

SUPPLEMENTARY ORDER PAPER.

LEGISLATIVE COUNCIL.

Thursday, the 13th Day of October, 1904.

LICENSING ACTS AMENDMENT BILL.

Hon. Mr. PITT, in Committee, to move the following amendments:—

Transpose clauses 4 and 5.

Clause 4: Omit all words at the beginning of the clause down to and including "throughout that district," and substitute "With respect to every such district as last aforesaid, and so long as, pursuant to the result of the licensing poll, no licenses exist therein, the following provisions shall apply"; omit "into a no-license" in line 41, and substitute "or taken into such"; after "so sent," in line 44, insert "or taken"; after "is sent," in line 46, insert "or by whom it is taken"; substitute "such" for "a no-license" in line 1 of page 3, and again in line 14; omit "delivered to him in the no-license district" in paragraph (e), (i), and substitute "delivered in such district to him"; substitute "fine" for "penalty" wherever it occurs in paragraph (e). In paragraph (f) omit line 36, and substitute in lieu thereof "(f.) Nothing in this section"; substitute "such" for "a no-license" in line 37; omit "no-license" in line 38; omit all words after "for the vendor to enter," and substitute "such sale as required by paragraph (c) hereof, or to furnish any statement to the Clerk of the Magistrate's Court in respect thereof." Proviso to stand as paragraph (gg), omitting "Provided that nothing herein contained," and substituting "Nothing in this section"; substituting "such district" for "any electorate in which no-license exists"; and substituting "certificate" for "prescription." Paragraphs (h) and (i) to stand as subclauses (2) and (3) respectively.

Clause 8: Omit paragraph (a), and substitute the following new paragraphs:—

- (a.) Any six electors may, within seven days after the Returning Officer's public notice of such result, apply to a Magistrate for a recount of the votes.
- (aa.) Every such application shall be in writing under the hands of the applicants, and may be delivered to the Magistrate personally, or may be posted to him in a registered letter, or, where necessary, may be transmitted to him by telegraph.

Clause 8: Substitute "recount" for "inquiry" in line 41.

Clause 9: In subclause (1) omit "declaration of the result of the poll," and substitute "Returning Officer's public notice of such result"; in subclause (2) omit all words after "twenty pounds"; in subclause (3) omit "First," substitute "Courthouse" for "Court" in line 3, and again in line 5; omit "two Magistrates usually exercising jurisdiction at the Magistrate's Courthouse nearest to such Court," and substitute "the two other Magistrates residing nearest thereto." In subclause (5), after "declared to be carried," insert "was carried and not rejected, or."

Omit clause 10.

Clause 12: Substitute "Courthouse" for "Court" in line 36.

Clause 14 : Omit "Every person so named" in line 8, and substitute "The Minister may, if he thinks fit, direct that proceedings be taken for the prosecution of any person named in such report, and on the conviction of such person he"; in lines 9, 12, and 16, after "opinion of the," insert "adjudicating."

Clause 16 : Omit the words "either by the parties petitioning or by the parties petitioned against" and substitute "by any party to the inquiry"; omit "who has not been cited as a party or" in the proviso, and substitute "other than a party to the inquiry, unless he has been"; omit subclause (2), and substitute the following:—

(2.) Subject to any such order the Court shall direct that the deposit accompanying any petition under section *nine* hereof shall be returned to the person who paid the same, unless the Court is of opinion that the petitioners have failed to establish the grounds specified in their petition, or any other grounds investigated by leave of the Court, in which case the deposit (or the surplus remaining after satisfying such order) shall be forfeited to the Crown.

Clause 17 : Omit the words "in a district in which no electoral poll is taken" in lines 18 and 19; omit "valid votes recorded" in line 21, and substitute "voters who recorded valid votes"; omit "valid votes recorded" in line 22, and substitute "such voters."

Clause 18 : Substitute "the Licensing Acts" for "the Act."

Transpose clause 19 to stand after clause 59.

Clause 20 : Omit all words after "With respect to" down to and including "the following provisions shall apply," and substitute the words "every area heretofore or hereafter proclaimed by the Governor under section twenty-five of the principal Act, the following provisions shall apply so long as such Proclamation is in force:—"; omit subparagraphs (i) and (ii) of subclause (a), and substitute the following:—

(i.) To solicit or receive therein any order for any liquor; or

(ii.) To sell, or expose or keep for sale, therein any liquor; or.

In subparagraph (iii), and again in subclause (d), substitute "any such area" for "such district"; after "any person," in line 33, insert "within any such area."

Clause 21 : Omit "On or after the date of," and substitute "On and after." Substitute "exportation of liquor from New Zealand proper to and its importation" for "export to and the importation" in subclause (1).

Clause 23 : Omit "there to be stored at the expense of the importers thereof who" in line 1 of page 11, and substitute "and such importers."

Clause 24 : After "medicinal" in subclause (1) insert "religious"; before "No claret" in subclause 4 insert "Except as hereinafter provided"; and substitute "native inhabitants of the said Islands" for "Polynesian or Asiatic" in same subclause.

Clause 25 : Substitute "native inhabitants of" for "Native or Asiatic in" in subclause (i); and insert "and Polynesians" after "Asiatics" in subclause (2).

Clause 26 : Substitute "deemed to be intoxicating liquors" for "considered intoxicating" in subclause (3).

Clause 31 : Omit "the number of" in line 25, and substitute "none of the"; and after "Committee," in the same line, insert "are"; after "duly elected," in line 26, insert "or if the number elected"; omit the words "in Council" in line 27; omit "This section is in substitution for" in line 4 of page 13, and the words "which paragraphs" and "accordingly" in line 6; after "appoint the," in line 8, insert "time and"; substitute "Paragraph" for "Subsection" in line 10.

Clause 32 : Omit all words after "repealing," and substitute "paragraph (b) thereof."

Omit clause 33, and substitute the following:—

33. (1.) No publican's license or accommodation license shall be removed from the premises in respect of which it was granted to any other premises beyond the boundary of the borough (if undivided), or of the ward (if divided into wards), or of the riding of the county, as the case may be, within which the first-mentioned premises are situate, nor shall it be removed to any premises situate more than half a mile from the first-mentioned premises if such premises are in a borough, or one mile if in a county.

(2.) In any case where a publican's or accommodation license lapses by reason of non-application for renewal or of the withdrawal or refusal of such application, and in consequence of the lapse the Committee has jurisdiction to grant a new license, such new license shall not be granted in respect of premises situate beyond the limits fixed by this section in the case of removals.

Clause 34: Omit proviso.

Clause 35: Substitute "to be cancelled" for "never to have been made" in paragraph (d); transpose paragraphs (c) and (d); add the following new subclause:—

(cc.) In a district where, as the result of a licensing poll, the number of licenses is to be reduced, every record or indorsement that has lapsed or is deemed to be cancelled as aforesaid shall, for the purposes of such reduction, be deemed never to have been made.

Clause 37: Omit all words after "carried" in line 7 of page 15, and substitute "then for the purpose of computing the total number of licenses that are to continue the forfeited license shall be included."

Clause 39. Omit the words "and the licensee shall only pay the portion as yet unpaid of the annual license fee" in subclause (3), and substitute the words "and the license fee for the whole period of extension and renewal, or so much thereof as remains unpaid, shall be payable accordingly."

Clause 40: Omit all words after "is hereby amended," and substitute the words "as follows:—

"(a.) By repealing the words 'arriving from' in paragraph (a), and substituting in lieu thereof the words 'or at the end of';

"(b.) By inserting in the same paragraph, after the words 'on the premises by such,' the words 'lodger or';

"(c.) By adding to the same paragraph the following proviso: 'Provided, further, that after having been supplied with liquor whilst on a journey it shall not be lawful for the traveller to obtain or for any licensee to supply him with liquor again unless he has travelled a further five miles since he was last supplied';

"(d.) By adding after the words 'ten pounds' in paragraph (b) the words 'and not less than one pound.'"

Clause 41: Omit the words "in the last line but one of the said section."

Clause 42: Omit all words in subclause (2) after "No new wholesale license shall be granted," and substitute "authorising the sale of liquor at any place within a borough or town district in which a publican's license does not exist."

Clause 43: Add to subclause (3):—

Provided that such repeal shall not affect subsection eight of section twelve of the Amendment Act of 1893.

Clause 46: After "such person," in line 8 of page 17, insert "being found."

Clause 48: Omit "drunk or" in paragraph (a).

Clause 53: Omit "under this Act or the Amendment Act of 1895" in subclause (3), and substitute "taken before or after the passing of this Act"; after "club," in line 20, insert "in so far as it confers the right to sell liquor"; omit "the sale of liquor shall cease" in the proviso to the same subclause, and substitute the words "the charter shall be suspended"; and after "club," in line 31, insert "when the charter is suspended as aforesaid, or."

Clause 57: Omit the word "contained"; substitute "section" for "clause"; omit all words after "Act of 1895," and substitute "So long as, pursuant to the result of a licensing poll, no licenses exist in the Wellington Licensing District no liquor shall be sold in the Parliamentary Buildings."

Clause 58: Omit "or any poll under this Act" in paragraph (a); alter "this Act" in paragraph (b) to "the Licensing Acts."

Omit all italic head-lines.

Omit Second Schedule.

Hon. Mr. GEORGE, in Committee, to move the following amendments:—

Clause 53, subclause (1): In line 9, to omit all the words after the word "closed," and to insert the following paragraphs in lieu thereof:—

(a.) On Saturdays from midnight until six o'clock on the following Monday morning; and

(b.) On all other days from midnight until six o'clock on the following morning:

Provided that nothing in this subsection shall render unlawful the sale of liquor in any such club at any time to any member for the time being *bonâ fide* lodging in the club.

Hon. Mr. LOUISSON, in Committee, to move the following amendments:—

Clause 4, paragraph (h): At end of paragraph add the words "except that subsection six of the said section thirty-three is hereby amended by striking out all the words thereof after the word 'manufacture.'"

Clause 53: In subclause (1), to strike out lines 10 and 11. In subclause (5), to strike out paragraph (c).