

1922.
NEW ZEALAND.

PARLIAMENTARY LICENSING COMMITTEE

(REPORT OF THE).

(MR. HOCKLY, CHAIRMAN.)

Presented to the House of Representatives, and ordered to be printed.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

TUESDAY, THE 13TH DAY OF DECEMBER, 1921.

Ordered, "That Standing Order No. 219 be suspended, and that a Select Committee be appointed consisting of twelve members, to consider in the interests of the public, and generally for its more satisfactory working, what amendments are required in the present Licensing Act; the Committee to have power to call for persons and papers; three to be a quorum; the Committee to consist of Mr. Harris, Mr. Hockly, Mr. Isitt, Hon. Mr. Lee, Sir J. P. Luke, Mr. Lysnar, Mr. McCallum, Mr. Savage, Mr. Statham, Mr. Witty, Mr. Wright, and the mover."—(Right Hon. Mr. MASSEY.)

REPORT ON THE MEETINGS HELD BY THE COMMITTEE, ITS OPERATIONS AND RECOMMENDATIONS.

THE Committee met three times during last session and seven times during the recess, the majority of the recess sittings extending from 10 a.m. to 10 p.m.

The Committee at the commencement of its meetings made an announcement through the Press that any person wishing to tender evidence before the Committee would be heard. As a consequence the Committee received requests from forty-two persons to be permitted to tender evidence, and the opinions of various persons by correspondence. The Committee heard these witnesses, who represented the following interests: The New Zealand Alliance; the brewers; the National Council of Liquor Trade in New Zealand; the New Zealand Licensed Victuallers' Association; the Associated Clubs of New Zealand; the New Zealand Moderate League; the Commercial Travellers and Warehousemen's Association of New Zealand; the representatives from the King-country; the Auckland Licensed Victuallers' Association; the Midland Hotel, Wellington; the Midland Hotel Company, Masterton; the Nelson hop-growers; the advocates of State control; the hotels which lost licenses through change of boundaries; the Chief Deputy Electoral Officer; counsel for the various parties, and certain private citizens.

The Committee took twenty-five divisions.

The Committee resolved that, in the event of national prohibition not being carried at the coming licensing poll in December, the Government be recommended to make the following amendments in the licensing law:—

1. That no more licenses are required in the Dominion. It is, however, necessary that there should be a redistribution of licenses more in accordance with the needs of the population in the various districts. Before a Licensing Committee consents to any redistribution the consent of a substantial portion of the inhabitants in the vicinity should be obtained.

2. That the system of a flat-rate licensing fee should be abolished, and that licensing fees should be based on the percentage of liquor sold in the licensed premises. That local authorities should receive the amount of license fees as at present, but that all increased fees should be paid into the Consolidated Fund.

3. That provision should be made as follows: No premium, money, or other valuable consideration shall be paid or given for goodwill on the granting, transfer, or renewal of a lease of licensed premises. Any person receiving any such consideration shall be liable to a fine of £500, and on the second offence the license for the house shall be cancelled. Any person paying such premium or purchase-money, or giving any valuable consideration for such goodwill, shall have the right to recover the same, or the value thereof, by action at law. The Court shall have full power to decide whether the payment, premium, or consideration was, either directly or indirectly, in the nature of a provision or payment for goodwill.

4. That all leases or licenses to occupy licensed premises shall, before becoming operative, have the consent of a Chairman of a Licensing Committee. That in considering the granting or refusal of such consent the Chairman of the Licensing Committee shall take into consideration the general terms of the lease, and decide if the terms are reasonable or unduly oppressive. That the Chairman shall refuse consent to any lease which in his opinion makes provision constituting the premises a tied house under the provisions of the Licensing Act, 1908. If the lease is not strictly within the meaning of the Act, but is obviously in avoidance of the system against which the Act is directed, the Chairman shall have power to refuse consent.

5. That if national prohibition is not carried at the next licensing poll the people of the Rohe Potae should be given the opportunity of voting as to whether they desire license or not; the poll to be taken on the lines laid down in the Licensing Act.
6. That it is necessary that there should be a more effective inspection of liquor and of licensed premises, and more ample penalties provided for adulteration of liquor. That there should be appointed under section 237 of the Licensing Act, 1908, special inspectors for the purpose of preventing and detecting violations of the Act in connection with adulteration of liquor. That a General Inspector of Licensed Premises, together with sub-inspectors under his control, should be appointed. That it should be the duty of the inspectors to make constant and complete inspection of all parts of licensed premises for the purpose of seeing (1) that the provisions of the Licensing Act are strictly observed, and that the general standard of the accommodation is in keeping with the tariff charged; (2) that the premises are reasonably required and used for public accommodation; (3) that sufficient information as to the guests who sleep in the house be kept by the licensee, so as to enable the inspector to ascertain if the licensed premises are required for public accommodation. That a penalty be provided for failure to keep such information as is prescribed. That the inspectors should have full power conferred upon them to enable them effectively to carry out their duties.
7. That, in order to avoid trafficking in licenses, transfers should not be allowed under three years, except through sickness, or death, or other special circumstances.
8. That all powers and authorities conferred on Licensing Committees should be deemed to be subject to the veto of the Minister.
9. That with a view to making it possible for licensees to provide additional accommodation where necessary, without the risk of personal loss, the Licensing Act should be so amended as to provide that in the event of prohibition being carried at any poll it should not come into force until four years have elapsed after the date of such poll.
10. That section 64 of the Licensing Act, 1918, be repealed.
11. That no extension of hours for sale of liquor in chartered clubs should be allowed, but that provision should be made whereby members of such clubs are allowed to adopt the locker system. That provision should be made with regard to the extension of the hours during which liquor may be consumed on club premises for special occasions, each such extension to be granted under a permit and for a particular room in the club. No permits exceeding six in number should be granted in the case of any one club in any one year. That the power to revoke the license of a chartered club provided in section 9 of the Sale of Liquor Restriction Act, 1917, should be modified on the ground that the present penalty is too drastic.
12. That the licensing law should be so amended as to put restaurants on the same footing as halls or other rooms in regard to the consumption of liquor at social gatherings, provided a permit is first obtained from the police for this purpose.
13. That any Licensed Victuallers' Association, or other organization of the liquor trade, should be permitted to furnish the Chairman of any Licensing Committee with a certificate of character with regard to any applicant for a license.
14. That where a conviction for serious breaches of the Licensing Act is obtained the Magistrate should be given power to declare the person convicted unfit to hold a publican's license.
15. That section 294 of the Licensing Act, 1908, should be amended by omitting the words "of the electors of the district" after the words "result of a poll."
16. That provision should be made for the holding of Licensing Committee meetings in any public building which is centrally situated, in order to avoid the inconvenience which is now caused by holding these meetings of necessity in the Courthouse, whether the Courthouse is conveniently situated or not.
17. That section 138 of the Licensing Act, 1908, be amended by inserting, after the words "six calendar months," the words "and that the Committee to have power to grant a further extension not exceeding six calendar months if the Committee deems it necessary."
18. That when licensed premises are situated adjacent to a main road, and that by reason of alterations the main traffic which passed such licensed premises is diverted, the Licensing Committee should have power to allow the license to be granted in respect of premises situated adjacent to the road to which the traffic has been diverted at the nearest position which the Committee deems advisable.
19. That no man should act as barman without a license granted by the Licensing Committee, or by the police, to such persons as may be thought fit. That all convictions against a barman should be endorsed on his license; that his license should be cancelled after three endorsements. That all barmaids be required to make a statutory declaration before a Magistrate that they are entitled to hold a license under the existing provisions of the law.
20. That Licensing Committees should have power to determine the number of public and private bars in any hotel. That it should be illegal to serve any woman with intoxicating liquor in a bar to which the public have access, or any room opening on to such bar.
21. That electoral enrolment be compulsory. That rolls be prepared and printed in polling-booth or subdistrict areas.
22. That if national prohibition be carried it be made clear that there is no restriction on the making of liquor containing not more than 3 per cent. of alcohol for home consumption.
23. That section 46 of the Licensing Amendment Act, 1910, be so amended as to provide for a further poll at stated intervals to enable the Natives in such districts as have carried a poll under this section to review the position.

F. F. HOCKLY, Chairman.

2nd August, 1922.

Approximate Cost of Paper.—Preparation, not given; printing (500 copies), £2 15s.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1922.

Price 3d.]