

681. We do not wish to be, or to appear to be, censorious, but we must say that we think the authorization of illegal arrangements by any Department for the convenience of private individuals is thoroughly bad in principle and should be obviated by giving some lawful discretion to a suitable authority.

682. The arrangement concerning the stores of New Zealand Breweries appears to have worked smoothly and without any abuse of its provisions. Yet, it is an arrangement in favour of only one company and partial in its operation. If the private ownership of breweries is retained, and if legislation is brought down to validate the arrangement, its form would require to be changed so as to permit of equal treatment of other brewers which desired to ship their beer.

CHAPTER 33.—AGENCIES (UNLICENSED)

683. Publicans' and accommodation licenses, brewers', wholesale, and winemakers' licenses, all contemplate in form that sales made pursuant to each of them will be made on the premises specified in the license and that delivery shall be "on" and "from" those premises. The apparent intention is to secure that the sales shall be closely related to the specified premises. Through the legal interpretation to which we have already referred (paras. 33, 35, 36, 39, and 40, *supra*), the holders of these various licenses may accept, on the licensed premises, orders from a distance, and there make up the order in a parcel addressed to the customer and hand it to a carrier for delivery to the customer. In these circumstances the sale is regarded in law as being made on the licensed premises, and delivery is regarded as being made "on," "at," or "from" the licensed premises.

684. An extension of this system has occurred with the establishment of what are called "agencies." The holder of a license to sell liquor deals with an agent, who establishes premises at a distance from the premises of the licensee. The agent receives orders and the cash required on the order from intending purchasers. He then sends the order with the cash to the licensee, who then, on the licensed premises, accepts the order, makes up a package of the goods, and, on the licensed premises, addresses it to the customer. The package is then sent, so addressed to the customer, to the agency where it awaits the call of the customer.

685. The agent appears to act as agent both for the customer and for the licensee. He is an agent of the customer to take the order and the money and hold the goods for the customer. He is a general agent for the brewery in the whole transaction, because only the brewery pays him for his services.

686. Where the agent has himself a wholesale license, or other license, there is no objection to delivery of the liquor from his premises. The difficulty arises when the agent is unlicensed. The question then is whether, when delivery from the brewery to the customer is halted at the unlicensed premises of an agent acting for both the licensee and the customer, delivery can be said to be made "on" or "from" the licensed premises of the licensee.

687. The Commissioner of Police has made inquiries for us, which show that some six breweries have set up "agencies," numbering thirty-five in all. Of these, twelve agents have wholesale licenses, twenty-three have not. Of the twenty-three, eighteen exist in the Hamilton Police District, fourteen of them being agencies of the Paeroa Brewery Co.

Furthermore, certain firms with wholesale licenses have appointed, among them, five agents in all who have no licenses.

Certain hotelkeepers have appointed, among them, seven agents in all, none of them with a license.

We are informed by the Police that these agents are of a varied type. In most cases they are shopkeepers, but there are taxi-drivers, storemen, and contractors so engaged.