

Supplementary Order Paper.

LEGISLATIVE COUNCIL.

Thursday. the 5th Day of December, 1918.

LICENSING AMENDMENT BILL.

HON. SIR FRANCIS BELL, in Committee, to move the following amendments:—

Clause 23: In the definition of "hotel servant," line 39, to strike out the word "year," and insert, in lieu thereof, the words "first day of October." To add at the end the following:—

"Maltster's servant" means a person whose regular course of employment for a period of not less than three years before the commencement of this Act was work done in the employ of a maltster, and who was on the first day of October, nineteen hundred and eighteen, so employed; or, alternatively, was at that date out of employment, but had been employed in the service of a maltster for a period of at least three months during the year preceding the first day of October, nineteen hundred and eighteen; but does not include a person employed in clerical work or an agent, manager, or other official not engaged in actual manual labour.

Clause 25, subclause 1, paragraph (b), line 28: To strike out the words "adjacent to a brewery."

Clause 25, subclause (5), line 51: To insert, after the words "termination of trade," the words "and for depreciation in value of machinery, plant, and fittings used for the purposes of their trade in alcoholic liquor."

Clause 25, subclause (9), line 27: To strike out the word "wholly," and insert, in lieu thereof, the word "principally."

Clause 25, subclause (10): To strike out the word "and" between the words "brewers' servants" and the words "hotel servants," and insert, after the words "hotel servants," the words "and maltsters' servants."

Clause 27, subclause (2), line 18: To strike out the words "adjacent to a brewery."

Clause 28, paragraph (c), line 49: To add at the end of the paragraph the following proviso:—

Provided that in the case of hotel premises situate outside of a city, borough, or town district the Court may award and allow such sum as it considers just and reasonable, not exceeding six-tenths of such capital value:

Provided further that in any case where since the date of the last Government valuation buildings have been erected upon the land, or substantial additions to such buildings have been made, the Court may require a new valuation to be made of the capital value of land and buildings as at the date of the coming into force of the determination in favour of national prohibition, and may proceed upon such valuation in lieu of the valuation upon the Government valuation roll for all the purposes of this section.

Clause 30, line 26 : To insert, after the words "available for," the word "profitable."

Clause 31, paragraph (a), line 34 : To strike out the words "previous owner," and insert, in lieu thereof, the words "predecessor in business." To add the following as new paragraph (e) :—

(e.) Where a brewing company has during the said period of five years acquired a brewery from another company, which other company so carried on its business as that substantially the whole of its earnings was included in income-tax returns of its shareholders or other persons and not in the return of such other company, the Court shall require production of income-tax return for that part of such period (if any) during which the claimant company shall have carried on business, and shall proceed to assess and award compensation for termination of trade in such manner as it shall deem just and equitable, having full regard to the limit of compensation which could not have been exceeded had such business been carried on by the claimant company during the whole of the said period of five years.

Clause 32, line 14 : To add a new paragraph (bb) between paragraphs (b) and (c) :—

(bb.) Where no returns have been made showing separately the net income derived from the trade or business of hotel licensee carried on upon any particular hotel premises it shall be the duty of the Commissioner of Taxes to ascertain in such manner as he shall think fit and to report to the Court what in his opinion was the net income derived from such trade or business in each year during which no separate return was made, and the amount so reported by the Commissioner of Taxes shall, for the purposes of this Act, be deemed to be the actual net income derived from such trade or business during such year.

Clause 32, paragraph (d), line 22 : To insert, after the words "five years," the words "or shall have been completely or substantially rebuilt during the said period of five years."

Clause 32, line 24 : To insert, in parentheses after the word "premises," the words "(or the rebuilt premises, as the case may be)."

Clause 32, line 28 : To insert, between parentheses after the words "hotel premises," the words "(or the rebuilt premises, as the case may be)."

Clause 32 : To add the following new paragraph :—

(f.) In any case where the hotel licensee is carrying on the business as manager, servant, or agent for some other person, or is a weekly or monthly tenant, or is the lessee under a lease the term of which expires within the period of one year from the coming into force of the determination in favour of national prohibition with compensation, it shall not be obligatory upon the Court to award the whole compensation ascertained to the hotel licensee. The Court shall determine in such manner as it deems just and equitable what part of the sums awarded and allowed for termination of trade should be paid to others than the hotel licensee, and for that purpose the Court may add other persons as claimants with the hotel licensee and may distribute by its award the total amount awarded among the several claimants in such manner as it deems just and equitable.

Clause 33, line 36 : To insert, after the words "wholesale license," the words "for termination of trade."

Clause 33, paragraph (a), line 39: To insert, after the words "wholesale licensee," the words "or by the predecessor of the wholesale licensee in the same business."

Clause 33 as printed to be 33 (1): Add the following as subclause (2) to clause 33:—

(2.) The Court hearing a claim by the holder of a wholesale license for depreciation of the value of machinery, plant, and fittings used for the purposes of the trade in alcoholic liquor shall ascertain in such manner as it deems just and equitable, and shall award and allow the amount by which such plant, machinery, and fittings are depreciated in value, by reason that the same cannot be further used for the purposes for which they were previously required. The Court shall take into consideration to what extent (if any) such plant, machinery, and fittings may be used or sold for other purposes or be exported from New Zealand.

Clause 37: In line 31 to strike out the words "or a" between the words "brewer's servant" and "hotel servant," and to insert, after the word "servant" in line 32, the words "or maltster's servant"; in line 36 to strike out the words "or as," and to insert, after the word "servant" where it occurs the second time, the words "or a maltster's servant"; in line 39 to strike out the word "or" between the words "servant" and "hotel"; in line 40, after the word "servant" where it first occurs, to insert the words "or maltster's servant," to omit the word "or" between the words "brewer's servant" and "hotel servant," and to insert, after the word "servant" where it last occurs, the words "or maltster's servant"; and in line 44 to omit the word "or," and to insert, after the words "hotel servant," the words "or maltster's servant."

Clause 38 to be 38 (1): To add the following subclause:—

(2.) Wherever in this Part of this Act returns of income-tax are required for a period commencing on the first day of April and ending on a subsequent thirty-first day of March, and it shall appear that the claimant by or in respect of whom such returns are required has been permitted under the provisions of any Act relating to income-tax to adopt for a year's returns dates other than a year ending on the thirty-first day of March, the returns to be required shall be such returns as during approximately the period required had been made pursuant to such permission.

Clause 51, subclause (2), line 31: To strike out the word "six," and insert the word "one"; and in line 32 to strike out the words "day on which the claim first accrued," and insert the words "date of the coming into force of the determination."

Clause 53, subclause (1): To add the following proviso:—

Provided further that, for the purpose of giving effect to the limitation provided by this section, claimants shall be entitled to receive immediately only sixty per centum of such amount as may be awarded by the Compensation Courts, and the remaining forty per centum of each amount awarded shall not be payable or be paid until the total aggregate amount awarded in respect of all claims shall have been ascertained.

Clause 55: In line 25 to omit the word "and"; and in line 26 to insert, after the word "servants," the words "and maltster's servants."

Clause 59: To add the following at the end of subclause (1):—

"And the trade in alcoholic liquor shall continue to be regulated under the principal Act and its amendments, subject, nevertheless, to the provisions of Part III of this Act in respect of the events provided by that Part of this Act."

Clause 63: To add at the end the words "but the provisions of section *thirty-nine* of this Act shall apply."