

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Thursday, the 21st Day of July, 1898.

LICENSING ACTS AMENDMENT BILL.

Mr. TAYLOR, in Committee, to move the following new clauses :—

A. Section eight of "The Alcoholic Liquors Sale Control Act Amendment Act, 1895," is hereby repealed, and in lieu thereof the following is enacted :—

The Returning Officer shall count the votes, and reject all the informal votes, and shall ascertain and determine the result of the licensing poll, so far as the same affects the granting of licenses in the district in which such poll is taken, as follows :—

- (1.) If the Returning Officer finds that the number of votes recorded in favour of the proposal that licenses be granted in the district is an absolute majority of all the voters whose votes were recorded, or that the number of votes recorded in favour of the proposal that no licenses be granted in the district is not an absolute majority of all the voters whose votes were recorded, then such first-mentioned proposal, unless superseded as hereinafter provided, shall be deemed to be carried, and he shall notify the Licensing Committee thereof, and the number of licenses shall continue as they are until the taking of the next licensing poll; subject, nevertheless, to the discretion of the Licensing Committee, who may in their discretion refuse to grant or renew any license which, in their opinion, is not required in the neighbourhood; and subject, also, to the power of refusing to renew licenses objected to under subsections one to four, inclusive, of section eighty-one of "The Licensing Act, 1881," and to the provisions of the Licensing Acts relating to forfeiture.
- (2.) If the Returning Officer finds that the number of votes recorded in favour of the proposal that no licenses be granted in the district is an absolute majority of all the voters whose votes were recorded, then such proposal shall be deemed to be carried, and he shall notify the Licensing Committee thereof, and thereafter no licenses of any description shall be granted therein until after another licensing poll has been taken.

Section seven of "The Alcoholic Liquors Sale Control Act Amendment Act, 1895," is hereby repealed, and in lieu thereof the following is enacted :—

B. The poll shall be taken as follows :—

- (1.) The Returning Officer of each electoral and licensing district shall appoint a sufficient number of Deputy Returning Officers and poll-clerks to assist him at the taking of the licensing poll.

- (2.) The Returning Officer shall, upon the said day, proceed to take the poll in the manner provided by "The Electoral Act, 1893," for taking the electoral poll; and shall provide voting-papers and all things necessary for taking the poll.
- (3.) He shall also provide separate ballot-boxes for the licensing poll, and the poll for the election of the Committee, and each class of ballot-box shall be painted of a different colour, or otherwise have sufficient distinguishing marks to prevent mistakes.
- (4.) All mistakes made by depositing ballot-papers and voting-papers in the wrong boxes shall be corrected by the Returning Officer when counting the papers, and all the papers shall be duly included in the counting.
- (5.) The voting-papers shall be printed in the form in the *First* Schedule to this Act.
- (6.) The Returning Officer and his deputies shall cause the voting-papers to be marked in the same manner as the ballot-paper for an electoral poll, and shall give the voting-paper and the ballot-paper for the election of the Licensing Committee simultaneously to each voter.
- (7.) The voter shall strike out one or two of the proposals on his voting-paper, as he thinks fit, and his vote shall be deemed to be given in favour of the proposals or proposal which he does not strike out.
- (8.) If the voter strike out all, or fail to strike out at least one of the proposals, his voting-paper shall be void, and he shall not be deemed to be a voter who has recorded his vote.
- (9.) The polling-booths in each district shall be the same as those used at the election of the Licensing Committee.
- (10.) Every elector shall fold up his voting-paper in the same manner as the ballot-paper at an electoral poll, and shall place it in the ballot-box specially set apart for receiving the said voting-papers.
- (11.) No voting-paper shall be taken out of the polling-booth.
- (12.) The scrutineers for the candidates at the poll for election of Licensing Committees may act as scrutineers in respect of the licensing poll.
- (13.) If the result of any licensing poll is disputed, any twenty-five electors may require an inquiry to be held in manner provided by section forty-eight and the subsequent sections of "The Regulation of Local Elections Act, 1876," and the matter in dispute shall be determined in the same manner, *mutatis mutandis*, as if the said poll were an electoral poll.
- (14.) All expenses incident to the taking of a licensing poll shall be defrayed out of moneys to be appropriated by Parliament for the purpose.
- (15.) Every person who refuses or neglects to comply with or commits a breach of any of the provisions of this part of this Act is liable for every such offence to a penalty not exceeding *twenty* pounds.

C. (1.) The Minister, on receiving from the Returning Officers the statements and results of all the licensing polls throughout the colony, shall tabulate the same, and ascertain therefrom the determination of all the electors on the proposal that no licenses be granted in the colony.

(2.) If he finds that the total number of votes recorded throughout the colony in favour of such proposal is an absolute majority of all the voters whose votes are recorded, then such pro-

posal shall be deemed to affirm a determination by the people, by colonial option poll, that no licenses shall be granted in the colony; and he shall forthwith notify the fact in the *Gazette*, together with the aforesaid tabulated statements and results. And such determination shall supersede the proposals in respect of the granting of licenses in each district in the colony.

(3.) The determination of the people shall in such case come into force and take effect on the thirty-first day of March ensuing next after the expiration of twelve months from the day on which the licensing poll was taken at which such determination was arrived at; and all licenses existing in force on the said thirty-first day of March may continue in force until the thirtieth day of June then next ensuing, unless previously forfeited, and thereafter shall not be renewed, nor shall any license of any description be granted, anything in the licensing Acts to the contrary notwithstanding.

(4.) From and after the taking effect of any such determination of the electors as last aforesaid, and so long as such determination continues in force, the following provisions shall apply:—

(a.) It shall be unlawful, except as hereinafter provided, to import any liquor into the colony for any purpose, or to distil any spirituous liquors in the colony, or to manufacture in the colony any liquor for sale or barter, or to supply any liquor for removal therein or elsewhere beyond the colony, or to sell any liquor.

(b.) In any prosecution for any breach of this section, it shall lie on the accused to prove that any liquor in question was not distilled, or was not imported, or was not manufactured in the colony, or was not sold as aforesaid, as the case may be.

(c.) Except as hereinafter provided—

(1.) All liquors imported into the colony shall be landed and placed in the Queen's Bond, there to remain at the expense of the importers thereof, who shall forthwith cause the same to be exported from the colony.

(2.) No liquors shall be landed from any vessel arriving in the colony on or after the first day of July next ensuing after the above-mentioned thirty-first day of March.

(3.) No person selling any spirituous or distilled perfume, nor any apothecary, chemist, or druggist administering or selling any spirituous, distilled, or fermented liquor for medicinal use, shall do so otherwise than in such combination as renders it unfit for use as a beverage.

(4.) The Governor may at any time, by notice in the *Gazette*, declare what alcoholic compounds or proportion of alcohol in such compounds shall constitute such combination as aforesaid.

(5.) The fact that no such *Gazette* notice has been issued respecting any alcoholic compound or combination shall not relieve any chemist or other person from responsibility for a reasonable interpretation of this provision respecting such alcoholic compound or combination.

(d.) Except as specified in subsection (c) hereof, no liquor shall be sold for either medicinal use or use in the arts and manufactures, unless—

(1.) At such places and by such persons in Her Majesty's Customs as the Governor from time to time appoints; nor

(2.) Unless in such closed and sealed bottles or other receptacles as that the liquor therein cannot be poured out without such seal being first broken; nor

(3.) Unless with a Government label declaring the kind, quantity, quality, and price of the liquor, as these may be determined by the Governor; nor

(4.) Unless at the price so declared by the Governor; nor

(5.) Unless the price of the liquor is paid at the time of purchase; nor

(6.) Unless for consumption or use elsewhere than upon the premises where sold.

(e.) Except as specified in subsection (c) hereof, no liquor shall be sold for medicinal use otherwise than upon presentation of a certificate in the prescribed form to the Customs officer, from a duly qualified medical practitioner, authorising the application for the same, which certificate shall be retained and registered by the Customs officer.

(f.) No liquor shall be sold for use in the arts and manufactures otherwise than upon such evidence given as shall satisfy the Customs officer of the *bona fides* of the application, and also upon the registration of the purchaser and his purchase.

(g.) In every case discretion shall rest with the said Customs officer to refuse the application if not satisfied of its *bona fides*, or to make inquiries respecting it.

Mr. McNAB, in Committee, to move the following new clauses:—

CLUBS.

A. (1.) Every club charter shall be subject to the result of the licensing poll in manner following:—

(a.) If in any district the result of the licensing poll is that no licenses be granted therein, every club charter then in existence therein may continue in force until the thirtieth day of June then next ensuing, and shall on and after that date be null and void, and no new charter shall be granted therein so long as such result continues in operation.

(b.) If the result of the colonial option poll is that no licenses be granted in the colony, every club charter therein shall be deemed to be revoked on the day when all publicans' licenses ceased to be granted, and no club charter shall thereafter be in force in the colony so long as such result continues in operation.

(c.) If the result of the colonial option poll is that licenses be restored in the colony, then, from the date of the *Gazette* notice of such result, and until such result is reversed by a subsequent colonial option poll, club licenses may be granted or not in each district according to the result of the licensing poll in such district on the proposals for the restoration or non-restoration of licenses therein.

(2.) Subsection two of section fourteen of the said Act, and subsection three of section twenty-seven of "The Alcoholic Liquors Sale Control Act, 1893," are hereby repealed.

B. (1.) No liquor shall be sold at any club at any hour when liquor may not be lawfully sold on any licensed premises.

(2.) For the purposes of this section, every club charter shall be deemed to be an extended license within the meaning of subsection three of section twelve of the last above-mentioned Act.

C. Notwithstanding anything to the contrary contained in subsection one of section twenty-seven of the last above-mentioned Act, it is hereby declared that proceedings against any club for breaches of the provisions therein referred to, may be taken without the direction of the Colonial Secretary.

Section 4 of "The Alcoholic Liquors Sale Control Act Amendment Act, 1895," is hereby repealed, and in lieu thereof the following is enacted:—

D. On the day appointed for the election of a Licensing Committee in each licensing district under the provisions of section nineteen of the said Act, a poll (hereinafter called "the licensing poll") of the electors of such district shall also be taken.

Mr. KELLY, in Committee, to move the following new clauses:—

A. (1.) The Governor may appoint chemists whose names are on the Pharmaceutical Register of New Zealand to be Custom officers under the Department of Customs for the purposes of the *last-preceding* section hereof, and determine the remuneration for their services as such.

(2.) No such remuneration shall be in the form of profit from the sale of the aforesaid liquor, nor commission upon the quantity sold.

(3.) The stocks of liquors held by such chemists shall be received by them from time to time from the Department of Customs, made up in quantities and labelled and sealed, as provided in subsection (d) of the *last-preceding* section hereof; and every such chemist shall from time to time, as may be required of him, give account to the Department of Customs of his disposal of the liquors so held by him.

B. The Governor may determine what liquors shall, for the purposes of this Act, be manufactured or imported by the Department of Customs, and make necessary regulations from time to time for carrying out the provisions of this and the *two last-preceding* sections hereof.

C. For the purposes of the *three last-preceding* sections hereof, the following provisions shall apply:—

(1.) It shall not be lawful for any ship to come to any port or place in New Zealand with liquor on board unless at the time of such ship's arrival, and at all times whilst she is in any port or place in New Zealand, all such liquor is kept securely sealed up in some fixed enclosure, so as not to be accessible, and not to be used.

(2.) The master of such ship shall be responsible for the faithful observance of this section, and if any breach thereof is committed he shall for each offence be liable to a penalty of not exceeding *one hundred* pounds.

(3.) The foregoing provisions of this section shall not apply to liquor consigned to the Department of Customs in the course of lawful importation as aforesaid.

D. For the purpose of the *four last-preceding* sections hereof, the following provisions shall apply:—

(1.) Any liquor imported or manufactured or sold contrary to any of those sections shall be forfeited to Her Majesty and destroyed.

- (2.) Every person who imports or manufactures liquor contrary to any of those sections, or who is directly or indirectly concerned in so doing, is liable to a penalty of not less than *one hundred* pounds nor more than *five hundred* pounds, recoverable with full costs of suit by any person informing in respect thereof; in default of the payment of such fine and costs, such convicted person shall be imprisoned for not less than *three* months nor more than *twelve* months.
- (3.) No person shall make any fermented liquor other than under the authority of section *twelve* hereof.
- (4.) Every person who commits any breach of any provision of the *last-preceding* subsection is liable to a penalty not exceeding *fifty* pounds.

E. The Minister for the Department of Customs shall from time to time, as he deems necessary, appoint special officers of Customs for the purpose of preventing or detecting violations of any of the provisions of the *five last-preceding* sections hereof, and all powers conferred by the Licensing Acts upon officers of police, as to the detection of the unlawful sale of liquor, shall be deemed to be conferred upon and may be exercised by such officers of Customs: But no such appointment shall annul or diminish the responsibility of officers of the police in the same respect.

F. The result of the colonial option poll shall continue in force until reversed at a subsequent licensing poll by the same majority that hereinbefore prescribed for the carrying thereof.

RESTORATION OF LICENSES BY COLONIAL OPTION POLL.

G. If, as the result of the colonial option poll, there are no publicans' licenses existing in any district at the time when the licensing poll is to be taken therein, the following provisions shall apply:—

- (1.) In lieu of the proposals set forth in the First Schedule to the said Act, the proposals set forth in the *Third* Schedule hereto shall be submitted, and the voting-papers shall be framed accordingly;
- (2.) On receiving from the Returning Officers the statements and results of all the licensing polls throughout the colony, the Minister shall tabulate the same; and if he finds—

That the total number of votes recorded throughout the colony in favour of the proposal that licenses be restored in the colony is an absolute majority of all the voters whose votes were recorded,—

Then such proposal shall be deemed to be carried by colonial option poll, and he shall forthwith notify the facts in the *Gazette*, together with the aforesaid tabulated statements and results;

- (3.) From the date of the *Gazette* notice of the result of such colonial option poll, and until such result is reversed by a subsequent colonial option poll, licenses shall be restored or not in each district according to the results of the licensing poll on those proposals in such district.