

SALE OF LIQUOR AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Sale of Liquor Act 1962.

Clause 1 relates to the Short Title.

Clause 2 amends section 27 of the principal Act which relates to the union, reconstitution, or alteration of licensing districts following changes in the respective territories of the constituent local authorities. Subsection (4) provides that if the boundaries of any such local authority's territory are altered, the alterations shall automatically apply to the boundaries of the licensing district. The effect of the amendment is to provide that such an alteration shall not automatically apply to the licensing district, but may be so applied by Order in Council.

Clause 3 validates certain decisions made and actions taken by the Auckland Licensing Committee and by the Chairman of that Committee. Until the 1st day of August 1974 the area that constituted Waitemata County was included in the Auckland Licensing District. However, on that date Waitemata County ceased to exist and part of its territory (referred to in the clause as the affected area) was included in the Rodney County which forms part of the Northland Licensing District. The effect was that as from the 1st day of August licensing matters arising within the affected area should have been dealt with by the Northland Licensing District (or, in some cases, by its Chairman), and not by the Auckland Licensing District (or its Chairman).

However, for some time the Auckland Licensing Committee continued to hear matters arising in the affected area unaware of its lack of jurisdiction. Then, by Order in Council made on the 16th day of December 1974, the whole of Rodney County was excluded from the Northland Licensing District and included within the Auckland Licensing District.

This clause provides that no decision made or action taken by the Auckland Licensing Committee or by its Chairman during the period commencing on the 1st day of August 1974 and ending with the 16th day of December 1974 in respect of any matter arising in the affected area shall be called in question in any proceedings by reason only of the fact that the affected area was not then included in the Auckland Licensing District.

Hon. Dr Finlay

SALE OF LIQUOR AMENDMENT

ANALYSIS

Title	3. Validation of certain decisions made
1. Short Title	and actions taken by Auckland
2. Alteration of boundaries of licensing districts	Licensing Committee or its Chairman

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:

1. **Short Title**—This Act may be cited as the Sale of Liquor Amendment Act 1975, and shall be read together with and deemed part of the Sale of Liquor Act 1962* (hereinafter referred to as the principal Act).
- 10 2. **Alteration of boundaries of licensing districts**—Section 27 (4) of the principal Act is hereby amended by inserting, after the words “are altered”, the words “the Governor-General may by Order in Council declare that, as from a date to be specified in the Order,”.

*Reprinted 1969, Vol. 4, p. 2795

Amendments: 1970, No. 35; 1971, No. 2; 1971, No. 77; 1972, No. 101;
1974, No. 13; 1974, No. 120

3. Validation of certain decisions made and actions taken by Auckland Licensing Committee or its Chairman—
Whereas, immediately before the 1st day of August 1974, by virtue of section 24 (2) of the principal Act the area of land that constituted Waitemata County was included in the Auckland Licensing District and the area of land that constituted Rodney County was included in the Northland Licensing District: And whereas, as from the said 1st day of August 1974, pursuant to a determination of the Local Government Commission Waitemata County ceased to exist and part of the land that was, immediately before that date, included in the said County (that part being referred to in this section as the affected area) was included in Rodney County: And whereas by virtue of section 27 (4) of the principal Act the effect of those changes was to include the affected area in the Northland Licensing District: And whereas by Order in Council made on the 16th day of December 1974 Rodney County (as then constituted) was excluded from the Northland Licensing District and included in the Auckland Licensing District: And whereas throughout the period commencing on the said 1st day of August 1974 and ending with the said 16th day of December 1974 the Auckland Licensing Committee and the Chairman of that Committee purported to exercise jurisdiction in respect of matters arising under the principal Act within the affected area in the belief that the affected area remained part of the Auckland Licensing District: And whereas it is expedient that that purported exercise of jurisdiction be validated: Be it therefore enacted as follows:

No decision made or action taken by the Auckland Licensing Committee or by the Chairman of the Committee at any time during the period commencing on the 1st day of August 1974 and ending with the 16th day of December 1974 in respect of or in connection with any matter arising under the principal Act within the affected area shall be called into question in any proceedings by reason only of the fact that the affected area was not then included in the Auckland Licensing District.