

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 22 October 1981

WINE MAKERS BILL

Proposed Amendments

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

Clause 4: To insert in line 12 on page 4, after the words "Sale of Liquor Act 1962", the words "or a licence under section 80 (1) (c) of the Customs Act 1966 for the manufacture of spirituous liquor".

To insert in line 17 on that page, after the words "alcoholic drink", the words "or spirituous liquor".

Clause 8: To omit subclause (3) on page 6.

To omit from lines 10 and 11 on that page the words ", and the original testimonials,".

Clause 12: To insert in subclause (4) on page 8, after paragraph (a), the following paragraph:

- (aa) That, in any case where the Commission or the Chairman of the Commission has imposed any conditions under section 9 (2A) or section 13 (4B) or section 14 (8) of this Act, the applicant has complied with each such condition; or

Clause 13: To insert on page 8, after subclause (4), the following subclauses:

(4A) The Chairman shall not grant an application for the transfer—

(a) Of a grape wine licence to a person who is the holder of a fruit wine licence or an alcoholic drinks licence under the Sale of Liquor Act 1962 or a licence under section 80 (1) (c) of the Customs Act 1966 for the manufacture of spirituous liquor; or

(b) Of a fruit wine licence to a person who is the holder of a grape wine licence or an alcoholic drinks licence under the Sale of Liquor Act 1962 or a licence under section 80 (1) (c) of the Customs Act 1966 for the manufacture of spirituous liquor,—

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 one kind of wine or any ingredient thereof with the other or any ingredient thereof, or of wine or any ingredient thereof with any alcoholic drink or spirituous liquor or any ingredient thereof.

(4B) The Chairman may grant any application under this section subject to such conditions as he thinks fit.

Clause 14: To omit from line 16 on page 9 the expression “(6)”, and substitute the expression “(7)”.

To add on that page the following subclauses:

(7) The Commission shall not grant an application for the removal—

(a) Of a grape wine licence to any premises in respect of which there is in force a fruit wine licence or an alcoholic drinks licence under the Sale of Liquor Act 1962 or a licence under section 80 (1) (c) of the Customs Act 1966 for the manufacture of spirituous liquor; or

(b) Of a fruit wine licence to any premises in respect of which there is in force a grape wine licence or an alcoholic drinks licence under the Sale of Liquor Act 1962 or a licence under section 80 (1) (c) of the Customs Act 1966 for the manufacture of spirituous liquor,—

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 one kind of wine or any ingredient thereof with the other or any ingredient thereof, or of wine or any ingredient thereof with any alcoholic drink or spirituous liquor or any ingredient thereof.

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

Clause 15: To insert in subclause (1) on page 9, after paragraph (c), the following paragraph:

(ca) The Customs Act 1966; or

Clause 18: To omit from line 6 on page 12 the word “reasons”, and substitute the word “reason”.

Clause 20: To insert in line 12 on page 13, after the expression “section 12”, the words “, or the Chairman of the Commission refuses to transfer any such licence under section 13,”.

Clause 22: To omit paragraph (a) in lines 40 to 42 on page 13.

To omit paragraph (c) in lines 3 and 4 on page 14.

To insert on that page, after paragraph (e), the following paragraph:

(ea) Under section 15A of this Act, refuses to consent to the use of any premises or equipment, or grants its consent subject to any condition or restriction; or

Clause 24: To omit from line 18 on page 15 the word “wine”, and substitute the words “consignment or wine of that kind”.

To omit from line 31 on that page the words “of wide experience in wine making”.

Clause 26: To omit paragraph (d) in lines 31 and 32 on page 16.

Schedule: To insert on page 21, before the item relating to the Sale of Liquor Act 1962, the following items:

- 1947, No. 35—The Masterton Licensing Trust Act 1947
- By repealing section 35 (1) (e) (as substituted by section 11 (1) of the Licensing Trusts Amendment Act 1977).
- By inserting in section 35 (as so substituted), after subsection (1), the following subsection:
- “(1A) All the provisions of the Sale of Liquor Act 1962 and the Wine Makers Act 1981 shall, so far as they are applicable, apply within the Trust district in respect of wine makers’ licences and permits.”
- 1949, No. 43—The Licensing Trusts Act 1949
- By repealing section 35 (1) (e) (as substituted by section 6 (1) of the Licensing Trusts Amendment Act 1977).
- By inserting in section 35 (as so substituted), after subsection (1), the following subsection:
- “(1A) All the provisions of the Sale of Liquor Act 1962 and the Wine Makers Act 1981 shall, so far as they are applicable, apply within the Trust district in respect of wine makers’ licences and permits.”
- By inserting in section 73 (as inserted by section 9 of the Licensing Trusts Amendment Act 1976), after subsection (1), the following section:
- “(1A) All the provisions of the Sale of Liquor Act 1962 and the Wine Makers Act 1981 shall, so far as they are applicable and with the necessary modifications, apply within the Trust area with respect to wine makers’ licences and bar permits.”
- By renumbering subsection (1A) of that section (as inserted by section 7 (2) of the Licensing Trusts Amendment Act 1977) as subsection (1B).
- By inserting in that subsection, after the words “Sale of Liquor Act 1962”, the words “or the Wine Makers Act 1981”.
- 1950, No. 33—The Invercargill Licensing Trust Act 1950
- By repealing section 36 (1) (e) (as substituted by section 15 (1) of the Licensing Trusts Amendment Act 1977).
- By inserting in section 36 (as so substituted), after subsection (1), the following subsection:
- “(1A) All the provisions of the Sale of Liquor Act 1962 and the Wine Makers Act 1981 shall, so far as they are applicable, apply within the Trust district in respect of wine makers’ licences and permits.”

To omit from the 8th item on page 21, relating to section 260 (1) (b) of the Sale of Liquor Act 1962 the words “(as so substituted)”, and substitute the words (as substituted by section 22A (1) of the Sale of Liquor Amendment Act 1981”.

To add to the items relating to the Distillation Act 1971, the following item:

- By omitting from the proviso to section 67 (as amended by section 44 of the Customs Acts Amendment Act (No. 2) 1977) the words “Part IV of the Sale of Liquor Act 1962”, and substituting the words “Wine Makers Act 1981”.

To insert on that page, before the item relating to the Wine Makers Levy Act 1976, the following item relating to that Act:

By omitting from the definition of the term "grape wine licence" in section 2 the words "Sale of Liquor Act 1962", and substituting the words "Wine Makers Act 1981".

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.

Clauses 4, 12, 13, and 14: The principal purpose for these amendments is to strengthen still further the provisions recommended by the Statutes Revision Committee to guard against the possibility of different types of wine or other liquor being mixed together, inadvertently or otherwise, where more than one kind of licence is held by the same person.

Clause 8: The amendments were recommended by the Statutes Revision Committee but accidentally omitted from its report.

Clause 15: The Commission will be informed of breaches of the Customs Act 1966 by wine makers, as well as of breaches of the Acts listed in subclause (1).

Clause 18: The amendment corrects a printing error in the Bill.

Clauses 20 and 22: The amendments bring the appeal provisions into line with changes made to earlier clauses.

Clause 24: The first amendment makes it clear that regulations made under the Bill may require an export certificate for each consignment of wine to be exported, or for each kind of wine to be exported. This amendment was also recommended by the Statutes Revision Committee but accidentally omitted from its report.

The second amendment removes the qualification required of persons to review decisions relating to the export of wine. At present, such persons must have a wide experience in wine making. Under the amendment, no specific qualifications will be expressed in the legislation.

Clause 26: The paragraph is otiose.

Schedule: The amendments are of a consequential nature only.