

# **Sale and Supply of Alcohol (Exemption for Race Meetings) Amendment Bill**

Member's Bill

## **Explanatory note**

### **General policy statement**

Race meetings are important community events around New Zealand, largely run by volunteer committees. Many regional racing clubs lack the infrastructure to offer large amounts of hospitality services. Allowing patrons to bring their own food and drink to the course is a major drive in attracting attendance on race days. Typically, clubs obtain a special licence (or hold an on-licence) for a designated area and allow the rest of the course to be available for bring-your-own alcohol (BYO alcohol) consumption.

Recently the Police have begun to object to BYO alcohol during clubs' applications for special alcohol licenses for specific areas of the course. This has been a stressful, time-consuming and uncertain exercise for many racing clubs around the country. Police have issued guidance providing some clarity on their interpretation of section 235, but ambiguity still remains.

This Bill makes it clear that racing clubs and race meetings are not the intended target of section 235 of the Sale and Supply of Liquor Act 2012. The Bill provides an exemption from section 235 for racing clubs on the days of race meetings if the consumption of alcohol takes place at a time when the club holds either an on-licence or an on-site special licence that applies to the race meeting.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. The bill comes into force on the day after the date on which it receives the Royal assent.

*Clause 3* provides that the bill amends the Sale and Supply of Alcohol Act 2012 (the **principal Act**).

*Clause 4* inserts *new section 235A* into the principal Act. *New section 235A* exempts race meetings from the application of section 235 of the principal Act, provided that certain conditions are met. Section 235 makes it an offence to use unlicensed premises as place of resort for the consumption of alcohol.

*Ian McKelvie*

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### **The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Sale and Supply of Alcohol (Exemption for Race Meetings) Amendment Act **2021**.
- 2 Commencement** 5  
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act**  
This Act amends the Sale and Supply of Alcohol Act 2012 (the **principal Act**).
- 4 New section 235A inserted (Exemption to section 235 for certain race meetings)** 10  
After section 235, insert:

**235A Exemption to section 235 for certain race meetings**

- (1) Section 235 does not apply in the following circumstances:
- (a) the person (A) referred to in section 235(1) is a racing club; and
  - (b) the consumption of alcohol takes place on a day when A is using the unlicensed premises referred to in section 235(1) to hold a race meeting; and
  - (c) A holds either an on-licence or an on-site special licence that applies to an area within the premises for the duration of the race meeting.
- (2) In this section, the following terms have the same meaning as in section 5(1) of the Racing Act 2003:
- (a) **race meeting:**
  - (b) **racing club.**