

# SUPPLEMENTARY ORDER PAPER.

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## LEGISLATIVE COUNCIL.

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Wednesday, the 19th Day of October, 1904.

### LICENSING ACTS AMENDMENT BILL.

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

That clause 31 be struck out, with the view of inserting in lieu thereof the following new clauses :—

- Licensing Court.** A. For every licensing district there shall be a Court, to be called the "Licensing Court."
- Annual and quarterly sittings.** B. Every Licensing Court shall hold a sitting, to be called the "annual sitting," in the month of June in each year, and a sitting, to be called a "quarterly sitting," in each of the months of March, September, and December in each year.
- Powers of Court.** C. Every Licensing Court shall have and may exercise—
- (a.) At its annual sitting all such power, authority, and jurisdiction as any Licensing Committee has heretofore had or might have exercised at the annual meeting of the Committee ;
  - (b.) At any one of its quarterly sittings all such power, authority, and jurisdiction as any Licensing Committee has heretofore had or might have exercised at any one of the quarterly meetings of the Committee ;
  - (c.) At any time all such power, authority, and jurisdiction as the Chairman and any two members of any Licensing Committee have heretofore had or might have exercised under the Licensing Acts.
- Annual sitting.** C. (1.) At its annual sitting a Licensing Court shall consist of three Magistrates, of whom one shall be the Magistrate usually exercising jurisdiction within the district, and the other two shall be appointed by the Governor.
- (2.) Every member of a Licensing Court shall attend the annual sitting thereof ; and if on the day appointed for the annual sitting any member fail to attend, the Clerk of the Court shall adjourn the sitting from day to day until all the members are present.
- (3.) If any one of the members of a Licensing Court fail to attend on the day appointed for the annual sitting, or within seven days thereafter, the Governor may appoint another Magistrate to attend that sitting and act in the room of the Magistrate so failing to attend.
- (4.) At the annual sitting of a Licensing Court the Magistrate usually exercising jurisdiction within the district, or, in his absence, such Magistrate as the Governor may appoint, shall be the President of the Court.

(5.) All questions arising at the annual sitting shall be decided by a majority of the votes of the members of the Court.

Quarterly sitting.

D. At a quarterly sitting, and at any time other than an annual sitting, the Licensing Court shall be the Magistrate usually exercising jurisdiction within the district, or, in his absence, such Magistrate as the Governor may appoint.

Clerk of Court.

E. The Clerk of the Magistrate's Court having jurisdiction within the district shall be Clerk of the Licensing Court for that district.

Rehearing.

F. Any Licensing Court may, if it thinks fit, rehear any matter that has been already heard and determined by it:

Provided that any matter heard and determined at an annual sitting shall not be reheard before a less number of Magistrates than three.

Appeal.

G. An appeal on point of law shall lie from any Licensing Court to the Supreme Court (and that whether the point arise at an annual or a quarterly sitting), and the procedure on any such appeal shall be in accordance with the provisions of "The Magistrates' Courts Act, 1893," relating to appeals on points of law, so far as those provisions are applicable.

Repeals.

H. The provisions of the Licensing Acts, the Amendment Act of 1893, the Amendment Act of 1895, "The Triennial Licensing Committees Act, 1889," and "The Licensing Committees and Polls Act, 1902," are hereby modified in so far as they conflict with the provisions of this Act, but not further or otherwise.

That clause 41 be amended by striking out the word "five," and substituting the word "three" in lieu thereof.

That clause 43 be amended by striking out the word "eighteen," and substituting the word "sixteen" in lieu thereof.

Hon. Mr. TWOMBIE, in Committee, to move the following new clause:—

The words "or all except two," where they appear in paragraph (h) of section seven and in the First Schedule of the Amendment Act of 1895, are hereby repealed.