

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]

House of Representatives, 15 September 1981.

Words struck out 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.

Mr Thompson

WINTON HOLDINGS LICENSING

ANALYSIS

Title	4. Proprietor may apply for licence
1. Short Title and commencement	5. Effect of licence
2. Interpretation	6. Conditions of licence
3. Jurisdiction of Commission	7. Application of Sale of Liquor Act 1962

A BILL INTITULED

An Act to make provision for the grant and issue of a licence in accordance with the Sale of Liquor Act 1962 to authorise Winton Holdings Limited to sell and supply
5 liquor on the premises situated at Ohariu Valley, Wellington, and known as the Country Club

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

10 **1. Short Title and commencement**—(1) This Act may be cited as the Winton Holdings Licensing Act 1981.

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

15 **2. Interpretation**—In this Act, unless the context otherwise requires,—

“The Club” means the club conducted and managed by Winton Holdings Limited on the premises situated at Ohariu Valley, Wellington, and known as the Country Club:

“Commission” means the Licensing Control Commission established under the Sale of Liquor Act 1962:

“Eligible persons” means—

(a) Officers and employees of Winton Holdings Limited: 5

(b) Members of the Club and their invited guests:
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“The premises” means the premises on which the Club is conducted, being more particularly described in the Schedule to this Act: 10

“The Proprietor” means Winton Holdings Limited:

“The purposes of the Club” means—

(a) Any sporting or recreational activity in which members of the Club participate:

(b) The private social intercourse, convenience, 15
and comfort of members of the Club:

(c) Dining and entertainment, including dancing:

Other terms that are defined in the Sale of Liquor Act 1962 have the meanings so defined.

3. Jurisdiction of Commission—Notwithstanding anything 20
in the Sale of Liquor Act 1962, the Commission shall have all such jurisdiction, powers, and authorities as may be reasonably necessary to enable it to deal with any application made to it under this Act and any other matter arising in relation to such application or to any licence granted on such 25
application.

4. Proprietor may apply for licence—Notwithstanding anything in the Sale of Liquor Act 1962, the Proprietor is hereby authorised to apply to the Commission for a licence to sell and supply liquor (*on the premises*) in accordance with 30
the succeeding provisions of this Act.

5. Effect of licence—Subject to the succeeding provisions of this Act, a licence under this Act shall authorise the Proprietor to sell and dispose of liquor on the premises described in the licence (being the whole or any part of the 35
premises described in the Schedule to this Act)—

(a) To eligible persons actually partaking of a substantial meal, for consumption by those persons as part of the meal, between the hours of 11 o'clock in the morning of any day and 1 o'clock in the morning of 40
the following day; and

5 (b) To eligible persons who are present on the premises for any of the purposes of the Club, for consumption on the premises, between the hours of 11 o'clock in the morning and 10 o'clock in the evening of any day other than a Sunday.

6. Conditions of licence—(1) The Commission shall not grant a licence under this Act unless, in its opinion,—

10 (a) The consumption of liquor is not and will not become the predominant purpose for which persons attend the premises:

(b) Proper facilities for the sale, disposal, and consumption of liquor are or will be available on the premises:

15 (c) During the times at which the premises are open for the sale and supply of liquor, the premises will not be readily accessible to persons who are not eligible persons.

(2) A licence under this Act shall be deemed to be issued subject to the following conditions:

20 (a) That the premises shall at all times conform to the minimum standards (if any) prescribed by the Commission in respect of premises conducted under a club licence, and to such minimum standards (if any) prescribed by the Commission in respect of the particular premises:

25 (b) That the consumption of liquor shall not become the predominant purpose for which persons attend the premises:

30 (c) That liquor shall be sold and supplied pursuant to the licence only on the days on which the premises are being used in good faith for the purposes of the Club:

(d) That liquor shall be consumed on the premises only by eligible persons:

35 (e) That every bottle or other container in which liquor is supplied on the premises, and every drinking vessel used for the consumption of liquor, shall be cleared away immediately after the expiration of 30 minutes after the time at which the premises are required to be closed for the sale of liquor:

40 (f) That the Club shall continue to be conducted in good faith as a club in accordance with rules for the time being approved by the Commission:

(g) That the number of members shall be not less than the minimum, nor more than the maximum, for the time being approved by the Commission:

(h) Such other conditions as the Commission may in its discretion impose. 5

(3) Without limiting subsection (2) (h) of this section, the Commission may, on granting any application for a licence under this Act, impose as a condition of the licence that the Proprietor shall keep such records, and file with the Commission such returns, relating to the purchase and sale of liquor pursuant to the licence as the Commission may specify. 10

7. Application of Sale of Liquor Act 1962—(1) Subject to the foregoing provisions of this Act, the following provisions of the Sale of Liquor Act 1962, so far as they are applicable and with the necessary modifications, shall apply in respect of a licence under this Act as if it were a club licence under that Act: 15

(a) Sections 107, 108, 109, 111, and 112 (relating to the making of applications for club licences, the obtaining of reports and the making of objections in respect of such applications, and the grant and issue of such licences): 20

(b) Paragraphs (b) to (f) of section 117B (1) (which prescribe certain matters to which the Commission must have regard in considering applications for club licences): 25

(c) Section 11 (1) (which authorises the Commission to prescribe minimum standards to be complied with in respect of any premises conducted under certain licences under that Act): 30

(d) Section 66 and Part VI (relating to the appointment of managers):

(e) Sections 124 to 127 (relating to the renewal of licences): 35

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(f) Sections 129 to 134 (relating to the transfer of licences):

(g) Sections 139, 140, 141A, 142, 144, 145, and 147 (relating to the removal of certain licences): 40

(h) Section 195 (relating to the duties of certain licensees and managers):

- (i) Section 199 (which prohibits the exclusion of any person from licensed premises by reason only of his race, colour, nationality, sex, beliefs, or opinions):
- 5 (j) Section 201 (which prohibits the employment on licensed premises of females for the purpose of dancing or drinking with guests):
- (k) Sections 205 to 209 (relating to the functions and powers of Inspectors of Licensed Premises and the Police in respect of licensed premises):
- 10 (l) Sections 212, 213A, and 214 (which provide for the enforcement of the responsibilities of certain licensees and managers):
- (m) Sections 216B, 217, and 218B (which provide for certain permits that may be obtained by the holders of club licences):
- 15 (n) Part IX (relating to appeals), Part XI (relating to prohibition orders), and Part XII (which prescribe certain offences):
- (o) Section 279 (which requires notification of the change of ownership of certain licences), and section 281 (which requires licensees to have an address for service):
- 20 (p) Section 286 (relating to fees), and section 287 (relating to duplicate licences).

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(2) A licence under this Act may be transferred by the Commission; and the provisions of sections 129 to 134 of the Sale of Liquor Act 1962 (except subsection (3) of section 133) shall apply for the purposes of this subsection, with the necessary modifications, as if the licence were a club licence and as if references to the Licensing Committee or to the Clerk were references to the Commission or to the Secretary, as the case may require.

SCHEDULE

Section 5

DESCRIPTION OF PREMISES

All that parcel of land in the Wellington Land District containing 4.9985 hectares, more or less, situate in the City of Wellington, being Lot 1 on Deposited Plan 28234, Lot 1 on Deposited Plan 33836, and Lot 2 on Deposited Plan 40603 (Wellington Registry), together with right of way under easement certificate number 939217.

Being the land and improvements situated at Ohariu Valley, Wellington, and known as the Country Club.