

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 22 October 1981

SALE OF LIQUOR AMENDMENT BILL

Proposed Amendments

HON. MR MCLAY, in Committee, to move the following amendments:

Clause 1: To omit from line 11 on page 2 the expression “and 22A (2)”, and substitute the expression “, 22A (2), and 24 (7)”.

Clause 19: To add on page 2 the following subclause:

(4) Section 161 (6) of the principal Act is hereby amended by inserting, after the words “bottles or blends”, the words “, or permits the bottling or blending of,”.

Clause 20, proposed section 161B: To omit from line 12 on page 3 the words “, within the meaning of”, and substitute the words “distilled or rectified or compounded pursuant to a licence under”.

To omit from line 16 on that page the expression “80A”, and substitute the expression “80 (1) (c)”.

Clause 20, proposed section 161C: To omit all the words in lines 26 to 28 on page 3, and substitute the words “the mixing by the holder of any licence or permit under this Act of any liquor that he is authorised to sell with any beverage or any other kind of liquor that he is authorised to sell.”

Clause 20, proposed section 161E: To omit the proposed subsection (3) on page 4.

To omit from lines 24 and 25 on that page the words “, and the original testimonials,”.

Clause 20, proposed section 161I: To add to the proposed subsection (4) on page 6 the words “, or, in any case where the Commission or the Chairman of the Commission has imposed any conditions under section 161F (3) or section 161J (5) or section 161K (5A) of this Act, he is not satisfied that the applicant has complied with each such condition”.

Clause 20, proposed section 161J: To omit from line 19 on page 6 the word “acordance”, and substitute the word “accordance”.

To insert on that page, after subclause (4), the following subclause:

“(4A) The Chairman shall not grant an application for the transfer of an alcoholic drinks licence to a person who is the holder of any wine maker’s licence under the Wine Makers Act 1981 unless he is satisfied that, having regard to the applicant’s equipment, production control methods, and records, there are adequate safeguards against the mixing of wine or any ingredient thereof with any alcoholic drink or any ingredient thereof.

Clause 20, proposed section 161K: To omit from line 16 on page 7 the expression “section 8 (6)”, and substitute the expression “section 161E (7)”.

To insert on page 7, after the proposed subsection (5), the following subsection:

“(5A) The Commission may grant any application under this section subject to such conditions as it thinks fit.

To add on that page the following subsection:

“(7) The Commission shall not grant an application for the removal of an alcoholic drinks licence to any premises in respect of which there is in force any wine maker’s licence under the Wine Makers Act 1981 unless it is satisfied that, having regard to the applicant’s equipment, production control methods, and records, there are adequate safeguards against the mixing of wine or any ingredient thereof with any alcoholic drink or any ingredient thereof.

Clause 20, proposed section 161L: To insert in subsection (1) on page 7, after paragraph (b), the following paragraph:

“(ba) The Customs Act 1966; or

Clause 20, proposed section 161M: To insert in line 1 on page 8, after the expression “section 161i”, the words “, or the Chairman of the Commission refuses to transfer any such licence under section 161j”.

Clause 20, proposed section 161N: To omit paragraph (b) in lines 11 to 13 on page 8.

Clause 22A: To omit from line 5 on page 10 the expression “1980”, and substitute the expression “1976”.

Clause 23: To omit from line 24 on page 10 the expression “1976”, and substitute the words “1949 (as inserted by section 9 of the Licensing Trusts Amendment Act 1976)”.

To omit from lines 26 to 28 on that page the words “, notwithstanding the repeal of that provision by subsection (1) of this section, continue in force until the 1st day of April 1982 and shall then expire”, and substitute the words “be deemed to be revoked”.

Proposed clause 24: To add on page 10 the following clause:

24. Amendments of Licensing Trusts Acts consequential upon Sale of Liquor Amendment Act 1980—(1) Section 35

(1) of the Masterton Licensing Trust Act 1947 (as substituted by section 11 (1) of the Licensing Trusts Amendment Act 1977) is hereby amended by repealing paragraphs (a) to (c), and substituting the following paragraph:

“(a) Food and entertainment licences, food and entertainment permits, and caterers’ permits:”.

(2) Section 35 (1) of the Masterton Licensing Trust Act 1947 (as so substituted) is hereby further amended by omitting from paragraph (d) the words "General ancillary licences and extended hours", and substituting the words "Club licences and".

(3) Section 35 (1) of the Licensing Trusts Act 1949 (as substituted by section 6 (1) of the Licensing Trusts Amendment Act 1977) is hereby amended by repealing paragraphs (a) to (c), and substituting the following paragraph:

"(a) Food and entertainment licences, food and entertainment permits, and caterers' permits:".

(4) Section 35 (1) of the Licensing Trusts Act 1949 (as so substituted) is hereby further amended by omitting from paragraph (d) the words "General ancillary licences and extended hours", and substituting the words "Club licences and".

(5) Section 36 (1) of the Invercargill Licensing Trust Act 1950 (as substituted by section 15 (1) of the Licensing Trusts Amendment Act 1977) is hereby amended by repealing paragraphs (a) to (c), and substituting the following paragraph:

"(a) Food and entertainment licences, food and entertainment permits, and caterers' permits:".

(6) Section 36 (1) of the Invercargill Licensing Trust Act 1950 (as so substituted) is hereby further amended by omitting from paragraph (d) the words "General ancillary licences and extended hours", and substituting the words "Club licences and".

(7) This section shall be deemed to have come into force on the 1st day of April 1981 (being the date of the commencement of the Sale of Liquor Amendment Act 1980).

EXPLANATORY NOTE

Most of the amendments set out in this Paper are consequential upon amendments recommended by the Statutes Revision Committee, and are designed to give better effect to those recommendations.

Clause 19: The subclause is consequential upon subclause (1).

Clause 20: The amendments to the proposed sections 161B, 161C, 161I, and 161K are designed to strengthen still further the provisions recommended by the Statutes Revision Committee to guard against the possibility of liquor being mixed with wine, inadvertently or otherwise, where more than one kind of licence is held by the same person.

The amendments to the proposed *section 161E* mirror those recommended by the Statutes Revision Committee in respect of *clause 8* of the Wine Makers Bill.

The amendment to the proposed *section 161L* provides for the Commission to be informed of breaches of the Customs Act 1966, as well as of breaches of the Acts listed in subsection (1).

The amendments to the proposed *sections 161M and 161N* bring the appeal provisions into line with changes made to earlier clauses.

Clause 22A: This corrects a typographical error.

Clause 23: The first amendment corrects a drafting error.

The second amendment provides for the immediate abolition of the present restrictions on certain Trust bottleshops selling New Zealand wine. This was intended in the Bill as introduced, but the Statutes Revision Committee recommended that it be deferred until 1 April 1982.

The remaining amendments are of a consequential nature only.