



# Alcohol Advisory Council Amendment Act 2000

Public Act 2000 No 25  
Date of assent 19 August 2000  
Commencement see section 2

## Contents

1	Title	14	Council may insure members
2	Commencement	15	Salaries, etc, to be payable out of fund
	<b>Part 1</b>	16	Bank accounts
	<b>Amendments to principal Act</b>	17	Amendment to heading
3	Title repealed	18	Establishment of fund
4	Name of principal Act changed	19	Alcoholic Liquor Account
5	New section 1A inserted	20	Payment and collection of levies in respect of beer and spirits
	1A Purpose	21	Payment and collection of levies in respect of wine
6	Interpretation	22	Donations and bequests
7	New sections 3 and 3A substituted	23	New section 37A inserted
	3 Constitution of Alcohol Advisory Council	24	37A Common seal
	3A Membership of Council		
8	Term of office of members of Council		<b>Part 2</b>
9	New section 5 substituted		<b>Consequential amendments and repeals</b>
	5 Deputy Chairperson	25	Amendments to other enactments
10	Deputies of members	26	Repeals
11	New sections 7 and 8 substituted		
	7 Primary objective of Council		
	8 Functions of Council		
12	Powers of Council		
13	Meetings of Council		

**Schedule**  
**Acts amended**

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

### **1 Title**

- (1) This Act is the Alcohol Advisory Council Amendment Act 2000.
- (2) In this Act, the Act previously known as the Alcoholic Liquor Advisory Council Act 1976 is called the “the principal Act”.

## 2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

## Part 1 Amendments to principal Act

### 3 Title repealed

The Title of the principal Act is repealed.

### 4 Name of principal Act changed

- (1) The principal Act may from now on be called the Alcohol Advisory Council Act 1976.
- (2) Section 1(1) of the principal Act is consequentially amended by omitting the words “Alcoholic Liquor Advisory Council”, and substituting the words “Alcohol Advisory Council”.

### 5 New section 1A inserted

The principal Act is amended by inserting, after section 1, the following section:

#### “1A Purpose

The purpose of this Act is to—

- “(a) provide for the establishment of an Alcohol Advisory Council of New Zealand having as its primary objective the encouragement and promotion of moderation in the use of liquor, the discouragement and reduction of the misuse of liquor, and the minimisation of the personal, social, and economic harm resulting from the misuse of liquor; and
- “(b) define the Council’s functions and powers; and
- “(c) make provision for the funding of the Council’s activities by means of a levy on liquor imported into, or manufactured in, New Zealand.”

### 6 Interpretation

- (1) Section 2(1) of the principal Act is amended by repealing the definitions of the terms **Chairman** and **Council**, and substituting the following definitions:

“**Chairperson** means the Chairperson of the Council appointed under section 3A(3)

“**Council** means the Alcohol Advisory Council of New Zealand constituted by section 3”.

- (2) Section 2(1) of the principal Act is amended by inserting, after the definition of the term **levy**, the following definition:
- “**Liquor Fund** or **Fund** means the Liquor Fund established under section 20”.
- (3) Section 2(1) of the principal Act is amended—
- (a) by repealing the definition of the term **Alcoholic Liquor Account**:
  - (b) by repealing the definition of the term **Alcoholic Liquor Fund** or **Fund**:
  - (c) by repealing the definition of the term **appointed member**:
  - (d) by omitting from the definition of the term **fortified wine** the word “Customs”:
  - (e) by repealing the definition of the term **official member**:
  - (f) by omitting from the definition of the term **wine** the word “Customs”.

## 7 **New sections 3 and 3A substituted**

The principal Act is amended by repealing section 3, and substituting the following sections:

### “3 **Constitution of Alcohol Advisory Council**

- “(1) For the purposes of this Act there is a Council called the Alcohol Advisory Council of New Zealand.
- “(2) The name of the Alcohol Advisory Council is, in the Maori language, Kaunihera Whakatupato Waipiro O Aotearoa.
- “(3) The Council continues to be a body corporate with perpetual succession and a common seal, and has and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.

### “3A **Membership of Council**

- “(1) The Council consists of 8 members to be appointed by the Governor-General on the recommendation of the Minister.
- “(2) The members of the Council must include—
- “(a) at least 1 person who is Māori:
  - “(b) at least 1 person from the Pacific Island community:

- “(c) at least 1 person with experience in public health:
  - “(d) at least 1 person with experience in the development and implementation of social policy:
  - “(e) at least 1 person with experience in the treatment of alcohol dependence.
- “(3) One of the members of the Council must be appointed as Chairperson of the Council by the Governor-General on the recommendation of the Minister.
- “(4) The powers of the Council are not affected by any vacancy in its membership.”

## **8 Term of office of members of Council**

Section 4 of the principal Act is amended—

- (a) by omitting from subsections (1), (2), and (3) the word “appointed”; and
- (b) by inserting in subsection (3), after the word “office”, the words “and the Chairperson may be removed from the office of Chairperson”; and
- (c) by omitting from subsection (4) the word “appointed” where it first appears; and
- (d) by inserting in subsection (4), after the word “office,”, the words “or the Chairperson is removed from the office of Chairperson,”.

## **9 New section 5 substituted**

The principal Act is amended by repealing section 5, and substituting the following section:

### **“5 Deputy Chairperson**

- “(1) At its first meeting in each financial year, the members of the Council must elect 1 of their number to be Deputy Chairperson.
- “(2) Any person elected as Deputy Chairperson must hold office as such for the financial year in which he or she is elected or until he or she sooner vacates office as a member of the Council.
- “(3) At the first meeting of the Council after a vacancy occurs in the office of Deputy Chairperson, the members of the Council must elect 1 of their number to be Deputy Chairperson.
- “(4) Except in the circumstances described in this Act, the Deputy Chairperson has and may exercise or perform all the powers

and duties of the Chairperson during his or her absence or incapacity or while there is a vacancy in the office of Chairperson.

- “(5) No acts done by a Deputy Chairperson acting as the Chairperson may in any proceedings be questioned on the ground that the occasion for his or her so acting had ceased or had not arisen.”

## **10 Deputies of members**

- (1) Section 6 of the principal Act is amended—
- (a) by omitting from subsection (1) the word “appointed”; and
  - (b) by omitting from subsection (3) the word “Chairman” in both places where it appears, and substituting in each case the word “Chairperson”.
- (2) Section 6(2) of the principal Act is repealed.

## **11 New sections 7 and 8 substituted**

The principal Act is amended by repealing sections 7 and 8, and substituting the following sections:

### **“7 Primary objective of Council**

The primary objective of the Council is the encouragement and promotion of moderation in the use of liquor, the reduction and discouragement of the misuse of liquor, and the minimisation of the personal, social, and economic harm resulting from the misuse of liquor.

### **“8 Functions of Council**

- “(1) In pursuing its primary objective, the Council has the following functions:
- “(a) to encourage, promote, sponsor, and co-operate in research into—
    - “(i) the use of liquor in New Zealand:
    - “(ii) public attitudes in New Zealand towards the use of liquor:
    - “(iii) problems associated with or consequent on the misuse of liquor in New Zealand:
    - “(iv) means of minimising the harmful effects of liquor:

- “(b) to encourage, promote, sponsor, and co-operate in the dissemination to the public, or to any class of persons, of information relating to any problem that is or may be associated with or consequent on the misuse of liquor:
- “(c) to devise, promote, sponsor, and conduct, and to encourage and co-operate in the preparation and conduct of, educational programmes for the public or for any class of persons (including persons attending schools or other educational institutions, and persons who may for any reason be at special risk in respect of liquor-related problems) designed—
  - “(i) to discourage the misuse of liquor:
  - “(ii) to encourage moderation in the use of liquor:
  - “(iii) to promote and encourage responsible attitudes towards the use of liquor:
- “(d) to sponsor innovative programmes for the treatment, care, and rehabilitation of persons adversely affected by the use of liquor, whether by themselves or others:
- “(e) with respect to any of the matters referred to in paragraphs (a) to (d), to make recommendations to the Government, departments of State, authorities in the fields of health, education, social welfare, and industry, and any other public or private bodies, associations, or persons:
- “(f) to make recommendations to such person or persons as the Council thinks fit about the advertising of liquor, whether generally or through any particular medium, and the need to regulate or in any way restrict such advertising:
- “(g) to consider such matters relating to the sale and consumption of liquor as may be referred to the Council from time to time by the Minister of the Crown who is for the time being responsible for the administration of the Sale of Liquor Act 1989, and to report to that Minister on the results of that consideration:
- “(h) to consider and report to the Minister on such matters relating to the use or misuse of liquor as are referred to the Council from time to time by the Minister:
- “(i) to carry out such other activities as, in the Council’s opinion, will assist in the pursuit of its primary objective.

- “(2) Without limiting its functions under subsection (1), the Council has the following further functions:
- “(a) to encourage, promote, sponsor, and co-operate in the preparation, publication, and dissemination, to interested bodies, associations, and persons, of research papers, theses, and other reports relating to any matter with which the Council is concerned:
  - “(b) to obtain, monitor, analyse, collate, and disseminate to interested bodies, associations, and persons in New Zealand, information from overseas relating to any matter with which the Council is concerned:
  - “(c) to encourage, promote, sponsor, and co-operate in the preparation and publication of a bibliography of literature relating to any matter with which the Council is concerned.
- “(3) Whenever the Council makes any recommendation under subsection (1)(f) about the advertising of liquor, then, if the recommendation is not made to the Minister, it must send a copy of its recommendation to the Minister.”

## **12 Powers of Council**

Section 9(2)(a) of the principal Act is amended by omitting the word “Alcoholic”.

## **13 Meetings of Council**

- (1) Section 12 of the principal Act is amended—
- (a) by omitting the word “Chairman” wherever it appears, and substituting in each case the word “Chairperson”; and
  - (b) by omitting from subsection (8) the word “chairman”, and substituting the word “chairperson”; and
  - (c) by omitting from subsection (8) the words “Deputy Chairman”, and substituting the words “Deputy Chairperson”.
- (2) Section 12 of the principal Act is amended by repealing subsection (4), and substituting the following subsection:
- “(4) At all meetings of the Council the quorum necessary for the transaction of business is 4 members.”

- 14 Council may insure members**  
Section 15 of the principal Act is amended by omitting the word “appointed” where it first appears.
- 15 Salaries, etc, to be payable out of fund**  
Section 17 of the principal Act is amended by omitting the word “Alcoholic”.
- 16 Bank accounts**  
Section 19A of the principal Act is amended by repealing subsection (5).
- 17 Amendment to heading**  
The heading before section 20 of the principal Act is amended by omitting the word “*Alcoholic*”.
- 18 Establishment of fund**  
Section 20(1) of the principal Act is amended by omitting the word “Alcoholic”.
- 19 Alcoholic Liquor Account**  
Section 21 of the principal Act is repealed.
- 20 Payment and collection of levies in respect of beer and spirits**  
Section 29A(2) of the principal Act is amended by omitting the words “excise duty”, and substituting the words “excise-equivalent duty”.
- 21 Payment and collection of levies in respect of wine**  
Section 31(2)(c) of the principal Act is amended by omitting the words “excise duty”, and substituting the words “excise-equivalent duty”.
- 22 Donations and bequests**  
Section 36 of the principal Act is amended by omitting the word “Chairman”, and substituting the word “Chairperson”.



**23 New section 37A inserted**

The principal Act is amended by inserting, after section 37, the following section:

**“37A Common seal**

- “(1) The common seal of the Council must be held in the custody of such officer of the Council as the Council from time to time appoints.
- “(2) The common seal must not be affixed to any document except under a resolution of the Council, or of a committee of that Council acting with the authority of the Council.
- “(3) The execution of any document so sealed must be attested to by the Chairperson or any member of the Council acting on behalf of the Chairperson, and by the Chief Executive Officer or other officer of the Council authorised for that purpose.
- “(4) The common seal of the Council must be judicially noticed in all courts and for all purposes.”

**24 Transitional provisions**

- (1) Despite the change of its name, the Alcohol Advisory Council of New Zealand is the same body corporate as the Alcoholic Liquor Advisory Council that, immediately before the commencement of this Act, was constituted by section 3 of the principal Act.
- (2) Despite section 3A of the principal Act, every person who, immediately before the commencement of this Act, was an appointed member of the Alcoholic Liquor Advisory Council continues in office as a member of the Alcohol Advisory Council of New Zealand until the expiry of the term of office for which the member was appointed, or for such longer period as provided in section 4(5) of the principal Act, or until that member resigns or is removed from office in accordance with that section.
- (3) Every reference in any enactment or document in force at the commencement of this Act (other than an Act specified in the Schedule) to the Alcoholic Liquor Advisory Council is, unless the context otherwise requires, to be read as a reference to the Alcohol Advisory Council of New Zealand.

## Part 2

### Consequential amendments and repeals

#### 25 Amendments to other enactments

- (1) The Acts specified in the Schedule are amended in the manner specified in that schedule.
- (2) The Alcoholic Liquor Advisory Council Regulations 1978 are amended—
  - (a) by omitting from regulation 1(1) the words “Alcoholic Liquor Advisory Council”, and substituting the words “Alcohol Advisory Council”; and
  - (b) by omitting from the definition of the term **the Act** in regulation 2 the words “Alcoholic Liquor Advisory Council”, and substituting the words “Alcohol Advisory Council”.
- (3) The amendment, by this section, of the Alcoholic Liquor Advisory Council Regulations 1978 is without prejudice to any power to amend or revoke those regulations.

#### 26 Repeals

The following enactments are repealed:

- (a) section 3 of the Alcoholic Liquor Advisory Council Amendment Act 1978;
  - (b) the Alcoholic Liquor Advisory Council Amendment Act 1986;
  - (c) section 2(2) of the Alcoholic Liquor Advisory Council Act 1987;
  - (d) sections 3 and 7 of the Alcoholic Liquor Advisory Council Amendment Act 1989;
  - (e) section 48 of the Public Finance Amendment Act 1992;
  - (f) so much of the Fourth Schedule of the Health Reforms (Transitional Provisions) Act 1993 as relates to the Alcoholic Liquor Advisory Council Act 1976.
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## Schedule Acts amended

### **Official Information Act (1982 No 156)**

Omit from the First Schedule the words “Alcoholic Liquor Advisory Council” and substitute the words “Alcohol Advisory Council of New Zealand”.

### **Public Finance Act (1989 No 44)**

Omit from the Fourth and Fifth Schedules the words “Alcoholic Liquor Advisory Council” in both places where they appear and substitute in each case the words “Alcohol Advisory Council of New Zealand”.

### **Wine Makers Act (1981 No 125)**

Omit from paragraphs (c) and (d) of section 12(4) the expression “Alcoholic Liquor Advisory Council Act 1976” and substitute in each case the expression “Alcohol Advisory Council Act 1976”.

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### Legislative history

29 April 1999	Introduction and first reading (Bill 277-1)
30 June 1999	Second reading and referral to Health Committee
26 June 2000	Reported from Health Committee (Bill 277-2)
5 July 2000	<i>Consideration of report</i>
2 August 2000	Committee of the whole House (Bill 277-3)
16 August 2000	Third reading
19 August 2000	Royal assent

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This Act is administered in the Ministry of Health.

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