

“(bb) Under section 96A of this Act, refuses to grant an application for an ordinary hotel premises licence made by the holder of a special hotel premises licence; or” 15

5. Conversion of hotel to tavern—Section 101 of the principal Act is hereby amended by adding the following subsection: 20

“(8) When under subsection (6) of this section the Commission notifies an applicant that it proposes to grant to him a tavern premises licence in place of a hotel premises licence in respect of any premises, the holder of the hotelkeeper’s licence then in force for those premises shall thereupon be relieved from the obligation to provide accommodation and meals imposed by this Act.” 25

6. Transfer of restaurant licence—(1) Section 129 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (2) the words “licensed premises (including any experience as an employee in any capacity on licensed premises)”, and substituting the words “licensed premises or, if the application relates to a restaurant licence, in the conduct of restaurants (including any experience as an employee in any capacity on licensed premises or, as the case may be, in any restaurant)” 30 35

(2) Section 130 of the principal Act is hereby amended by adding the following subsection:

“(3) If the application is for the transfer of a restaurant licence, the Clerk shall also forthwith send particulars of the application to an Inspector, and shall request that a report be made.” 40

(3) Subsection (2) of section 133 of the principal Act is hereby amended—

- (a) By inserting, after the words “member of the Police”, the words “or Inspector”:
- 5 (b) By adding the words “and, if the application relates to a restaurant licence, shall have regard to any experience that the applicant has had in the conduct of restaurants (including any experience as an employee in any capacity in any restaurant)”.

10 *New*

6A. Limitation on removal of certain licences—(1) Section 138 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

- 15 “(1) Subject to subsection (2) of this section, no licence to which section 136 of this Act applies, other than a hotel premises licence, a tavern premises licence, or a wholesale licence, shall be removed from the premises in respect of which it was granted to any other premises situated more than 50 miles from the first-mentioned premises.”

- 20 (2) Section 160 of the principal Act (as substituted by section 8 of the Sale of Liquor Amendment Act 1965) is hereby amended by inserting, after subsection (1), the following subsection:

- 25 “(1A) No wine reseller’s licence shall be removed from the premises in respect of which it was granted to any other premises situated more than 2 miles from the first-mentioned premises:

- 30 “Provided that the Commission may in its discretion authorise the removal of the licence to premises situated more than 2 miles but not more than 5 miles from the first-mentioned premises, if the Commission is satisfied that the proposed new premises will serve substantially the same area as that served by the first-mentioned premises.”

- 35 (3) The said section 160 is hereby further amended by omitting from subsection (2) the words “sections 138 to 140”, and substituting the words “sections 139, 140”.

- (4) Section 3 of the Sale of Liquor Amendment Act 1964 is hereby consequentially repealed.

7. Prohibition on storage of dried fruit by wine makers—
Section 152 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

“(4A) No holder of a wine maker’s licence shall at any time keep or have on any part of the wine maker’s premises more than 25 pounds of any dried fruit or fruits that he is not authorised to use under this Part of this Act.”

8. Wine reseller’s licence—(1) Section 156 of the principal Act is hereby amended by omitting from subsection (4) (as amended by section 2 of the Sale of Liquor Amendment Act (No. 2) 1967) the words “9 o’clock in the morning and 8 o’clock in the evening”, and substituting the words “9 o’clock in the morning and 9 o’clock in the evening”.

(2) The Schedule to the Sale of Liquor Amendment Act (No. 2) 1967 is hereby consequentially amended by repealing so much thereof as relates to subsection (4) of section 156 of the principal Act.

New

8A. Transfer of wine reseller’s licence—(1) Section 159 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) Subject to the succeeding provisions of this section, the provisions of sections 129 to 134 of this Act, so far as they are applicable and with the necessary modifications, shall apply to the transfer of any such licence.

“(3) If the applicant is a person other than a body corporate, he shall supply with his application, in addition to the documents required by subsection (2) of section 129 of this Act, a statutory declaration stating what other wine resellers’ licences (if any) are at the time of the application held by him or by any trustee or nominee or agent on his behalf, or may thereafter be acquired by him or by any such trustee, nominee, or agent under any contract, option, agreement, or arrangement in force at that time.

“(4) If the applicant is a body corporate, it shall supply with its application, in addition to the documents required by subsection (3) and, where applicable, subsection (4) of the said section 129, a statutory declaration stating what other wine resellers’ licences (if any) are at the time of the application held, or may thereafter be acquired under any contract, option, agreement, or arrangement in force at that time, by—

“(a) The applicant; or

New

- “ (b) Any subsidiary or holding company, within the meaning of section 158 of the Companies Act 1955, of the applicant, or any other subsidiary of the applicant’s holding company; or
- 5 “ (c) Any director or other person whose name, address, and occupation are required to be specified under paragraph (a) of subsection (4) of the said section 129; or
- 10 “ (d) Any trustee, nominee, or agent on behalf of the applicant or of any such subsidiary, holding company, director, or other person as aforesaid.
- “ (5) If it appears to the Chairman of the Licensing Committee at any time, whether or not he has convened a meeting
- 15 of the Licensing Committee under section 132 of this Act, and whether during any such meeting or not, that the granting of the application might result in an undue aggregation of control, whether direct or indirect, of businesses conducted under wine resellers’ licences, in the hands of any one person
- 20 or body corporate or any one group of persons or bodies corporate, he shall decline to deal with the application and shall refer it, with the accompanying documents and all notices of objection, to the Commission for determination.
- “ (6) If the application is so referred to the Commission,
- 25 it shall hold a public sitting, of which public notice shall be given, to determine whether the application should be granted. At the public sitting the Commission shall hold such inquiry and take evidence from such persons as it thinks fit.
- “ (7) The Commission may in its discretion determine
- 30 whether the application should be granted or refused. If it grants the application, it shall authorise the endorsement of the transfer to be made on the licence pursuant to section 134 of this Act.”
- (2) Section 229 of the principal Act is hereby amended by
- 35 inserting, after subsection (7), the following subsection:
- “ (7A) Where under section 159 of this Act the Commission refuses to grant an application for the transfer of a wine reseller’s licence that has been referred to it under that section, the applicant may appeal to the Supreme Court
- 40 against the Commission’s decision.”
- (3) Subsections (2) to (7) of section 159 of the principal Act (as substituted by subsection (1) of this section) shall apply to every application for a wine reseller’s licence that has been made before the date of the passing of this Act and
- 45 has not been determined before that date.

New

8B. Labelling of fruit wine—(1) The principal Act is hereby further amended by inserting in Part IV, after section 161, the following heading and section:

“Labelling of Fruit Wine

5

“161A. Labelling of fruit wine—(1) No holder of a licence of any kind issued under this Act shall sell or offer for sale, or cause or permit to be sold or offered for sale, any bottle or cask containing fruit or vegetable wine made under the authority of a fruit wine licence, or any blended fruit or vegetable wine, unless there is printed on a label affixed to the bottle or cask the name of every fruit or vegetable from which the wine, or any such blended wine, is made: 10

“Provided that where the wine is cider or perry the use on the label of the word ‘cider’ or the word ‘perry’, as the case may require, shall be sufficient compliance with this subsection. 15

“(2) Every holder of any such licence as aforesaid who acts in contravention of subsection (1) of this section commits an offence against this Act. 20

“(3) It shall be a defence to a charge under this section to prove that the wine was put into the bottle or cask before the commencement of this section.” 20

(2) This section shall come into force on the 1st day of January 1973. 25

Struck Out

9. Conditions of club charter—The principal Act is hereby further amended by inserting, after section 166, the following section:

“166A. (1) No chartered club shall— 30

“(a) Increase its membership; or

“(b) Amend its rules; or

“(c) Make any alterations in or additions to its premises— without the prior approval in writing of the Commission or its Chairman. 35

“(2) For the purposes of obtaining any approval under subsection (1) of this section, the club shall supply such information and particulars as the Commission or its Chairman may require.

“(3) Any decision by a chartered club to increase its membership or to amend its rules shall be void unless approval thereto has been obtained in accordance with this section. 40

Struck Out

“(4) Every chartered club commits an offence against this Act if it makes any alterations in or additions to its premises without obtaining approval in accordance with this section.”

5

New

9A. Grant and renewal of club charter—Section 165 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

10 “(4A) Without limiting the generality of subsection (4) of this section, in considering any application for the grant of any charter, the Commission shall have regard to the facilities for the sale of liquor then existing in the locality in which the club is situated.”

10. Temporary removal of club charter—The principal Act is hereby further amended by inserting, after section 167, the following section:

20 “167A. If any club premises become unfit for the operation therein of the charter by reason of any fire, tempest, or other calamity, or are or will become unfit for that purpose because of any repairs, alterations, or additions, or their rebuilding, or if other special circumstances exist that will prevent the operation of the charter in the premises, the Commission may if it thinks fit authorise the club to operate its charter in some neighbouring premises for such period as it thinks fit, and may from time to time extend that period on application by the club.”

11. Charters in no-licence districts—(1) The principal Act is hereby further amended by repealing section 174, and substituting the following section:

30 “174. (1) Subject to the provisions of this section, it shall be lawful for any club charter to be issued under this Act in respect of a club within a no-licence district.

35 “(2) In considering any application for the grant of a charter in respect of a club in a no-licence district, the Commission shall, in addition to the considerations set out in subsection (4) of section 165 of this Act, have regard to—

“(a) The nature and purposes of the club, and the number of members; and

“(b) The effect that the grant of the charter might have on the provision of facilities for the sale and consumption of liquor, and the provision of accommodation and services for the public, in the district, having regard to its status as a no-licence district and to the possibility of its ceasing in the future to be a no-licence district by virtue of the determination of the electors of the district—

and may also have regard to the length of time during which the club has existed.”

(2) Section 167 of the principal Act is hereby amended by inserting in subsection (2), after the words “this Part”, the words “and the provisions of section 174”.

(3) Section 233 of the principal Act is hereby amended by inserting in paragraph (a) and paragraph (b) of subsection (3), after the words “licence or permit” in each case, the words “or club charter”.

New

11A. Exemptions as to meals in hotels—The principal Act is hereby further amended by inserting, after section 186, the following section:

“186A. (1) Notwithstanding anything in this Act, the Commission may from time to time, in its discretion, exempt the holder of any hotelkeeper’s or tourist-house keeper’s licence from his obligation to supply meals in accordance with section 186 of this Act.

“(2) Any such exemption shall be in writing, and may be granted subject to such conditions and restrictions as the Commission thinks fit, and may at any time in like manner be varied or revoked.

“(3) Any such exemption may be granted in respect of all meals, or of a meal or meals at such part or parts of the day as may be specified in the exemption.

“(4) Any such exemption may be granted in respect of all days in the week or of such days in each week as may be specified in the exemption.

“(5) In determining whether to grant, vary, or revoke any such exemption the Commission shall have regard to—

“(a) The requirements of travellers, and of the public in the area or areas from which persons might reasonably be expected to resort to the premises for the purposes of obtaining meals:

“(b) The meal facilities available in the locality in which the premises are situated, and the standard of those facilities:

“(c) Such other considerations as the Commission thinks fit to take into account.”

12. Extended hours permit for tavern—(1) Section 216 of the principal Act (as amended by section 2 of the Sale of Liquor Amendment Act (No. 2) 1967) is hereby further amended—

- 5 (a) By inserting in subsection (1), after the words “the holder of any hotelkeeper’s licence”, the words “or tavernkeeper’s licence”:

New

10 (aa) By omitting from subsection (1) the words “(including the house premises conducted under a special hotelkeeper’s licence or the hotel premises conducted under an extended hotelkeeper’s licence)”, and substituting the words “(including the house or bar premises conducted under a special hotelkeeper’s licence, or the hotel or extended premises conducted under an extended hotelkeeper’s licence)”:

- (b) By inserting in subsection (1), after the words “as the case may be”, the words “the tavern premises or”:

- 20 (c) By omitting from subsection (1) the words “10 o’clock in the evening in the case of hotel premises or 6 o’clock in the evening in the case of club premises”, and substituting the words “10 o’clock in the evening in the case of hotel or tavern premises or 6 o’clock in the evening in the case of club premises”.

25 (2) The Schedule to the Sale of Liquor Amendment Act (No. 2) 1967 is hereby consequentially amended by repealing so much thereof as relates to subsection (1) of section 216 of the principal Act.

New

30 (3) Section 252 of the principal Act is hereby consequentially amended by adding to paragraph (e) of subsection (2) the word “or”, and by adding to that subsection the following paragraph:

- 35 “(f) Any person attending any social gathering held on the premises pursuant to any permit granted under Part VIII of this Act.”

13. Special permit for social gatherings in tavern—Section 217 of the principal Act is hereby amended—

- 40 (a) By inserting in subsection (1), after the words “the holder of any hotelkeeper’s licence”, the words “or tavernkeeper’s licence”:

Struck Out

- (b) By inserting in subsection (1), after the words "extended hotelkeeper's licence)", the words "or, as the case may be, the tavern premises".

New

- (b) By omitting from subsection (1) the words "(including the house premises conducted under a special hotelkeeper's licence or the hotel premises conducted under an extended hotelkeeper's licence)", and substituting the words "(including the house or bar premises conducted under a special hotelkeeper's licence, or the hotel or extended premises conducted under an extended hotelkeeper's licence) or, as the case may be, the tavern premises".

14. Exemptions as to entertainments—Section 220 of the principal Act is hereby amended—

Struck Out

- (a) By inserting in subsection (1), after the words "tourist-house keeper's licence", the words "or the holder of any tavernkeeper's licence,":

New

- (a) By omitting from subsection (1) the words "(including the house premises conducted under a special hotelkeeper's licence or the hotel premises conducted under an extended hotelkeeper's licence)", and substituting the words "(including the house or bar premises conducted under a special hotelkeeper's licence or the hotel or extended premises conducted under an extended hotelkeeper's licence)":
- (aa) By inserting in subsection (1), after the words "tourist-house keeper's licence", the words "or the holder of any tavernkeeper's licence,":
- (b) By inserting in subsection (3), after the words "hotel or tourist-house", the words "or tavern".

New

14A. Cabaret permit for licensed restaurant—The principal Act is hereby further amended by inserting, after section 220, the following section:

5 “220A. (1) Notwithstanding anything in this Act, on the grant of a restaurant licence, or at any subsequent time (whether the licence was granted before or after the commencement of this section), the Commission may in its discretion, on application, and subject to such conditions as
10 it thinks fit, grant to the holder of the licence a cabaret permit in accordance with this section.

“ (2) Every cabaret permit shall be in writing and shall authorise dancing and the provision of live entertainment on the premises on such days in every week (other than Sunday
15 or Good Friday) as the Commission may specify. For the purposes of this section the Commission may specify—

“ (a) Different weekdays for different periods of the year; and

20 “ (b) Particular weekdays on which both dancing and the provision of such entertainment is authorised, and particular weekdays on which only dancing is authorised.

“ (3) Notwithstanding anything in subsection (2) of this section, if any cabaret permit authorises dancing or the
25 provision of live entertainment, or both, on a Saturday, that authorisation shall, unless the Commission otherwise specifies, be deemed to extend to any time not later than 2 o'clock in the morning of the next day.

“ (4) Public notice of every application for a cabaret
30 permit shall be given by the applicant. The notice shall—

“ (a) Specify the name, address, and occupation of the applicant, and the premises in respect of which the application is made:

35 “ (b) State that any person who wishes to object to the grant of a cabaret permit in respect of the premises may, not later than 14 days after the first publication of the notice, file notice of his objection, and of the ground thereof (being the ground set out in subsection (6) of this section), with the
40 Secretary of the Commission.

“ (5) If the application for a cabaret permit is included in or combined with an application for the grant or removal of a restaurant licence, it shall be sufficient compliance with

New

subsection (4) of this section if the public notice of application for the grant or removal, given by the applicant under subsection (7) of section 107 or, as the case may require, subsection (3) of section 139 of this Act, states that a cabaret permit is also being applied for in respect of the premises or proposed premises, and contains the statement required by paragraph (b) of subsection (4) of this section. 5

“(6) Within 14 days after the first publication of notice of the making of an application for a cabaret permit, or within such further time as the Chairman of the Commission may allow, any person of or over the age of 20 years who is resident in the immediate neighbourhood of the premises or proposed premises may by notice in writing filed with the Secretary of the Commission object to the grant of the permit, on the ground that the grant would have a prejudicial effect on residents within the immediate neighbourhood of the premises. In any case to which subsection (5) of this section applies, a person qualified under this subsection to object to the grant of the permit may include that objection in any notice of objection to the grant or removal of the restaurant licence that may be given by him under section 109 or, as the case may require, section 141A of this Act. 10 15 20

“(7) If no objections to the grant of the permit are filed within the time prescribed by or allowed under this section, the Commission may in its discretion either grant the application for the permit or deal with it at a public sitting. If any such objection is so filed the Commission shall deal with the application at a public sitting. 25

“(8) In determining whether to grant any application for a cabaret permit the Commission shall have regard to— 30

- “(a) The requirements of the public in the area or areas from which persons might reasonably be expected to resort to the premises if the permit is granted:
- “(b) The nature and standard of the entertainment to be provided in the premises or proposed premises: 35
- “(c) The suitability of the premises or proposed premises and the facilities and services to be provided, including the facilities for dancing:
- “(d) Any prejudicial effect that the grant of the permit might have on residents in the immediate neighbourhood of the premises: 40
- “(e) Such other considerations as the Commission thinks fit to take into account.

New

“(9) The Commission may from time to time in its discretion—

5 “(a) Vary any conditions subject to which a cabaret permit is granted:

“(b) Revoke the permit, or suspend it for such period as it thinks fit.

10 “(10) For the purposes of this section, the expression ‘live entertainment’ means entertainment of the kind in which the performers providing the entertainment are physically present and actually perform the entertainment.”

14B. Conditions as to music in licensed restaurants—

(1) The principal Act is hereby further amended by inserting, after section 220A (as inserted by section 14A of this Act), the following section:

15 “220B. (1) Without limiting the generality of paragraphs (d) and (e) of subsection (2) of section 65 of this Act (which paragraphs relate to compliance with the general standards prescribed by the Commission in respect of licensed restaurants), in respect of any licensed restaurant for which a cabaret permit is not for the time being in force the Commission may from time to time impose such conditions and restrictions on the use of music on the restaurant premises as in its opinion will ensure that the provision of music is ancillary to the provision of meals.

25 “(2) Any condition or restriction for the time being in force under this section shall be deemed to be a condition of the restaurant licence, in addition to the conditions specified in subsection (2) of the said section 65.”

30 (2) Section 202 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) In respect of any licensed restaurant, subsection (1) of this section shall be read subject to section 220B of this Act, and to any condition or restriction imposed thereunder.”

35 **15. Variation of usual hours for sale of liquor in hotel and tavern premises—**(1) Section 221A of the principal Act (as inserted by section 3 of the Sale of Liquor Amendment Act (No. 2) 1967) is hereby amended by inserting, after subsection (2), the following subsection:

40 “(2A) Subject as aforesaid, the Committee may from time to time in like manner, if it is satisfied that it is in the public interest to do so, make an order varying or revoking any order made under subsection (2) of this section.”

(2) The said section 221A is hereby further amended by inserting in subsection (19), after the words "of any premises", the words "(being an order fixing hours other than the usual hours)".

16. Inspection of records of credit sales or deliveries by holders of certain licences—(1) The principal Act is hereby further amended by repealing section 222, and substituting the following section: 5

"222. (1) Every person who is the holder of a wholesale licence, or of a brewer's licence under the Finance Act 1915, shall on demand made by a member of the Police allow him to inspect any record kept by or on behalf of the holder of the licence in respect of— 10

"(a) Any sale of liquor made otherwise than for cash; or

"(b) Any delivery of liquor. 15

"(2) For the purposes of inspecting any such record any member of the Police may at any time enter on the business premises of the holder of the licence.

"(3) Every person commits an offence against this Act who, without reasonable excuse, refuses or fails to admit any member of the Police to any such premises as aforesaid on being required to do so, or refuses to allow any such inspection as aforesaid." 20

(2) Section 223 of the principal Act is hereby amended by repealing paragraph (a) of subsection (6), and substituting the following paragraph: 25

"(a) The licensee shall keep or cause to be kept on the unlicensed premises a record of every order for liquor received at those premises. The order shall be entered in the record on the day on which the order is received. The record shall show— 30

"(i) The address of the unlicensed premises:

"(ii) The date of the order:

"(iii) The name and address of the person by whom the order is given: 35

"(iv) The nature and quantity of the liquor ordered:

"(v) The name and address of the person to whom the liquor is to be delivered:

"(vi) The date on which the order is forwarded to the licensee:" 40

(3) The said section 223 is hereby further amended—

(a) By inserting in paragraph (c) of subsection (6), after the words "inspect the unlicensed premises", the words ", and inspect the record,": 45

(b) By omitting from paragraph (a) of subsection (7) the words "other than paragraph (a) of subsection (6) of this section".

(4) The said section 223 is hereby further amended by adding to subsection (7) the following paragraph:

"(c) Gives a false name or address to any person keeping or required to keep a record under this section."

17. Appeal to Commission against decision of Licensing Committee—Section 228 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

"(1A) Notwithstanding anything in subsection (1) of this section, the Commission, on the application of any person having a right of appeal under this section, may grant leave to that person to give notice of appeal after the expiration of the time prescribed by that subsection, and within such time as the Commission thinks fit, where in the opinion of the Commission there was reasonable cause for his failure or inability to give notice within the time prescribed by that subsection."

18. Unlawfully consuming liquor, etc., on hotel premises—

(1) Section 250 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (3) the words "or subsection (7)".

(2) The said section 250 is hereby further amended by adding the following subsection:

"(4) Subsection (1) of this section shall not apply to—

"(a) The consumption or possession of liquor by any bona fide guest of any lodger while he is in the company of the lodger, if the liquor has been supplied to the guest without charge and by way of hospitality; or

"(b) The entry into or presence on the premises, or the presence in any bar, of any such guest for the purpose or with the intention of consuming, while in the company of the lodger, liquor to be supplied to the guest without charge and by way of hospitality."

19. Unlawfully consuming liquor, etc., on house premises—

(1) Section 251 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (2) the words "or subsection (7)".

(2) The said section 251 is hereby further amended by adding the following subsection:

“(3) Subsection (1) of this section shall not apply to—

“(a) The consumption or possession of liquor by any bona fide guest of any lodger while he is in the company of the lodger, if the liquor has been supplied to the guest without charge and by way of hospitality; or 5

“(b) The entry into or presence on the premises of any such guest for the purpose or with the intention of consuming, while in the company of the lodger, liquor to be supplied to the guest without charge and by way of hospitality.” 10

20. Notification of certain convictions of licensee or manager—Section 285 of the principal Act is hereby amended by omitting the words “or corrective training”. 15

21. Calculation and payment of tavernkeeper’s licence fee—(1) Section 286A of the principal Act (as enacted by section 3 (1) of the Sale of Liquor Amendment Act 1967) is hereby amended by inserting in paragraph (c) of subsection (8), after the word “auditor”, the words “(being a member of the New Zealand Society of Accountants (*in public practice*) or, where the licensee is a local Trust, an officer of the Audit Department)”. 20

(2) This section shall come into force on the 1st day of January 1972. 25

22. Temporary licence in case of fire, etc.—Section 288 of the principal Act is hereby amended by inserting, after the word “rebuilding”, the words “or if other special circumstances exist that will prevent the carrying on of the business in the premises”. 30

23. Alterations in licensed premises—Section 291 of the principal Act is hereby amended by omitting from subsection (1), and also from subsection (2), the words “the Licensing Committee or the Chairman”, and substituting in each case the words “the Commission or the Chairman thereof”. 35

24. Issue of hotel or tavern premises licence in place of provisional licence—Section 315 of the principal Act is hereby amended by omitting the words “the Licensing Committee shall issue”, and substituting the word “the Chairman of the Licensing Committee shall issue”. 40

New

Cabaret Licences

25. Cabaret licence—(1) The principal Act is hereby further amended by inserting, after section 65B (as inserted
5 by section 2 (1) of the Sale of Liquor Amendment Act 1970), the following section:

“65c. (1) Subject to the provisions of this section, a cabaret licence shall authorise the licensee to sell and dispose of liquor, for consumption only on the premises specified in the licence,
10 at any time between the hours of 6 o'clock in the evening and 11.30 o'clock at night, on any day except Sunday and Good Friday.

“(2) A cabaret licence shall not be granted in respect of any premises unless—

15 “(a) The premises are used for the provision, for members of the public, or for persons on whose behalf the premises have been reserved, of facilities for dancing, and of entertainment of the kind in which the performers providing the entertainment
20 are physically present and actually perform the entertainment; and

“(b) The Commission is satisfied that the sale and disposal of liquor on the premises will be ancillary to the provision of facilities for dancing and of entertain-
25 ment; and

“(c) In the opinion of the Commission proper facilities for the sale, disposal, and consumption of liquor are or will be available on the premises.

“(3) A cabaret licence shall be deemed to be issued subject
30 to the following conditions:

“(a) That the cabaret shall at all times conform to the general standards prescribed by the Commission in respect of licensed cabarets:

35 “(b) That, to the extent to which the Commission thinks fit, meals shall be provided for persons attending the cabaret:

“(c) That liquor shall be consumed only by persons seated at tables:

40 “(d) That every bottle or container in which liquor is supplied in the cabaret, and every drinking vessel used for the consumption of liquor, shall be removed from the tables immediately after 12 o'clock at night—

New

and to such other conditions as the Commission may in its discretion impose.”

(2) Section 10 of the principal Act (as amended by section 2 (3) of the Sale of Liquor Amendment Act (No. 2) 1969 and section 2 (4) of the Sale of Liquor Amendment Act 1970) is hereby further amended by repealing paragraphs (dd) and (ddd) of subsection (1), and substituting the following paragraph:

“(dd) To grant and renew theatre licences, airport licences, and cabaret licences:”.

(3) Section 11 of the principal Act is hereby amended by omitting from subsection (1) (as amended by section 2 (4) of the Sale of Liquor Amendment Act (No. 2) 1969 and section 2 (5) of the Sale of Liquor Amendment Act 1970) the words “restaurant licence, or theatre licence, or an airport licence”, and substituting the words “or a restaurant, theatre, airport, or cabaret licence”.

(4) Section 54 of the principal Act (as amended by section 2 (6) of the Sale of Liquor Amendment Act 1970) is hereby further amended by repealing paragraph (aaa) of subsection (2), and substituting the following paragraphs:

“(ab) Airport licences:

“(ac) Cabaret licences:”.

(5) The following enactments are hereby consequentially repealed:

(a) Subsections (3) and (4) of section 2 of the Sale of Liquor Amendment Act (No. 2) 1969:

(b) Subsections (4), (5), and (6) of section 2 of the Sale of Liquor Amendment Act 1970.

26. Management—(1) Section 66 of the principal Act (as amended by section 3 (1) of the Sale of Liquor Amendment Act (No. 2) 1969 and section 3 (1) of the Sale of Liquor Amendment Act 1970) is hereby further amended by omitting the words “restaurant, or theatre licence, or an airport licence”, and substituting the words “restaurant, theatre, airport, or cabaret licence”.

(2) Section 176 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (1) (as amended by section 3 (2) of the Sale of Liquor Amendment Act (No. 2) 1969 and section 3 (2) of the Sale of Liquor

New

Amendment Act 1970) the words “restaurant, or theatre licence, or of any airport licence”, and substituting the words “restaurant, theatre, airport, or cabaret licence”.

5 (3) Section 177 of the principal Act is hereby amended by omitting from subsection (5) (as added by section 18 of the Sale of Liquor Amendment Act 1964 and amended by section 3 (3) of the Sale of Liquor Amendment Act
10 (No. 2) 1969 and section 3 (4) of the Sale of Liquor Amendment Act 1970) the words “(other than that of a manager of a restaurant or the licensed premises of a theatre or of an airport)”, and substituting the words “(other than that of the manager of a restaurant or a cabaret or the licensed premises of a theatre or of an airport)”.

15 (4) The following enactments are hereby consequentially repealed:

(a) Section 3 of the Sale of Liquor Amendment Act (No. 2) 1969:

20 (b) Subsections (1), (2), and (4) of section 3 of the Sale of Liquor Amendment Act 1970.

27. Cabaret licences in licensing trust districts and no-licence districts—(1) Section 29 of the principal Act is hereby amended by inserting in subsection (2), after the words “restaurant licence”, the words “, a cabaret licence”.

25 (2) The said section 29 is hereby further amended by adding to subsection (2) the following proviso:

“Provided that a cabaret licence shall not be granted in, or in respect of any premises in, a licensing trust district except after consultation by the Commission with the licensing Trust
30 of that district.”

(3) Section 232 of the principal Act is hereby amended—

35 (a) By omitting from subsection (1) (as amended by section 2 (7) of the Sale of Liquor Amendment Act 1970) the words “an airport licence”, and substituting the words “a cabaret licence, an airport licence”:

(b) By inserting in subsection (2), after the words “restaurant licence”, the words “or a cabaret licence”.

40 (4) Section 2 of the Sale of Liquor Amendment Act 1970 is hereby consequentially amended by repealing subsection (7).

New

28. New sections inserted—The principal Act is hereby further amended by inserting, after section 112G (as inserted by section 4 of the Sale of Liquor Amendment Act 1970), the following heading and sections:

5

“Cabaret Licence

“112H. Application for cabaret licence, reports, objections, hearing, and issue of licence—Except as provided in subsection (2) of section 112I of this Act, the provisions of sections 107, 108, 109, 111, and 112 of this Act, so far as they are applicable and with the necessary modifications, shall apply with respect to every application for a cabaret licence as if—

10

“(a) References to a restaurant licence or to a restaurant were references to a cabaret licence or to a cabaret, as the case may require:

15

“(b) The reference in subsection (1) of section 107 to the restaurant business were a reference to the cabaret business.

“112I. Conversion of restaurant licence to cabaret licence—

(1) The holder of a restaurant licence may at any time apply to the Commission for the grant of a cabaret licence in place of the restaurant licence.

20

“(2) Subsections (2) to (6) of section 107 and subsections (1) and (3) of section 109 of this Act shall not apply to any application under this section.

25

“(3) In any such application the applicant may set out particulars of any alterations or additions that he is prepared to make to the premises if the cabaret licence is granted.

“(4) Every applicant under this section shall from time to time furnish to the Commission such further information and particulars as may be required by the Commission.

30

“(5) Objection to the grant of the application may be made by any person of or over the age of 20 years who is resident in the immediate neighbourhood of the premises. The ground on which any such objection may be made is that the licensing of the premises as a cabaret will have a prejudicial effect on residents in the immediate neighbourhood of the premises.

35

“(6) On the issue of a cabaret licence pursuant to this section the Chairman of the Licensing Committee shall cancel the restaurant licence then in force.

40

New

“112J. **Circumstances to be taken into account**—In determining whether to grant any application for a cabaret licence the Commission shall have regard to—

- 5 “(a) The requirements of the public in the area or areas from which persons might reasonably be expected to resort to the cabaret if the licence is granted:
- “(b) The nature and standard of the entertainments to be provided in the premises or proposed premises:
- 10 “(c) The suitability of the premises or proposed premises and the facilities and services to be provided, including the facilities for dancing and for the service of meals:
- “(d) Any prejudicial effect that the licensing of the cabaret might have on residents in the immediate neighbourhood of the cabaret:
- 15 “(e) The experience of the applicant in the conduct of cabarets or restaurants and his character and reputation, and any convictions of the applicant for offences against this Act or the Licensing Act 1908:
- 20 “(f) Such other considerations as the Commission thinks fit to take into account.”

25 **29. Renewal of cabaret licence**—(1) Section 123 of the principal Act is hereby amended by inserting, after paragraph (d), the following paragraph:

“(dd) Cabaret licences:”.

(2) Section 125 of the principal Act is hereby amended by omitting from subsection (3) the words “or restaurant”,
30 in both places where those words occur, and substituting in each case the words “restaurant, or cabaret”.

30. Transfer of cabaret licence—(1) Section 128 of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

35 “(aa) Cabaret licences:”.

(2) Section 131 of the principal Act is hereby amended by inserting in subsection (1), after the words “licensed restaurant”, the words “or cabaret”.

(3) Section 279 of the principal Act is hereby amended
40 by omitting from subsection (1) (as amended by section 6 (2) of the Sale of Liquor Amendment Act (No. 2) 1969 and section 6 (2) of the Sale of Liquor Amendment Act 1970), the words “theatre, airport”, and substituting the words “cabaret, theatre, airport”.

New

(4) The following enactments are hereby consequentially repealed:

- (a) Subsection (2) of section 6 of the Sale of Liquor Amendment Act (No. 2) 1969: 5
 (b) Subsection (2) of section 6 of the Sale of Liquor Amendment Act 1970.

31. Removal of cabaret licence—(1) Section 136 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (d), the following paragraph: 10
 “(dd) Cabaret licences:”.

(2) Section 141A of the principal Act (as inserted by section 5 of the Sale of Liquor Amendment Act 1964) is hereby amended by inserting in subsections (1), (3), and (4), after the word “restaurant” in each case, the words 15
 “or cabaret”.

(3) Section 144 of the principal Act is hereby amended by inserting, after the word “restaurant”, in both places where that word occurs, the words “or cabaret”.

32. Responsibilities of licensee or manager under cabaret licence—(1) The principal Act is hereby further amended 20
 by inserting, after section 195B (as inserted by section 8 of the Sale of Liquor Amendment Act 1970), the following heading and section:

“Cabaret Licences” 25

“195c. The provisions of section 195 of this Act, so far as they are applicable and with the necessary modifications, shall apply with respect to a cabaret licence and to the licensed premises of a cabaret in the same manner as they apply to a restaurant licence and to a restaurant.” 30

(2) Section 202 of the principal Act is hereby further amended by inserting in subsection (3) (as added by section 8 (2) of the Sale of Liquor Amendment Act (No. 2) 1969), after the word “theatre”, in both places where that word occurs, the words “or cabaret”. 35

33. Inspection—Section 205 of the principal Act is hereby amended—

- (a) By inserting in paragraph (a) of subsection (1), after the word “restaurant”, the words “or cabaret”: 40

New

(b) By inserting in subparagraph (i) of paragraph (a) of subsection (2), after the word "restaurant", the words "or cabaret".

5 **34. Cancellation or suspension of cabaret licence**—(1) Section 212 of the principal Act is hereby amended by inserting in subsections (1), (3), and (5), after the word "restaurant" in each case, the words "or cabaret".

10 (2) Section 213 of the principal Act is hereby amended by repealing subsection (7) (as added by section 10 (2) of the Sale of Liquor Amendment Act (No. 2) 1969 and amended by section 10 (2) of the Sale of Liquor Amendment Act 1970), and substituting the following subsections:

15 “(7) This section shall extend and apply with respect to—

- “(a) A theatre licence; and
- “(b) An airport licence; and
- “(c) A cabaret licence—

20 as if references to the Licensing Committee or to the Chairman were references to the Commission or, as the case may require, to the Chairman thereof.

“(8) In the case of any theatre, airport, or cabaret licence, an Inspector shall have the same power as a member of the Police to apply to the Commission for the cancellation or suspension of the licence under this section.”

25 (3) The following enactments are hereby consequentially repealed:

- (a) Subsection (2) of section 10 of the Sale of Liquor Amendment Act (No. 2) 1969:
- (b) Subsection (2) of section 10 of the Sale of Liquor Amendment Act 1970.

30 **35. Cabaret permit for social gathering**—Section 218 of the principal Act is hereby amended by inserting in subsections (1) and (3), after the word "restaurant", wherever that word occurs in those subsections, the words "or cabaret".

35 **36. Notice of prohibition order**—Section 237 of the principal Act is hereby amended by inserting, after the word "restaurant", the word "cabaret".

New

37. Allowing consumption of liquor outside authorised hours—(1) Section 249 of the principal Act (as amended by section 13 (1) of the Sale of Liquor Amendment Act 1970) is hereby further amended by inserting, after subsection (4B), the following subsection: 5

“(4c) Every holder of a cabaret licence, and every manager conducting cabaret premises under the authority of such a licence, commits an offence who allows the consumption of liquor on the premises at any time between the hours of midnight on any day and 6 o’clock in the evening of the next day, or at any time on any day when the cabaret is required to be closed for the sale of liquor.” 10

(2) The said section 249 is hereby further amended by omitting from subsection (2) (as amended by section 14 (2) of the Sale of Liquor Amendment Act (No. 2) 1969 and section 13 (2) of the Sale of Liquor Amendment Act 1970) the words “other than a theatre licence or an airport licence”, and substituting the words “other than a theatre, airport, or cabaret licence”. 15 20

(3) The following enactments are hereby consequentially repealed:

(a) Subsection (2) of section 14 of the Sale of Liquor Amendment Act (No. 2) 1969:

(b) Subsection (2) of section 13 of the Sale of Liquor Amendment Act 1970. 25

38. Unlawfully consuming liquor, etc., on licensed premises—Section 253 of the principal Act (as amended by section 15 of the Sale of Liquor Amendment Act (No. 2) 1969) is hereby further amended by inserting, after subsection (2A), the following subsection: 30

“(2B) Every person commits an offence who, on any premises conducted under a cabaret licence, at any time between the hours of midnight on any day and 6 o’clock in the evening of the next day, or at any time on any day when the premises are required to be closed for the sale of liquor— 35

“(a) Consumes or procures or attempts to procure any liquor; or

“(b) Enters or is on the premises for the purpose of consuming or procuring liquor; or 40

“(c) Is found in possession of any liquor with intent to consume it there.”

New

39. Fees—Section 286 of the principal Act is hereby amended by inserting in subsection (2), after paragraph (g), the following paragraph:

5 “(gg) For every cabaret licence, and every renewal thereof, \$100:”.

40. Alterations in licensed cabaret premises—Section 291 of the principal Act is hereby amended by inserting in subsection (3A) (as inserted by section 18 of the Sale of
10 Liquor Amendment Act (No. 2) 1969), after the word “theatre”, in both cases where that word occurs, the words “or cabaret”.

—

Section 4 (2)

SCHEDULE

AMENDMENTS OF PRINCIPAL ACT

Section Amended	Amendment
Section 10 (1) ----	By repealing paragraph (c), and substituting the following paragraph: “(c) To determine the fair price to be paid in respect of new wholesale licences:”.
Section 17 (2) ----	By repealing paragraph (a), and substituting the following paragraph: “(a) All money payable by way of the fair price on the issue of any new wholesale licence:”.
Section 91 (1) ----	By omitting from paragraph (a) the word “and”.
Section 92 (2) ----	By repealing paragraph (b). By omitting the words “when the fair price fixed by the Commission has been paid to the Licensing Fund, or payment thereof has been secured in the manner prescribed by regulations made under this Act”.
Section 96	By repealing subsection (5). By omitting from subsection (6) the words “Subject to the provisions of subsection (5) of this section”.
Section 97 (2)	By repealing this subsection.
Section 99	By repealing subsection (8). By omitting from subsection (9) the words “Subject to the provisions of subsection (8) of this section”.
Section 100 (5) ----	By omitting the words “sections 76 and 90”, and substituting the words “section 76”.
Section 147 (2) ----	By omitting the words “and that the fair price (if any) fixed by the Commission has been paid to the Licensing Fund or that payment thereof has been secured in the prescribed manner”.