

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Tuesday, the 30th Day of October 1962

SALE OF LIQUOR BILL

Proposed Amendment

Mr ADAMS-SCHNEIDER, in Committee, to move the following amendment.

Clause 92: To omit subclauses (5) to (13), and substitute the following subclauses:

(5) Within thirty days after the first publication of the notice, any twenty or more electors residing within the area described in subsection (6) of this section may apply to a Magistrate for an order—

(a) That licensed premises be not established on any site specified in the notice, on the ground that the premises are or will be in the vicinity of a place of public worship, hospital, or school; or

(b) That a poll of electors under this section be taken on the ground that the said area is predominantly a residential area and that there is reason to believe that a substantial number of residents of the area object to the establishment of licensed premises on that site.

(6) The area referred to in subsection (5) of this section shall be—

(a) Where it is intended to grant a licence in respect of premises on any land in a city, borough, town district, or county town, the area contained within a radius of one-quarter of a mile from a point at the middle of the frontage of that land:

(b) Where it is intended to grant a licence in respect of premises on any other land, the area contained within a radius of one mile from a point at the middle of the frontage of that land.

(7) A copy of every application made to a Magistrate under this section shall be sent to the Commission.

(8) On any application under this section the Magistrate may hold such inquiry and take evidence from such interested parties as he thinks fit; and if he is of opinion that the application is made in good faith and that an order under this section should be made he shall make an order accordingly.

(9) If the Magistrate orders that a poll be taken under this section, he may, by the same or any further order—

(a) Determine an area within which the poll is to be taken and define the boundaries of that area:

Provided that, so far as may be practicable for the purpose of defining the boundaries, the area so determined shall not be less than the area described in paragraph (a) or, as the case may require, paragraph (b) of subsection (6) of this section:

(b) Fix the date for the taking of the poll:

(c) Direct that, instead of the appropriate rolls within the meaning of the Electoral Act 1956, the rolls of electors of every local authority within whose district the whole or any part of the said area is situated shall be the rolls of electors for the poll.

(10) Every order or decision of the Magistrate under this section shall be final and binding on all parties.

(11) Every poll under this section shall be a poll of the persons who are residing, on a date to be determined in accordance with regulations, in the area determined by the Magistrate as aforesaid, and who are qualified as electors of any local authority having jurisdiction in that area.

(12) Every such poll shall, subject to the provisions of this section, be held and conducted in such manner as may be prescribed.

(13) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Prescribing the manner in which and the authorities by whom any poll shall be held and conducted:

(b) Providing for the preparation and closing of the roll for any poll:

(c) Prescribing the form of voting paper to be used at any poll:

(d) Prescribing the manner in which the electors shall be entitled to vote at any poll:

(e) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this section and for the due administration thereof.

(14) If in the case of a poll being ordered a majority in number of the valid votes recorded at the poll is not in favour of the granting of the licence, the Commission shall not authorise the issue of the licence.