



## ANALYSIS

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1980, No. 168

**An Act to make provision for food and entertainment and club licences, and to amend the Sale of Liquor Act 1962**  
*[15 January 1981]*

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Sale of Liquor Amendment Act 1980, and shall be read together with and deemed part of the Sale of Liquor Act 1962 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of April 1981.

## PART I

## KINDS OF LICENCES

*Principal Provisions*

**2. Tavernkeeper's licence—**(1) The principal Act is hereby amended by repealing section 64, and substituting the following section:

“64. A tavernkeeper's licence shall authorise the licensee to sell and dispose of liquor, on the tavern premises described in the licence,—

“(a) To any person, for consumption on or off the premises, at any time between the hours of 11 o'clock in the morning and 10 o'clock in the evening on any day other than a day on which licensed premises are required to be closed for the sale of liquor; and

“(b) To any person actually partaking of a substantial meal in any room or place (other than a bar) used for dining, whether generally or on that occasion, for consumption by that person as part of the meal, at any time between the hours of 9 o'clock in the morning of any day and 1 o'clock in the morning of the following day.”

(2) Section 249 (3) of the principal Act is hereby amended by inserting, after the words “tourist-house keeper's”, the words “or tavernkeeper's”.

(3) Section 252 (2) of the principal Act is hereby amended by inserting, after paragraph (c), the following paragraph:

“(ca) Any person who has entered the premises conducted under a tavernkeeper's licence for the purposes of partaking of a meal at any time after 9 o'clock in the morning of any day and is found on the premises at any time not later than 1.30 o'clock in the morning of the following day; or”.

(4) So much of the Schedule to the Sale of Liquor Amendment Act (No. 2) 1967 as relates to section 64 of the principal Act is hereby consequentially repealed.

**3. Food and entertainment licence—**(1) The principal Act is hereby amended by inserting, after section 67, the following section:

“67A. (1) Subject to the provisions of this section, a food and entertainment licence shall authorise the licensee to sell and dispose of liquor on the premises described in the licence, during the time specified in the licence on any day, for consumption on the premises by any person who is present for one or more of the following purposes as may be specified in the licence:

“(a) To dine:

“(b) To attend any entertainment (whether or not live):

“(c) To attend any reception, function, or other social gathering.

“(2) Notwithstanding subsection (1) of this section, where a food and entertainment licence is granted to a person who is conducting the business of a caterer and who holds the licence in connection with that business, the licence shall also authorise the holder to sell and deliver liquor from the premises described in the licence for consumption on any other premises by persons attending any reception or function or other social gathering in respect of which the holder is doing the catering in the course of that business.

“(3) A food and entertainment licence shall not be granted in respect of any premises unless—

“(a) The premises are or will be used regularly for any or all of the purposes referred to in subsection (1) of this section:

“(b) In the opinion of the Commission, the consumption of liquor is not and will not become the predominant purpose for which persons attend or will attend the premises:

“(c) In the opinion of the Commission, proper facilities for the sale, disposal, and consumption of liquor are or will be available on the premises.

“(4) A food and entertainment licence shall be deemed to be issued subject to the following conditions, namely:

“(a) That liquor shall not become the predominant part of the business conducted on the premises:

“(b) That liquor shall be supplied only to persons who are attending the premises for any of the purposes referred to in subsection (1) of this section and specified in the licence:

“(c) That every bottle or other container in which liquor is supplied on the premises, and every drinking vessel used for the consumption of liquor, shall be cleared away immediately after the expiration of 30 minutes after the time at which the premises are required to be closed for the sale of liquor:

“(d) That the premises shall at all times conform to the minimum standards (if any) prescribed by the Commission in respect of premises of that class, and to such minimum standards (if any) prescribed by the Commission in respect of those particular premises:

“(e) That the holder shall keep such records, and file with the Commission such returns, relating to the purchase and sale of liquor pursuant to the licence as the Commission may specify:

“(f) Such other conditions as the Commission may in its discretion impose.

“(5) Where, on any premises in respect of which a food and entertainment licence and some other licence are both in force and held by the same person, any liquor is sold pursuant to that other licence, the sale of that liquor shall be disregarded for the purposes of subsection (4) (a) of this section.

“(6) Without limiting subsection (4) (f) of this section, the Commission may, on granting any application for a food and entertainment licence, impose as a condition of the licence such requirement as the Commission thinks fit relating to the provision or holding of music, dancing, and entertainment on the premises.”

(2) The following enactments are hereby consequentially repealed:

- (a) Sections 65, 65A, 65C, and 65D of the principal Act:
- (b) Section 2 (1) of the Sale of Liquor Amendment Act (No. 2) 1969:
- (c) Section 33 (1) of the Sale of Liquor Amendment Act (No. 2) 1971:
- (d) Section 23 (1) (so far as it relates to section 65D of the principal Act) and section 52 (1) of the Sale of Liquor Amendment Act 1976, and so much of the Third Schedule to that Act as relates to sections 65, 65A, and 65C of the principal Act:
- (e) Section 13 of the Sale of Liquor Amendment Act 1977.

**4. Club licence**—(1) The principal Act is hereby amended by inserting, after section 67A (as inserted by section 3 of this Act), the following section:

“67B. (1) In this section the term ‘club’ means any voluntary association of persons (whether incorporated or not) combined for promoting, otherwise than for gain, any one or more of the following purposes:

“(a) Any sporting or recreational activity in which club members participate:

“(b) The private social intercourse, convenience, and comfort of persons having—

“(i) A common occupational, educational, technical, sporting, recreational, philanthropic, or cultural interest; or

“(ii) A common cultural, ethnic, national, or regional background.

“(2) Subject to the provisions of this section, a club licence shall authorise the club to sell and dispose of liquor for consumption on the premises described in the licence during the time specified in the licence on any day when the premises are being used in good faith for any of the purposes of the club, or the maintaining, upgrading, managing, and administering of the club’s premises and facilities.

“(3) A club licence shall not be granted in respect of any premises unless, in the opinion of the Commission,—

“(a) The consumption of liquor is not and will not become the predominant purpose for which persons attend or will attend the premises:

“(b) Proper facilities for the sale, disposal, and consumption of liquor are or will be available on the premises:

“(c) During the times at which the premises are open for the sale and supply of liquor, the premises will not be readily accessible to persons other than members of the club and their invited guests.

“(4) Except as provided in subsection (5) of this section, the Commission shall not grant an application for a club licence unless it is satisfied that the application is made by or on behalf of a bona fide club that has existed for at least 2 years, and that the rules of the club are appropriate for the holder of a licence.

“(5) The Commission may, in any particular case, dispense with the requirement of subsection (4) of this section relating to the duration of the club’s existence if it is satisfied that there are special circumstances that would justify such a dispensation.

“(6) Where an application for a club licence is made by or on behalf of an unincorporated association of persons, the Commission may in its discretion require the association, as a condition of the granting of the application, to become incorporated.

“(7) A club licence shall be deemed to be issued subject to the following conditions:

- “(a) That the premises shall at all times conform to the minimum standards (if any) prescribed by the Commission in respect of premises of that class, and to such minimum standards (if any) prescribed by the Commission in respect of those particular premises:
- “(b) That the consumption of liquor shall not become the predominant purpose for which persons attend the premises:
- “(c) That no liquor intended for sale or supply pursuant to the licence shall be purchased or acquired from any person who is not the holder of a hotelkeeper’s or tavernkeeper’s or wholesale or wine maker’s or wine reseller’s licence or a licensing Trust:
- “(d) That liquor shall be sold and supplied pursuant to the licence only on the days on which the premises are being used in good faith for any of the purposes of the club, or the maintaining, upgrading, managing, and administering of the club’s premises and facilities:
- “(e) That liquor shall be consumed on the premises only by members and their invited guests:
- “(f) That every bottle or other container in which liquor is supplied on the premises, and every drinking vessel used for the consumption of liquor, shall be cleared away immediately after the expiration of 30 minutes after the time at which the premises are required to be closed for the sale of liquor:
- “(g) That the club shall continue to be conducted in good faith as a club in accordance with rules for the time being approved by the Commission:
- “(h) That the number of members shall be not less than the minimum, nor more than the maximum, for the time being approved by the Commission:
- “(i) That the club shall keep such records, and file with the Commission such returns, relating to the purchase and sale of liquor pursuant to the licence as the Commission may specify:
- “(j) Such other conditions as the Commission may in its discretion impose.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 65E of the principal Act:
- (b) Section 23 (1) of the Sale of Liquor Amendment Act 1976 (so far as it relates to section 65E of the principal Act).

*Supplementary Provisions*

**5. Application for food and entertainment licence, reports, objections, hearing, and issue of licence—**(1) The principal Act is hereby amended by omitting from above section 107 the heading "*Restaurant Licence*", and substituting the heading "*Food and Entertainment Licence*".

(2) Section 107 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

"(1) Every application for a food and entertainment licence shall be made, in the prescribed form, by the person who intends to sell and dispose of liquor pursuant to the licence if the application is granted, and shall be filed with the Secretary of the Commission."

(3) Section 107 (2) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

"(a) A statutory declaration made by the applicant giving particulars of any experience that he has had in the conduct of premises of the same class as the premises to which the application relates (including any experience as an employee in any capacity in respect of any such premises), stating whether or not he has had any convictions recorded against him for any offences against this Act or the Licensing Act 1908, and giving particulars of any such convictions; and"

(4) Section 107 (6) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraphs:

"(a) Scale plans showing the precise locality of the premises or proposed premises to which the application relates, the portion of those premises in which it is proposed to sell and dispose of liquor pursuant to the licence, the general layout of the premises or that portion of the premises, and, in the case of existing premises, any alterations proposed to be made; and

"(aa) A statement of the purpose or purposes (being a purpose or purposes authorised by section 67A (1) of this Act) for which persons resort or will resort to the premises, and the times in respect of which authority to sell and dispose of liquor pursuant to the licence is sought; and"



(5) Section 107 (7) of the principal Act is hereby amended by omitting the words “and the premises in respect of which the application is made”, and substituting the words “the premises in respect of which the application is made, and the purposes and times referred to in subsection (6) (aa) of this section”.

(6) Section 109 of the principal Act is hereby amended—

(a) By omitting from subsection (1) the words “a restaurant”, and substituting the words “a food and entertainment”:

(b) By omitting from subsection (2), and from subsection (4), the word “restaurant” in each place where it occurs, and substituting in each case the word “premises”.

(7) Section 110 of the principal Act is hereby amended—

(a) By omitting the words “a restaurant licence”, and substituting the words “a food and entertainment licence”:

(b) By omitting from paragraph (a) the word “restaurant”, and substituting the word “premises”.

(8) Section 110 of the principal Act is hereby further amended by repealing paragraph (b), and substituting the following paragraph:

“(b) Any prejudicial effect on residents in the immediate neighbourhood of the premises that is likely to arise by reason only of the licensing of the premises:”.

(9) Section 110 of the principal Act is hereby further amended by repealing paragraphs (c) and (d), and substituting the following paragraphs:

“(c) The suitability of the premises or proposed premises, and the facilities and services provided or to be provided on those premises:

“(d) The experience of the applicant in the conduct of premises of the same class as the premises to which the application relates, his character and reputation, and any convictions of the applicant for offences against this Act or the Licensing Act 1908:”.

(10) Section 110 of the principal Act is hereby further amended by adding, as subsection (2), the following subsection:

“(2) The Commission shall not be obliged to grant any application.”

- (11) Section 112 of the principal Act is hereby amended—
- (a) By omitting from subsection (1) the words “a restaurant licence”, and substituting the words “a food and entertainment licence”:
  - (b) By omitting from subsection (2), and also from subsection (3), the words “restaurant is”, and substituting in each case the words “premises are”.
- (12) The following enactments are hereby consequentially repealed:
- (a) Sections 112A to 112C and 112H to 112L of the principal Act, and the headings above sections 112A, 112H, and 112K of that Act:
  - (b) Section 4 of the *Sale of Liquor Amendment Act (No. 2) 1969*:
  - (c) Section 36 of the *Sale of Liquor Amendment Act (No. 2) 1971*:
  - (d) Section 26 of the *Sale of Liquor Amendment Act 1976*, so far as it relates to sections 112K and 112L of the principal Act, and so much of the First Schedule to the *Sale of Liquor Amendment Act 1976* as relates to section 112I of the principal Act:
  - (e) Section 21 (2) of the *Licensing Trusts Amendment Act 1976*.

**6. Commission to fix hours of sale in respect of food and entertainment licence**—The principal Act is hereby amended by inserting after section 111, the following section:

“111A. (1) Whenever the Commission grants any application for a food and entertainment licence, it shall fix the time or times at which the sale and supply of liquor under the licence may commence and the time or times at which it shall cease.

“(2) The Commission shall not in any case fix a time for the commencement of the sale of liquor earlier than 9 o'clock in the morning of any day, nor a time for the cessation of the sale of liquor later than 3 o'clock in the morning of the next day.

“(3) Different times may be so fixed in respect of different periods of the year, or different days of every week or of any such period.

“(4) In fixing a time at which the sale and supply of liquor shall commence, and a time at which it shall cease, the Commission shall have regard to—

- “(a) The purpose or purposes for which persons resort or will resort to the premises:

“(b) The nature and standard of the facilities and services to be provided on the premises:

“(c) The times during which there is likely to be demand for such facilities and services:

“(d) The character and reputation of the applicant, and the reputation (if any) of the premises.

“(5) In any case to which this section applies, the Commission shall notify the Licensing Committee of the times fixed by it in accordance with this section, and the Chairman of the Licensing Committee shall ensure that the times so fixed are specified in the licence before it is issued.”

**7. New sections (relating to club licences) inserted**—The principal Act is hereby amended by inserting, after section 117, the following heading and sections:

*“Club Licences*

**“117A. Application for club licence, reports, objections, hearing, and issue of licence**—The provisions of sections 107, 108, 109, 111, and 112 of this Act, so far as they are applicable and with the necessary modifications, shall apply with respect to every application for a club licence as if references to an ancillary licence were references to a club licence.

**“117B. Circumstances to be taken into account**—(1) In determining whether or not to grant any application for a club licence, the Commission shall have regard to—

“(a) The nature of the purposes of the club, and the class or classes (including the age groups) of persons who are or are likely to become members of the club:

“(b) The suitability of the premises or proposed premises and the facilities and services provided or to be provided on the premises for the purposes of the club:

“(c) Any prejudicial effect on the residents in the immediate neighbourhood of the premises that is likely to arise by reason only of the licensing of the premises:

“(d) The character and reputation of the applicant, and any convictions of the applicant for offences against this Act or the Licensing Act 1908:

“(e) The public interest generally:

“(f) Such other considerations as the Commission thinks fit to take into account.

“(2) The Commission shall not be obliged to grant any application.

“117c. **Commission to fix hours of sale**—(1) Whenever the Commission grants any application for a club licence, it shall fix the time or times at which the sale and supply of liquor under the licence may commence and the time or times at which it shall cease.

“(2) The Commission shall not in any case fix a time for the commencement of the sale of liquor earlier than 11 o'clock in the morning nor a time for the cessation of the sale of liquor later than 10 o'clock in the evening of any day, unless it is satisfied in a particular case that, because of the nature of the employment in which members are engaged, or because of the time or times at which the premises of the club are normally used for the purposes of the club, or for any other special reasons, it should authorise the sale and supply of liquor under the licence at any other time or times on any day.

“(3) Different times may be so fixed in respect of different periods of the year, or different days of every week or of any such period.

“(4) Nothing in this section shall prevent the Commission from requiring the premises to be closed for the sale and supply of liquor on any day, or during any period or periods of the year.

“(5) Subject to subsection (6) of this section, in fixing times in respect of any day, the Commission shall have regard to the times at which the premises are or will be used on that day for the purposes of the club, or the maintaining, upgrading, managing, and administering of the club's premises and facilities.

“(6) In the case of any club whose principal purpose is the promotion of any sporting or recreational activity in which club members participate, the Commission shall, in fixing a time in respect of any Sunday,—

“(a) Fix a time at which the sale and supply of liquor may commence not earlier than 30 minutes before the commencement of any such activity:

“(b) Fix a time at which the sale and supply of liquor shall cease, having regard to the time at which any such activity is likely to be concluded.

“(7) In any case to which this section applies, the Commission shall notify the Licensing Committee of the times fixed by it in accordance with this section, and the Chairman of the Licensing Committee shall ensure that the times so fixed are specified in the licence before it is issued.”

**8. New section (relating to ship licence) substituted in principal Act**—The principal Act is hereby amended by repealing section 118 and the heading above that section, and substituting the following heading and section:

*“Ship Licence*

**“118. Applications for and grant of ship licence—**  
(1) The owner or operator of any ship may at any time apply to the Commission for the grant of a ship licence in respect of the ship.

“(2) On receipt of the application, the Secretary shall obtain a report from the Police.

“(3) The Commission may in its discretion grant or refuse the application.

“(4) The grant of a ship licence may be made subject to such conditions, not inconsistent with this Act, as the Commission thinks fit.”

*Consequential Provisions*

**9. Interpretation**—(1) Section 2 of the principal Act is hereby amended by omitting the definition of the term “licensed premises”, and substituting the following definition:

“‘Licensed premises’,—

“(a) In relation to a ship licence, means the ship, or that part of the ship, in which liquor is sold for consumption there; or

“(b) In relation to an airport licence, means the part or parts of the airport in which liquor is sold for consumption there; or

“(c) In relation to any other kind of licence, means the premises in which liquor may be sold pursuant to the licence:”.

(2) The following enactments are hereby consequentially repealed:

(a) Section 2 (2) of the Sale of Liquor Amendment Act (No. 2) 1969:

(b) Section 2 (3) of the Sale of Liquor Amendment Act 1970.

**10. Functions of Commission**—(1) Section 10 (1) (b) of the principal Act is hereby amended by omitting the words “restaurant licence,”.

(2) Section 10 (1) of the principal Act is hereby further amended by repealing paragraphs (da) and (db), and substituting the following paragraphs:

“(da) To grant and renew airport licences:

“(db) To grant food and entertainment licences:

“(dc) To grant club licences:

“(dd) To grant and renew ship licences:”.

(3) The following enactments are hereby consequentially repealed:

(a) The Sale of Liquor Amendment Act (No. 2) 1974:

(b) Section 23 (2) of the Sale of Liquor Amendment Act 1976.

**11. Minimum standards**—(1) Section 11 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Commission may from time to time prescribe, in such manner as it thinks fit, minimum standards to be complied with in the provision of accommodation, services, and other facilities for the public and for lodgers, guests, members, and employees in premises in respect of which any licence under this Act is in force, other than a booth licence or a works canteen licence.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 33 (3) of the Sale of Liquor Amendment Act (No. 2) 1971:

(b) Section 23 (3) of the Sale of Liquor Amendment Act 1976.

**12. Licensing Fund**—Section 17 (2) (d) of the principal Act (as substituted by section 19 (1) of the Licensing Trusts Amendment Act 1976) is hereby repealed.

**13. Exclusion of licensing trust districts**—(1) Section 29 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) It shall not be lawful to grant or issue in, or in respect of any premises in, a licensing trust district any licence other than any food and entertainment, club, or wine maker’s licence.”

(2) The following enactments are hereby consequentially repealed:

- (a) Subsections (1) and (2) of section 35 of the Sale of Liquor Amendment Act (No. 2) 1971:
- (b) Section 25 (1) of the Sale of Liquor Amendment Act 1976.

**14. Kinds of licences**—(1) Section 54 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) There may also be granted under this Act the following kinds of licences, namely:

- “(a) Airport licences:
- “(b) Wholesale licences:
- “(c) Food and entertainment licences:
- “(d) Club licences:
- “(e) Ship licences:
- “(f) Booth licences:
- “(g) Works canteen licences.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 2 (5) of the Sale of Liquor Amendment Act (No. 2) 1969:
- (b) Section 33 (4) of the Sale of Liquor Amendment Act (No. 2) 1971:
- (c) Section 23 (4) of the Sale of Liquor Amendment Act 1976.

**15. Management of certain premises**—(1) The principal Act is hereby amended by repealing section 66, and substituting the following section:

“66. Every hotelkeeper’s, special hotelkeeper’s, extended hotelkeeper’s, tourist-house keeper’s, tavernkeeper’s, food and entertainment, airport, or club licence shall authorise the licensee to sell and supply liquor pursuant to the licence himself, or to appoint a manager, in accordance with Part VI of this Act, to sell and supply it on his behalf.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 34 (1) of the Sale of Liquor Amendment Act (No. 2) 1971:
- (b) Section 24 (1) of the Sale of Liquor Amendment Act 1976.

**16. Duration of club licence**—(1) Section 122 (2A) of the principal Act (as inserted by section 27 of the Sale of Liquor Amendment Act 1976) is hereby repealed.

(2) Section 27 of the Sale of Liquor Amendment Act 1976 is hereby consequentially repealed.

**17. What licences may be renewed**—(1) The principal Act is hereby amended by repealing section 123, and substituting the following section:

“123. The following licences may be renewed by Licensing Committees under the succeeding provisions of this Part of this Act, namely:

- “(a) Hotelkeepers’ licences:
- “(b) Tourist-house keepers’ licences:
- “(c) Tavernkeepers’ licences:
- “(d) Food and entertainment licences:
- “(e) Wholesale licences:
- “(f) Club licences:
- “(g) Works canteen licences.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 127A of the principal Act (as inserted by section 5 of the Sale of Liquor Amendment Act (No. 2) 1969):
- (b) Section 5 of the Sale of Liquor Amendment Act (No. 2) 1969:
- (c) Section 37 (1) of the Sale of Liquor Amendment Act (No. 2) 1971:
- (d) Section 28 of the Sale of Liquor Amendment Act 1976.

**18. Reports on applications for renewal**—(1) Section 125 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) In respect of the premises conducted under any hotel-keeper’s, tourist-house keeper’s, tavernkeeper’s, food and entertainment, or club licence, a member of the fire service established under the Fire Service Act 1975 authorised to undertake fire safety inspections shall report to the Clerk of the Licensing Committee, on or before the 31st day of May in every year, with respect to the maintenance on the premises by the holder of any such licence of safeguards against fire, and means of warning and escape in the case of fire.”

(2) Section 6 (1) of the Sale of Liquor Amendment Act 1974 is hereby consequentially repealed.



**19. Consideration of applications and reports by Licensing Committees**—(1) Section 126 (6) of the principal Act is hereby amended by omitting the words “such licence”, and substituting the words “hotelkeeper’s, tourist-house keeper’s, tavernkeeper’s, wholesale, or works canteen licence”.

(2) Section 126 of the principal Act is hereby further amended by adding the following subsection:

“(7) The Committee may decline to renew any food and entertainment or club licence if it is satisfied—

“(a) Of any of the matters referred to in paragraphs (a), (b), (d), (e), and (f) of subsection (6) of this section; or

“(b) That the licensee has been convicted of any offence against this Act; or

“(c) That, having regard to any conditions of the licence imposed by the Commission or implied by this Act and to all the circumstances of the particular case, the amount of liquor sold pursuant to the licence has been excessive; or

“(d) That the licensee has committed a breach of any other condition of the licence.”

**20. Renewal of airport licence**—Section 127B of the principal Act (as inserted by section 5 of the Sale of Liquor Amendment Act 1970) is hereby amended by repealing subsection (2) (a), and substituting the following paragraph:

“(a) References to a food and entertainment licence were references to an airport licence:”.

**21. Renewal of ship licence**—The principal Act is hereby amended by inserting after section 127B (as inserted by section 5 of the Sale of Liquor Amendment Act 1970) the following section:

“127c. (1) A ship licence may be renewed by the Commission in accordance with this section.

“(2) The provisions of sections 124 and 125 of this Act shall apply for the purposes of this section, with the necessary modifications, as if—

“(a) References to a food and entertainment licence were references to an airport licence:

“(b) References to the Chairman of the Licensing Committee were references to the Chairman of the Commission:

“(c) References to the Clerk of the Licensing Committee were references to the Secretary of the Commission.

“(3) The Commission may request the Police, any Medical Officer of Health, any inspector within the meaning of section 2 of the Health Act 1956, or a member of the fire service established under the Fire Service Act 1975 authorised to undertake fire safety inspections, to make a further report (in addition to any report made under section 125 of this Act as applied by this section).

“(4) The Commission, in its discretion, may renew a ship licence without a public sitting, or may set down any application for hearing at a public sitting of the Commission of which public notice shall be given.

“(5) Where the Commission sets down any application for hearing, it shall cause at least 10 clear days’ notice of the date fixed for the hearing to be given to the applicant, and shall cause to be sent to the applicant at his address for service copies of all reports made to the Commission under section 125 of this Act or under this section, or such extracts therefrom as the Chairman of the Commission directs.

“(6) At any such hearing, the Commission shall hear the applicant, and may hear any member of the Police, any Medical Officer of Health or inspector under the Health Act 1956, any member of the fire service established under the Fire Service Act 1975 authorised to undertake fire safety inspections, and any other person whom the Commission thinks fit to hear.

“(7) The Commission may decline to renew any such licence if it is satisfied—

“(a) That the licensee has failed to conduct the licensed premises in a proper manner, or has allowed them to be frequented by disorderly or disreputable persons, or that drunkenness or riotous or disorderly conduct is allowed on them; or

“(b) That the licensee has been convicted of any offence against this Act, or has committed a breach of any condition of his licence; or

“(c) That the licensee has been convicted of any offence against the Health Act 1956 or the Food and Drug Act 1969, or any regulations thereunder, in relation to the conduct or state of the licensed premises; or

“(d) That the licensee has failed to fulfil his responsibilities under section 197 of this Act; or

“(e) That the licensee has been convicted of any offence and sentenced to imprisonment, or has been convicted of any offence involving moral turpitude or dishonesty.

“(8) If the Commission grants an application for the renewal of the licence the Secretary shall notify the applicant, in the prescribed form, of the renewal. Subject to the payment of the proper fee, the notification shall have the effect of renewing the licence; and nothing in section 127 of this Act shall apply.”

**22. What licences may be transferred—**(1) The principal Act is hereby amended by repealing section 128, and substituting the following section:

“128. The following licences may be transferred by Licensing Committees under the succeeding provisions of this Part of this Act, namely:

“(a) Food and entertainment licences:

“(b) Wholesale licences:

“(c) Club licences:

“(d) Works canteen licences.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 134A of the principal Act (as inserted by section 6 (1) of the Sale of Liquor Amendment Act (No. 2) 1969):

(b) Section 6 (1) of the Sale of Liquor Amendment Act (No. 2) 1969:

(c) Section 38 (1) of the Sale of Liquor Amendment Act (No. 2) 1971:

(d) Section 29 (1) of the Sale of Liquor Amendment Act 1976.

**23. Application for transfer—**(1) Section 129 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Every application for the transfer of any such licence shall be made in the prescribed form by the proposed transferee, and shall be filed with the Clerk of the Licensing Committee by which the licence was issued.”

(2) Section 129 (2) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) A statutory declaration made by the applicant, giving particulars of any experience he has had in the conduct of licensed premises or other premises of a kind to which the application relates (including any experience as an employee in any capacity on any such premises), stating whether or not he has had any convictions recorded against him for any offences against this Act or the Licensing Act 1908, and giving particulars of any such convictions; and”.

(3) The following enactments are hereby consequentially repealed:

(a) Section 8 (1) of the Sale of Liquor Amendment Act (No. 2) 1971:

(b) Section 29 (2) of the Sale of Liquor Amendment Act 1976.

**24. Reports on applications for transfer**—Section 130 of the principal Act is hereby amended by omitting from subsection (3) (as added by section 8 (2) of the Sale of Liquor Amendment Act (No. 2) 1971) the words “a restaurant”, and substituting the words “a food and entertainment”.

**25. Hearing of application for transfer**—(1) Section 133 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) At any such meeting, the Committee, after hearing the applicant, and any objector or member of the Police or Inspector who appears, may in its discretion determine whether the application should be granted or refused.

“(2A) In so determining, the Committee may have regard to any experience that the applicant has had in the conduct of licensed premises or other premises of a kind to which the application relates (including any experience as an employee in any capacity on any such premises).”

(2) Section 8 (3) of the Sale of Liquor Amendment Act (No. 2) 1971 is hereby consequentially repealed.

**26. Temporary authority to carry on business under licence**—(1) Section 135 (7) of the principal Act (as added by section 31 of the Sale of Liquor Amendment Act 1976) is hereby repealed.

(2) Section 31 of the Sale of Liquor Amendment Act 1976 is hereby consequentially repealed.

**27. What licences may be removed**—(1) Section 136 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The following licences may be removed pursuant to an order of the Commission under the succeeding provisions of this Part of this Act, namely:

“(a) Hotel premises licences:

“(b) Tourist-house premises licences:

“(c) Tavern premises licences:

“(d) Food and entertainment licences:

“(e) Wholesale licences:

“(f) Club licences:”.

(2) The following enactments are hereby consequentially repealed:

(a) Section 146 (2) of the principal Act and section 147c of the principal Act (as inserted by section 7 of the Sale of Liquor Amendment Act (No. 2) 1969):

(b) Section 7 of the Sale of Liquor Amendment Act (No. 2) 1969:

(c) Section 39 (1) of the Sale of Liquor Amendment Act (No. 2) 1971:

(d) Section 30 (1) of the Sale of Liquor Amendment Act 1976.

**28. Objections in respect of removal of food and entertainment or club licence**—(1) The principal Act is hereby amended by repealing section 141A (as inserted by section 5 of the Sale of Liquor Amendment Act 1964), and substituting the following section:

“141A. (1) Where the application for removal relates to any food and entertainment or club licence, an objection to the removal of the licence may be made by any person of or over the age of 18 years who is resident in the licensing district, licensing trust district, or suburban trust area in which the proposed new premises will be.

“(2) Every such objection shall be made by notice in writing filed with the Secretary of the Commission within 14 days after the first publication of the notice of the making of the application, or within such further time as the Chairman of the Commission may allow.

“(3) The ground on which any such objection may be made is the prejudicial effect on residents in the immediate neighbourhood of the proposed new premises that is likely to arise by reason only of the removal of the licence to those premises.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 5 of the Sale of Liquor Amendment Act 1964:
- (b) Section 39 (2) of the Sale of Liquor Amendment Act (No. 2) 1971:
- (c) Subsections (2) and (3) of section 29 of the Sale of Liquor Amendment Act 1976, and so much of the First Schedule to that Act as relates to section 141A of the principal Act:
- (d) Subsections (5) and (6) of section 21 of the Licensing Trusts Amendment Act 1976.

**29. Standards in respect of food and entertainment or club licence**—(1) The principal Act is hereby amended by repealing section 144, and substituting the following section:

“144. Where the application for removal relates to any food and entertainment or club licence, the Commission may impose standards to be complied with in respect of the proposed new premises in the same manner as if the application were for the grant of a new licence of the same kind.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 39 (3) of the Sale of Liquor Amendment Act (No. 2) 1971:
- (b) Section 30 (4) of the Sale of Liquor Amendment Act 1976.

**30. Appointment of managers**—(1) Section 176 (1) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) The holder of any hotelkeeper’s, tourist-house keeper’s, tavernkeeper’s, food and entertainment, or airport licence may from time to time appoint a manager to conduct the business under the licence:”.

(2) Section 176 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) Every holder of a club licence shall from time to time appoint a manager to conduct the sale and supply of liquor under the licence.”

(3) The following enactments are hereby consequentially repealed:

- (a) Section 176 (2A) of the principal Act (as inserted by section 24 (3) of the Sale of Liquor Amendment Act 1976):
- (b) Section 34 (2) of the Sale of Liquor Amendment Act (No. 2) 1971:
- (c) Subsections (2) and (3) of section 24 of the Sale of Liquor Amendment Act 1976.

**31. Holder of club licence may appoint more than 1 manager**—(1) Section 176B of the principal Act (as inserted by section 24 (4) of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting the words “general ancillary” in both places where they occur, and substituting in each case the word “club”.

(2) Section 176B of the principal Act (as so inserted) is hereby further amended by omitting from subsection (1) the words “one manager”, and substituting the words “1 manager but not more than 6 managers”.

(3) Section 176B of the principal Act (as so inserted) is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) Where any holder of a club licence appoints more than 1 manager, the name of the manager who is for the time being conducting the sale and supply of liquor under the licence shall be clearly displayed at all times in every bar in the premises, and any person so named shall be deemed for the purposes of this Act to be the manager at that time unless the contrary is proved.”

**32. Managers’ certificates**—Section 177 (3) of the principal Act (as substituted by section 6 (1) of the Sale of Liquor Amendment Act 1977) is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) An ancillary manager’s certificate, which shall authorise the holder to manage any premises conducted under any food and entertainment or club licence:”.

**33. Responsibilities of licensee or manager of premises under food and entertainment or club licence**—(1) The principal Act is hereby amended by omitting the heading “*Restaurant Licences*” above section 195, and substituting the heading “*Food and Entertainment Licences*”.

(2) Section 195 (1) of the principal Act is hereby amended by omitting the words “a restaurant licence shall in respect of the licensed premises be responsible”, and substituting the words “any food and entertainment or club licence shall in respect of the licensed premises be responsible, to the extent that is required by the terms and conditions of his licence,”.

(3) Section 195 (2) of the principal Act is hereby amended—

(a) By omitting the words “a restaurant”, and substituting the words “any such”:

(b) By omitting the words “the restaurant”, and substituting the words “the premises”.

(4) The following enactments are hereby consequentially repealed:

(a) Sections 195A, 195C, and 195D of the principal Act, and the headings above each of those sections:

(b) Section 8 (1) of the Sale of Liquor Amendment Act (No. 2) 1969:

(c) Section 40 of the Sale of Liquor Amendment Act (No. 2) 1971:

(d) Section 32 (1) of the Sale of Liquor Amendment Act 1976.

#### **34. Licensed premises not to be used for dances, etc.—**

(1) Section 202 (1A) of the principal Act (as inserted by section 22 (2) of the Sale of Liquor Amendment Act (No. 2) 1971) is hereby repealed.

(2) Section 202 of the principal Act is hereby further amended by repealing subsection (3) (as substituted by section 32 (2) of the Sale of Liquor Amendment Act 1976), and substituting the following subsection:

“(3) Nothing in this section shall apply to any premises in respect of which any food and entertainment or club licence is in force.”

(3) Section 32 (2) of the Sale of Liquor Amendment Act 1976 is hereby repealed.

#### **35. Duties and functions of Inspectors—**

(1) Section 205 (1) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraphs:

“(a) To secure the provision of reasonable and adequate accommodation, facilities, and services on premises conducted under a hotelkeeper’s or tourist-house keeper’s licence:



“(aa) To secure the provision of reasonable and adequate facilities and services on premises conducted under any tavernkeeper’s, food and entertainment, airport, or club licence:”.

(2) Section 205 (2) (a) of the principal Act is hereby amended by repealing subparagraph (i), and substituting the following subparagraphs:

“(i) The extent and nature of the accommodation, services, or other facilities made available to the public on any premises in respect of which a hotel or tourist-house premises licence or any food and entertainment licence is in force, and the meals (if any) supplied therein:

“(iA) The extent and nature of the services and facilities made available to members on any premises in respect of which a club licence is in force:”.

(3) Section 205 (2) (a) of the principal Act is hereby further amended by adding the following subparagraph:

“(iii) The amount of liquor purchased and sold by the holder of any food and entertainment or club licence during any period:”.

(4) The following enactments are hereby consequentially repealed:

(a) Section 9 of the Sale of Liquor Amendment Act (No. 2) 1969:

(b) Section 9 of the Sale of Liquor Amendment Act 1970:

(c) Section 41 of the Sale of Liquor Amendment Act (No. 2) 1971:

(d) Section 33 of the Sale of Liquor Amendment Act 1976.

**36. Cancellation or suspension of licence—**(1) Section 212 (1) of the principal Act (as amended by section 34 (1) (a) of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting the words “restaurant, cabaret, caterer’s, or general ancillary”, and substituting the words “food and entertainment or club”.

(2) Section 212 (3) of the principal Act (as amended by section 42 (1) of the Sale of Liquor Amendment Act (No. 2) 1971 and by section 34 (1) (b) of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting the words “a restaurant or cabaret or any premises in respect

of which any caterer's or general ancillary licence is in force", and substituting the words "any premises conducted under any food and entertainment or club licence".

(3) Section 212 (5) of the principal Act (as amended by section 34 (1) (a) of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting the words "premises licence or restaurant, cabaret, caterer's, or general ancillary".

(4) Section 212 (6) of the principal Act (as added by section 10 (1) of the Sale of Liquor Amendment Act (No. 2) 1969) is hereby repealed.

(5) The following enactments are hereby consequentially repealed:

- (a) Section 10 (1) of the Sale of Liquor Amendment Act (No. 2) 1969:
- (b) Section 42 (1) of the Sale of Liquor Amendment Act (No. 2) 1971:
- (c) Section 34 (1) of the Sale of Liquor Amendment Act 1976.

**37. Two new sections (relating to cancellation or suspension of licences) substituted in principal Act—**(1) The principal Act is hereby amended by repealing section 213, and substituting the following sections:

**"213. Cancellation or suspension of keeper's licence—**  
(1) An Inspector or any member of the Police may at any time apply in the prescribed form to the Licensing Committee for the cancellation or suspension of any hotelkeeper's, tourist-house keeper's, tavernkeeper's, wholesale, airport, or ship licence on any one or more of the following grounds:

- "(a) That the licensee has failed to conduct the licensed premises in a proper manner, or has been openly and repeatedly intoxicated, or has allowed the premises to be frequented by disorderly or disreputable persons; or
- "(b) That drunkenness or riotous or disorderly conduct is allowed on the licensed premises; or
- "(c) That the licensee has committed a breach of any condition of his licence; or
- "(d) That the licensee has failed to fulfil his responsibilities under any of the provisions of sections 183, 184, and 195 to 197 of this Act, so far as they are applicable to him.

“(2) Subject to subsection (3) of this section, if, on an application made to it under subsection (1) of this section, the Committee is satisfied that the complaint is well-founded, it shall make an order either—

“(a) Cancelling the licence; or

“(b) Suspending the licence for such period not exceeding 12 months as it thinks fit—

unless it is satisfied, having regard to the matters referred to in subsection (5) of this section, that there are good and sufficient reasons why it should not make such an order.

“(3) No order shall be made against a licensee on any ground set out in subsection (1) of this section (except paragraph (d)) in respect of any act or omission that occurred at any time while the premises were conducted by a manager, unless the licensee—

“(a) Was a party to or connived at or permitted or encouraged such act or omission; or

“(b) Knew, or would have known if he had maintained adequate supervision of the manager and his conduct of the premises, of such act or omission, and failed without just cause or excuse to dismiss the manager or to take all reasonable steps to prevent any further offence or misconduct.

“(4) Notwithstanding subsection (2) of this section, in any case where the proceedings relate to the conduct or state of, or to any acts or omissions in respect of, the bar premises conducted under any special hotelkeeper's licence, or the extended premises conducted under any extended hotelkeeper's licence, the Committee may if it thinks fit cancel or suspend the licence in respect of the bar or extended premises only.

“(5) In any proceedings under this section, the Committee shall have regard to the character and conduct of the licensee, the extent to which the licensee was personally responsible for any act or omission, and all the circumstances of the case.

“(6) On the lodging of any application under this section, the Chairman shall appoint a time and place for the hearing of the case.

“(7) The applicant shall serve on the licensee a notice in the prescribed form calling upon him to appear before the Committee at the time and place so appointed to show cause why his licence should not be cancelled or suspended on the ground or on any of the grounds specified in the notice.

“(8) A copy of the notice shall also be served on the holder of the premises licence or, in the case of a wholesale licence, the owner of the premises (if the licensee is not the owner).

“(9) The notice shall be given not less than 10 clear days before the hearing of the application.

“213A. **Cancellation or suspension of certain other licences**—(1) An Inspector or any member of the Police may at any time apply in the prescribed form to the Commission for the cancellation or suspension of any food and entertainment or club licence on any one or more of the following grounds:

“(a) Any ground referred to in any of paragraphs (a), (b), and (d) of section 213 (1) of this Act; or

“(b) That, having regard to any condition of the licence imposed by the Commission or implied by this Act and to all the circumstances of the case, the amount of liquor sold pursuant to the licence has been excessive; or

“(c) That the licensee has committed a breach of any other condition of the licence.

“(2) The provisions of subsections (2) to (9) of section 213 of this Act, so far as they are applicable and with any necessary modifications, shall apply to every application for the cancellation or suspension of a licence under this section.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 42 (2) of the Sale of Liquor Amendment Act (No. 2) 1971:

(b) Section 11 (1) of the Sale of Liquor Amendment Act 1974:

(c) Subsections (1) to (5) of section 34 of the Sale of Liquor Amendment Act 1976.

**38. Special dining permit for tavern**—(1) Section 215 (1) of the principal Act is hereby amended—

(a) By inserting, after the words “tourist-house keeper’s”, the words “or tavernkeeper’s”:

(b) By inserting, after the words “the tourist-house”, the words “or tavern”.

(2) Section 215 (3) of the principal Act (as amended by section 2 (1) of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting the expression “1 o’clock”, and substituting the expression “3 o’clock”.

**39. Extended hours permit for theatre licences abolished—**

(1) Section 216 (1B) of the principal Act (as inserted by section 11 of the Sale of Liquor Amendment Act (No. 2) 1969) is hereby repealed.

(2) The following enactments are hereby consequentially repealed:

(a) Section 11 of the Sale of Liquor Amendment Act (No. 2) 1969:

(b) Section 58 (3) of the Sale of Liquor Amendment Act 1976.

**40. Extended hours permit for holder of club licences—**

(1) Section 216B (1) of the principal Act (as inserted by section 57 (1) of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting the words “general ancillary licence” in both places where they occur, and substituting in each case the words “club licence”.

(2) Section 216B (1) of the principal Act (as so inserted) is hereby further amended by omitting the words “persons actively participating in the principal activity being conducted on the premises”, and substituting the words “members who are actively participating in any sporting, recreational, or other activity (within any of the purposes of the club) held on that day, and their invited guests”.

(3) Section 216B (2), of the principal Act (as inserted by section 57 (1) of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting the word “principal”.

**41. Special permit for social gatherings in clubs—**

(1) Section 217 (1) of the principal Act (as substituted by section 21 (1) of the Sale of Liquor Amendment Act 1976) is hereby amended—

(a) By inserting after the words “or tavernkeeper’s licence”, the words “, or to the secretary of any chartered club,”:

(b) By inserting, after the words “the tavern premises”, the words “or club premises”.

(2) Section 27 (1B) of the principal Act (as inserted by section 57 (2) of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting the words “general ancillary” in both places where they occur, and substituting in each case the word “club”.

**42. Caterer's permit**—(1) Section 217B of the principal Act (as inserted by section 60 of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting from subsection (1) the words “the holder of a caterer's licence”, and substituting the words “is conducting the business of a caterer and is the holder of a food and entertainment licence in connection with such business”.

(2) Section 217B (1) of the principal Act (as so inserted), is hereby further amended by omitting the word “social” where it first occurs.

(3) Section 217B (2) of the principal Act (as so inserted) is hereby amended by inserting, before the word “gathering” in both places where it occurs, the word “social”.

(4) Section 217B (3) of the principal Act (as so inserted) is hereby amended by repealing paragraphs (a) and (b), and substituting the following paragraphs:

“(a) That the sale and supply of liquor by the holder pursuant to the permit will be in the ordinary course of the holder's business as a caterer:

“(b) That liquor shall be sold and supplied pursuant to the permit for consumption only by persons attending the reception, function, or social gathering, and that the sale and supply of liquor shall be incidental to the sale and supply by the holder of the permit of food for consumption by those persons at that reception, function, or social gathering:

“(c) That liquor shall not be sold or supplied after such hour (whether before or after midnight) as the District Court Judge may determine, and that every bottle or other container in which liquor is supplied in the premises, and every drinking vessel used for the consumption of liquor, shall be cleared away immediately after the expiration of 30 minutes after that hour.”

(5) Section 217B of the principal Act (as so inserted) is hereby further amended by omitting from subsection (4), and also from subsection (5), the words “a caterer's licence”, and substituting in each case the words “a food and entertainment licence”.

**43. Food and entertainment permit for social gathering**—

(1) Section 218 (1) of the principal Act (as amended by section 43 of the Sale of Liquor Amendment Act (No. 2)

1971) is hereby amended by omitting the words “restaurant or cabaret”, and substituting the words “premises conducted under a food and entertainment licence”.

(2) Section 218 (3) of the principal Act (as amended by section 43 of the Sale of Liquor Amendment Act 1971) is hereby amended by omitting the words “restaurant or cabaret” wherever they occur, and substituting in each case the word “premises”.

**44. Permit for social gatherings on premises in respect of which club licence in force**—Section 218B of the principal Act (as inserted by section 9 of the Sale of Liquor Amendment Act 1977) is hereby amended—

- (a) By omitting from subsection (1) the words “the general ancillary licence”, and substituting the words “the club licence”:
- (b) By omitting from that subsection the words “a general ancillary licence”, and substituting the words “a club licence”:
- (c) By omitting from subsection (4) the words “the general ancillary licence”, and substituting the words “the club licence”.

**45. Cabaret permits abolished**—(1) Section 220A of the principal Act (as inserted by section 21 of the Sale of Liquor Amendment Act (No. 2) 1971) is hereby repealed.

(2) The following enactments are hereby consequentially repealed:

- (a) Section 21 of the Sale of Liquor Amendment Act (No. 2) 1971:
- (b) So much of the First Schedule to the Sale of Liquor Amendment Act 1976 as relates to section 220A of the principal Act.

**46. Music and dancing in licensed restaurants**—

(1) Sections 220B (as inserted by section 22 (1) of the Sale of Liquor Amendment Act (No. 2) 1971) and 221 of the principal Act are hereby repealed.

(2) Section 22 (1) of the Sale of Liquor Amendment Act (No. 2) 1971 is hereby consequentially repealed.

**47. Appeal to High Court where decision on ground of character**—Section 227 (1) of the principal Act is hereby amended—

- (a) By inserting in paragraph (b), after the expression “subsection (6)”, the expression “or subsection (7)”:

(b) By inserting in paragraph (c), after the expression “section 213”, the expression “or section 213A”.

**48. Appeals to High Court against certain decisions of Commission**—(1) Section 229 (4A) of the principal Act (as inserted by section 12 of the Sale of Liquor Amendment Act (No. 2) 1969) is hereby repealed.

(2) Section 12 of the Sale of Liquor Amendment Act (No. 2) 1969 is hereby consequentially repealed.

**49. Effect of no-licence**—(1) The principal Act is hereby amended by repealing section 232, and substituting the following section:

“232. (1) It shall not be lawful to grant or issue in, or in respect of any premises in, a no-licence district any licence other than—

“(a) A tourist-house premises and a tourist-house keeper’s licence; or

“(b) A food and entertainment licence; or

“(c) An airport licence; or

“(d) A club licence; or

“(e) A booth licence in respect of a race meeting or a cricket match; or

“(f) A wine-maker’s licence.

“(2) It shall not be lawful for any licence other than—

“(a) A tourist-house keeper’s licence; or

“(b) A food and entertainment licence; or

“(c) A club licence,—

to be removed into a no-licence district.

“(3) Any licence granted or issued in, or removed into, a no-licence district contrary to the provisions of this section shall be void.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 35 (3) (a) of the Sale of Liquor Amendment Act (No. 2) 1971:

(b) Subsections (2) and (3) of section 25 of the Sale of Liquor Amendment Act 1976:

(c) Section 4 (1) of the Sale of Liquor Amendment Act 1979.

**50. Notice of prohibition order**—(1) The principal Act is hereby amended by repealing section 237, and substituting the following section:



“237. Whenever any prohibition order is made, the Registrar of the Court shall as soon as practicable send notice of the making of the order to every holder of—

- “(a) A hotelkeeper’s licence; or
- “(b) A tavernkeeper’s licence; or
- “(c) An airport licence; or
- “(d) A wholesale licence; or
- “(e) A food and entertainment licence; or
- “(f) A club licence; or
- “(g) A wine-maker’s licence; or
- “(h) A wine reseller’s licence; or
- “(i) A brewer’s licence under the Beer Duty Act 1977,—

at such places as are directed by the Court or Judge or Justice making the order or, if no such direction is given, at such places as in the opinion of the Registrar are reasonably convenient to the place of residence of the prohibited person.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 13 of the Sale of Liquor Amendment Act (No. 2) 1969:
- (b) Section 12 of the Sale of Liquor Amendment Act 1970:
- (c) Section 44 of the Sale of Liquor Amendment Act (No. 2) 1971:
- (d) Section 35 of the Sale of Liquor Amendment Act 1976:
- (e) So much of the Second Schedule to the Beer Duty Act 1977 as relates to section 237 of the principal Act.

**51. Allowing consumption of liquor outside authorised hours—**(1) Section 249 (2) of the principal Act (as amended by section 45 (2) of the Sale of Liquor Amendment Act (No. 2) 1971 and by section 36 (1) of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting the words “a licence, other than a theatre, airport, cabaret, caterer’s, or general ancillary licence,” and substituting the words “a hotelkeeper’s, tourist-house keeper’s, or tavernkeeper’s licence”.

(2) Section 249 (2) of the principal Act (as amended by section 2 of the Sale of Liquor Amendment Act (No. 2) 1967) is hereby further amended by omitting the expression “10.15”, and substituting the expression “10.30”.

(3) Section 249 of the principal Act is hereby further amended by repealing subsection (4), and substituting the following subsection.

“(4) Every holder of any food and entertainment or club licence, and every manager conducting the sale and supply of liquor under the authority of such a licence, commits an offence who allows the consumption of liquor on the premises at any time when the premises are required to be closed for the sale of liquor:

“Provided that it shall not be an offence against this subsection to allow the consumption on the premises, at any time within 30 minutes after any time when the premises are required to be so closed, of liquor that was lawfully supplied to the person consuming it before the last-mentioned time.”

(4) Section 249 (4B) of the principal Act (as inserted by section 13 (1) of the Sale of Liquor Amendment Act 1970) is hereby amended by omitting the expression “15”, and substituting the expression “30”.

(5) The following enactments are hereby consequentially repealed:

- (a) Section 249 (4A) of the principal Act (as substituted by section 21 (1) of the Sale of Liquor Amendment Act 1976):
- (b) Section 249 (4C) of the principal Act (as inserted by section 45 (1) of the Sale of Liquor Amendment Act (No. 2) 1971):
- (c) Section 249 (4D) of the principal Act (as inserted by section 36 (2) of the Sale of Liquor Amendment Act 1976):
- (d) Section 45 (1) of the Sale of Liquor Amendment Act (No. 2) 1971:
- (e) Section 36 (2) of the Sale of Liquor Amendment Act 1976, and so much of the Third Schedule to that Act as relates to subsections (4), (4A), and (4c) of section 249 of the principal Act.

**52. Unlawfully consuming liquor, etc., on hotel premises—**Section 250 (3) (c) of the principal Act (as amended by section 2 of the Sale of Liquor Amendment Act (No. 2) 1967) is hereby amended by omitting the expression “10.15”, and substituting the expression “10.30”.

**53. Persons unlawfully on tavern, extended, or bar premises**—Section 252 (2) (d) of the principal Act (as amended by section 2 of the Sale of Liquor Amendment Act (No. 2) 1967) is hereby amended by omitting the expression “10.15”, and substituting the expression “10.30”.

**54. Persons unlawfully on licensed premises of airport**—Section 252A (2) (c) of the principal Act (as inserted by section 14 (1) of the Sale of Liquor Amendment Act 1970) is hereby amended by omitting the expression “15”, and substituting the expression “30”.

**55. Unlawfully consuming liquor, etc., on certain other licensed premises**—(1) The principal Act is hereby amended by repealing section 253, and substituting the following section:

“253. (1) Every person commits an offence who, on any premises conducted under any food and entertainment or club licence at any time when the premises are required to be closed for the sale of liquor,—

“(a) Consumes or procures or attempts to procure any liquor; or

“(b) Enters or is on the premises for the purpose of consuming or procuring liquor; or

“(c) Is found in possession of any liquor with intent to consume it there.

“(2) Nothing in this section shall apply to—

“(a) The licensee or manager, or the wife or husband or any member of the family of the licensee or manager; or

“(b) Any person attending any social gathering held on the premises pursuant to any permit granted under this Act; or

“(c) Any employee of the licensee who is supplied with liquor at any time while he is employed on the premises or at any time not later than 1 hour after such employment has ceased for the day; or

“(d) Any person on the premises who has lawfully been supplied with liquor before any time at which the premises are required to be closed for the sale of liquor, and is found on the premises or consumes the liquor not later than 30 minutes after that time.

“(3) Every person who commits an offence against this section is liable to a fine not exceeding \$50.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 2 (2) (a) of the Sale of Liquor Amendment Act 1965:
- (b) Section 15 of the Sale of Liquor Amendment Act (No. 2) 1969:
- (c) Section 46 of the Sale of Liquor Amendment Act (No. 2) 1971:
- (d) Sections 37 and 52 (3) of the Sale of Liquor Amendment Act 1976, and so much of the Second Schedule and the Third Schedule to that Act as relates to section 253 of the principal Act.

**56. Liability of manager under club licence**—Section 275A of the principal Act (as inserted by section 24 (5) of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting the words “general ancillary” and substituting the word “club”.

**57. Transfers and changes of ownership**—(1) Section 279 (1) of the principal Act (as amended by section 38 (3) of the Sale of Liquor Amendment Act (No. 2) 1971 and amended by section 29 (4) of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting the words “restaurant, cabaret, theatre, caterer’s, general ancillary, airport,” and substituting the words “food and entertainment or club,”.

(2) The following enactments are hereby consequentially repealed:

- (a) Section 38 (3) of the Sale of Liquor Amendment Act (No. 2) 1971:
- (b) Section 29 of the Sale of Liquor Amendment Act 1976.

**58. Fees**—(1) Section 286 (2) of the principal Act is hereby amended by repealing paragraphs (g) to (i), and substituting the following paragraphs:

- “(g) For every food and entertainment licence, and every renewal thereof, \$150:
- “(h) For every wholesale licence, and every renewal thereof, \$500:
- “(i) For every club licence, \$150:

“(ia) For every renewal of a club licence, a sum calculated in accordance with subsection (2c) of this section:

“(ib) For every ship licence, and every renewal thereof, \$150.”.

(2) Section 286 of the principal Act is hereby further amended by repealing subsection (2A) (as inserted by section 17 (1) of the Sale of Liquor Amendment Act (No. 2) 1969) and subsection (7A) (as inserted by section 39 (2) of the Sale of Liquor Amendment Act 1976).

(3) Section 286 of the principal Act is hereby further amended by inserting, after subsection (2B) (as inserted by section 16 (1) of the Sale of Liquor Amendment Act 1970), the following subsections:

“(2c) For every renewal of a club licence, the fee shall be as follows:

“(a) If the club’s liquor purchases did not exceed \$5,000, a fee of \$50:

“(b) If the club’s liquor purchases exceeded \$5,000 but did not exceed \$10,000, a fee of \$125:

“(c) If the club’s liquor purchases exceeded \$10,000 but did not exceed \$15,000, a fee of \$200:

“(d) If the club’s liquor purchases exceeded \$15,000, a fee of \$300.

“(2d) For the purposes of subsection (2c) of this section a club’s liquor purchases shall be the gross amount (including any customs and excise duties and sales tax thereon) paid or payable for all liquor purchased for the club during the period commencing with the date on which the club licence or (as the case may be) the last renewal of that licence came into effect, and ending with the 30th day of June next following that date.”

(4) The following enactments are hereby consequentially repealed:

(a) Section 17 (1) of the Sale of Liquor Amendment Act (No. 2) 1969:

(b) Section 39 of the Sale of Liquor Amendment Act 1976, and so much of the Fourth Schedule to that Act as relates to paragraphs (g), (h), and (i) of subsection (2), and subsection (2A), of section 286 of the principal Act.

**59. Alterations in premises**—(1) Section 291 of the principal Act is hereby amended by repealing subsection (3)

(as substituted by section 18 of the Sale of Liquor Amendment Act 1970) and subsection (3A) (as inserted by section 18 of the Sale of Liquor Amendment Act (No. 2) 1969), and substituting the following subsections:

“(3) Before the holder of an airport licence makes any substantial alterations to the licensed premises of the airport, he shall obtain the consent of the Commission or the Chairman of the Commission; and the Commission or Chairman shall not grant consent unless it or he is satisfied that the approval of the airport authority to the alterations has been obtained under the Airport Authorities Act 1966.

“(3A) Before the holder of any wholesale, food and entertainment, or club licence, or a club charter, makes any substantial alterations to any part of the licensed premises, he shall obtain the consent in writing of the Commission or the Chairman of the Commission.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 18 of the Sale of Liquor Amendment Act 1970.
- (b) Section 40 (1) of the Sale of Liquor Amendment Act 1976:
- (c) Section 11 of the Sale of Liquor Amendment Act 1977.

**60. Transitional provisions—**(1) On the date of the commencement of this Act every restaurant, theatre, cabaret, and caterer’s licence that was in force immediately before that date shall be converted into a food and entertainment licence, and for the purposes of the principal Act (as amended by this Part of this Act)—

- (a) Every such licence shall be deemed to have been issued by the Commission under section 112 of the principal Act (as amended by section 5 (11) of this Act):
- (b) The time or times at which liquor could lawfully be sold pursuant to the licence before that date shall be deemed to have been fixed by the Commission under section 111A of the principal Act (as inserted by section 6 of this Act).

(2) On the date of the commencement of this Act, every general ancillary licence that was in force immediately before that date shall be converted into a club licence, and for the purposes of the principal Act—

- (a) Every such licence shall be deemed to have been issued by the Commission under section 112 of the principal Act as applied by section 117A of that Act (as inserted by section 7 of this Act):

(b) The time or times at which liquor could lawfully be sold pursuant to the licence before that date shall be deemed to have been fixed by the Commission under section 117c of the principal Act (as inserted by section 7 of this Act).

(3) Notwithstanding subsection (1) of this section, the Commission shall, as soon as practicable after the commencement of this Act, review every licence to which that subsection applies, and shall have the same powers and functions in respect of the purposes for which the premises are to be used, the minimum standards to be met in respect of those premises, and the times at which liquor may be sold pursuant to the licence, as it has on the grant of a new food and entertainment licence.

(4) Notwithstanding subsection (2) of this section, the Commission shall, as soon as practicable after the commencement of this Act, review every licence to which that subsection applies, and shall have the same powers and functions in respect of the minimum standards to be met in respect of the club premises, and the times at which liquor may be sold pursuant to the licence, as it has on the grant of a new club licence.

(5) Without limiting section 14A of the principal Act, where the holder of any licence that is to be reviewed under subsection (3) of this section notifies the Commission that he does not seek any substantial change in the purposes for which the premises are to be used, the minimum standards to be met in respect of those premises, and the times at which liquor may be sold pursuant to the licence, the Commission may determine the matter on the papers without requiring the appearance of any party.

(6) Without limiting section 14A of the principal Act, where the holder of any licence that is to be reviewed under subsection (4) of this section notifies the Commission that he does not seek any substantial change in the minimum standards to be met in respect of those premises, and the times at which liquor may be sold pursuant to the licence, the Commission may determine the matter on the papers without requiring the appearance of any party.

(7) Every reference in any enactment—

(a) To a restaurant licence shall be read as a reference to a food and entertainment licence:

(b) To a licensed restaurant shall be read as a reference to premises conducted under a food and entertainment licence.

## PART II

## DRINKING AGE

**61. Supply of liquor to minors—**(1) The principal Act is hereby amended by repealing section 259 (as substituted by section 2 (1) of the Sale of Liquor Amendment Act 1969), and substituting the following section:

“259. (1) Every person commits an offence and is liable to a fine not exceeding \$200 who, being the holder of a licence of any description under this Act, or the holder of a brewer’s licence under the Beer Duty Act 1977, or a manager, supplies any liquor, or allows it to be supplied, on or from any licensed premises, whether by sale or otherwise, to any person who is under the age of 20 years.

“(2) Where on any licensed premises any person other than the licensee or manager supplies liquor to any person who is under the age of 20 years, he commits an offence and is liable to a fine not exceeding \$50, irrespective of any liability that may attach to the licensee or manager in respect of the same offence.

“(3) It shall be a defence to a charge under subsection (1) or subsection (2) of this section to prove that the person actually supplying the liquor—

“(a) Believed on reasonable grounds that the person to whom he supplied it was of or over the age of 20 years; or

“(b) Received from the person to whom he supplied the liquor evidence purporting to show that that person was of or over the age of 20 years, and that it was reasonable to and he did accept that evidence as correct.

“(4) Where, on or from any licensed premises,—

“(a) The holder of the licence or a manager or any other person supplies liquor to a person who is, or is believed by him on reasonable grounds to be, of or over the age of 20 years; and

“(b) The last-mentioned person then supplies the liquor, or part of it, to another person who is under that age,—

neither the licensee or manager (whether the liquor was actually supplied in the first instance by him or by any other person) nor the person who actually supplied it in the first instance shall be guilty of an offence against subsection (1) or subsection (2) of this section unless the Court is satisfied that the person who actually supplied the liquor in the first



instance then knew, or had reasonable cause to believe, that the liquor or part of it was intended for a person under the age of 20 years.

“(5) Every person commits an offence and is liable to a fine not exceeding \$200 who, being under the age of 20 years,—

“(a) Purchases any liquor from the holder of any licence, or from a manager, or from the spouse or employee or agent of the holder of any licence or of the manager; or

“(b) Consumes or is found in possession of any liquor on any licensed premises.

“(6) Every person commits an offence and is liable to a fine not exceeding \$200 who, being under the age of 20 years, is found in any bar of any licensed premises, unless—

“(a) He is an employee or agent of the licensee, or a person acting under any contract with the licensee or manager, who, with the authority of the licensee or manager, is in the bar for the purpose of cleaning, repairing, maintaining, altering, or restocking the bar or any equipment therein, or removing or replacing any such equipment, or stocktaking, or checking cash in the bar or removing it therefrom; or

“(b) His presence in the bar is in accordance with the proviso to section 191 (1) of this Act.

“(7) Where any person appearing to be under the age of 20 years—

“(a) Requests the supply of liquor to him; or

“(b) Is found consuming or in possession of any liquor on any licensed premises; or

“(c) Is found in any bar of any licensed premises,—  
any member of the Police, or the licensee or manager to whom the request is made, or the licensee or manager of the licensed premises where that person is so found, or the spouse or any employee or agent of any such licensee or manager, may demand particulars of that person’s age, name, and address.

“(8) The person demanding the particulars may also demand such reasonable evidence of the correctness of any such particulars as he may specify.

“(9) If any person fails to supply such reasonable evidence of the fact that he is of or over the age of 20 years as may be required of him under this section, the person requiring that evidence may order him to leave the premises;

and in such a case the provisions of subsections (6) and (6A) of section 188 of this Act, so far as they are applicable and with the necessary modifications, shall apply.

“(10) If any person refuses to give his name and address on being required to do so under this section, any member of the Police may caution him and, if he persists in such refusal, may arrest him without warrant.

“(11) Every person commits an offence who, being required under this section to give particulars of his age, name, and address, fails to give those particulars, or gives any false particulars, or supplies any false evidence with respect thereto.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 2 (1) of the Sale of Liquor Amendment Act 1969:

(b) Section 16 of the Sale of Liquor Amendment Act (No. 2) 1969:

(c) Section 15 of the Sale of Liquor Amendment Act 1970:

(d) Sections 2, 6, and 38, subsections (3) to (5) of section 42, and section 59 (2) of the Sale of Liquor Amendment Act 1976:

(e) So much of the Second Schedule to the Beer Duty Act 1977 as relates to section 259 (1) of the principal Act.

**62. Exemptions from section 259**—The principal Act is hereby amended by inserting, after section 259 (as substituted by section 61 of this Act), the following section:

“259A. (1) Nothing in subsections (1) to (6) of section 259 of this Act shall apply to any person who is of or over the age of 18 years if that person is accompanied by his spouse (being a person of or over the age of 20 years) or his parent or guardian.

“(2) Nothing in subsections (1) to (5) of section 259 of this Act shall apply to the supply of liquor to or its purchase or consumption or possession by any person if the liquor is supplied to that person for consumption by him as part of a meal of which he is partaking on the premises in accordance with this Act, and that person—

“(a) Is of or over the age of 18 years; or

“(b) Is accompanied by his spouse (being a person of or over the age of 20 years) or by his parent or guardian.

“(3) Nothing in subsections (1) to (5) of section 259 of this Act shall apply to the supply of liquor to or its consumption or possession by any person if the liquor is supplied to that person pursuant to any food and entertainment or club licence in accordance with this Act, and that person is accompanied by his spouse (being a person of or over the age of 20 years) or by his parent or guardian.

“(4) Nothing in subsections (1) to (5) of section 259 of this Act shall apply to the supply of liquor to or its consumption or possession by any person in any part of any premises in respect of which a family lounge bar permit issued under section 216c of this Act is in force if that person is accompanied by his spouse (being a person of or over the age of 20 years) or by his parent or guardian, or is accompanied by and in the care of any other adult member of his family.

“(5) Nothing in subsections (1) to (5) of section 259 of this Act shall apply to the supply of liquor to, or its purchase or consumption or possession by,—

“(a) The spouse or any member of the family of the licensee or manager; or

“(b) The spouse of a lodger, if the lodger is of or over the age of 20 years.

“(6) Nothing in subsections (1) to (5) of section 259 of this Act shall apply to the supply of wine to or to the consumption or possession of wine by any person who is under the age of 20 years while that person—

“(a) Is on any premises in respect of which a vineyard bar permit is in force; and

“(b) Is accompanied by his spouse (being a person of or over the age of 20 years) or by his parent or guardian.

“(7) Nothing in subsection (6) or subsection (7) (c) of section 259 of this Act shall apply in respect of any premises conducted under any airport, food and entertainment, or club licence.”

### PART III

#### MISCELLANEOUS PROVISIONS

**63. Exemption from principal Act for fire service canteens—**  
Section 3 (2) of the principal Act is hereby amended by inserting, after paragraph (dd) (as inserted by section 2 of the Sale of Liquor Amendment Act (No. 2) 1971), the following paragraph:

“(de) To any person who supplies, keeps for sale, or sells any liquor in any canteen established for any members of the New Zealand Fire Service with the authority of the New Zealand Fire Service Commission:”.

**64. Commission may determine certain matters on the papers—**(1) The principal Act is hereby amended by inserting, after section 14, the following section:

“14A. (1) Where an application is made to the Commission for the grant, renewal, transfer, or removal of any licence and no person having a right to object to the grant of the application does so object in accordance with the relevant provisions of this Act and no person having the right to appear and be heard in respect of the application wishes to so appear and be heard, the Commission may determine the matter on the papers without requiring the attendance of any party.

“(2) Where an application is made to the Commission for the variation of any condition imposed by the Commission in respect of any licence or permit under this Act (whether that condition relates to hours of sale or minimum standards or otherwise), the Commission may determine the matter on the papers without requiring the appearance of any party if it is satisfied either—

“(a) That the variation, if made, would not substantially change the terms of the condition originally imposed, or affect the interests of any person (other than the applicant) or of the public generally; or

“(b) That no person having a right to object to the grant of the application has so objected in accordance with the relevant provisions of this Act and no person having the right to appear and be heard in respect of the application wishes to so appear and be heard.”

(2) Section 47 (1) of the principal Act is hereby amended by inserting, after the words “the meeting shall,” the words “except in a case to which section 14A of this Act applies and”.

(3) Section 50 of the principal Act is hereby amended by inserting, before the words “In any proceedings”, the words “Except in a case to which section 14A of this Act applies,”.

**65. Commission may delegate to Secretary—**The principal Act is hereby amended by inserting, after section 14A (as inserted by section 64 (1) of this Act), the following section:

“14B. (1) The Commission may from time to time delegate to the Secretary of the Commission any of its powers and functions under any of the following provisions of this Act, namely:

“(a) Section 186A, relating to exemptions as to meals in hotels and tourist-houses:

“(b) Section 190, relating to the accommodation of lodgers away from licensed premises:

“(c) Section 215, relating to special dining permits:

“(d) Section 216c, relating to family lounge bar permits:

“(e) Section 217, relating to special permits for social gatherings on certain licensed premises:

“(f) Section 220, relating to exemptions as to dancing and entertainments:

“(g) Section 286A (4), relating to the fixing of minimum instalments payable by the holders of tavern-keepers’ licences:

“(h) Section 291, relating to consents to the alteration of premises:

“(i) Section 292, relating to the authorising of shops in licensed hotels.

“(2) Subject to any general or special directions given by the Commission, the Secretary may exercise any power or function delegated to him under this section in the same manner and with the same effect as if it had been conferred directly by this Act and not by delegation.

“(3) Where the Secretary purports to act pursuant to any delegation under this section, he shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary.

“(4) Any delegation under this section may be revoked or varied at any time.

“(5) No delegation under this section shall prevent the exercise of any power or function by the Commission.

“(6) Where any party to any matter that is dealt with by the Secretary under this section is dissatisfied with the Secretary’s decision, he may require the Secretary to refer the matter to the Commission for reconsideration, and, upon such reconsideration, the Commission may confirm, reverse, or modify the Secretary’s decision, as it thinks fit.”

**66. Airport licence may authorise opening on Sundays, etc.—**(1) Section 65B of the principal Act (as inserted by section 2 (1) of the Sale of Liquor Amendment Act 1970) is

hereby amended by adding to paragraph (b) of subsection (2) the word “; or”, and adding to that subsection the following paragraph:

“(c) Fix in respect of the licensed premises of the airport times for the opening or closing of those premises for the sale of liquor on any day on which licensed premises are required to be closed for the sale of liquor.”

(2) Section 65B of the principal Act (as so inserted) is hereby further amended by inserting, after subsection (5), the following subsection:

“(5A) If the Commission makes provision in any such order for the opening of the licensed premises of the airport at any time on any day on which licensed premises are required to be closed for the sale of liquor, it may if it thinks fit impose, as conditions of the licence, any special restrictions as to the persons or classes of persons to whom liquor may be sold, or as to the circumstances in which liquor may be sold, on any such day.”

**67. Conversion of extended hotel premises to hotel and tavern or 2 hotels**—The principal Act is hereby amended by inserting, after section 101 (as amended by section 7 of the Sale of Liquor Amendment Act (No. 2) 1971), the following section:

“101A. (1) The holder of an extended hotel premises licence may at any time apply to the Commission for the grant of a hotel premises licence and a tavern premises licence, or for 2 hotel premises licences, in place of the extended hotel premises licence.

“(2) In any such application, the applicant may set out particulars of the alterations or additions that he is prepared to make to the hotel premises or the extended premises if the licence is granted.

“(3) Every applicant under this section shall from time to time furnish to the Commission such further information and particulars as may be required by the Commission.

“(4) The Commission shall hold a public sitting, of which public notice shall be given, to determine whether or not the application should be granted.

“(5) At the public sitting, the Commission may hold such inquiry as it thinks fit, and shall afford all interested persons an opportunity to give evidence or make representations.

“(6) If, in the opinion of the Commission, the granting of the application is necessary or desirable, having regard to the considerations set out in section 75 of this Act, the Commission shall prescribe the standards (if any) to be complied with in the provision of accommodation, services, or other facilities, and shall notify the applicant thereof.

“(7) When its requirements have been complied with, the Commission shall issue a certificate authorising the Licensing Committee to issue the licences.

“(8) On receipt of the certificate, the Licensing Committee shall issue the licences to the applicant, and shall cancel the extended hotel premises licence.”

**68. Applications for, and grant and issue of, wholesale licence—**(1) Section 113 (1) of the principal Act is hereby amended by omitting all the words after the words “a fair price for the licence”.

(2) Section 114 of the principal Act is hereby amended—

- (a) By omitting from subsection (1) the words “the receipt by the Committee of the said certificate, the Committee”, and substituting the words “fixing the fair price for the licence, the Commission”:
- (b) By omitting from subsection (2) the words “Licensing Committee” in both places where they occur, and substituting in each case the word “Commission”:
- (c) By omitting from subsection (3), and also from subsection (4), the words “and as if references therein to the Commission were references to the Committee”:
- (d) By omitting from subsection (5), and also from subsection (6), the words “Clerk of the Licensing Committee”, and substituting in each case the words “Secretary of the Commission”:
- (e) By omitting from subsection (5), and also from subsection (7), the words “Licensing Committee”, and substituting in each case the expression “Commission”:
- (f) By omitting from subsection (7) the word “Committee” where it secondly occurs, and substituting the word “Commission”.

(3) Section 115 (2) of the principal Act is hereby amended—

- (a) By omitting the words “Clerk of the Licensing Committee”, and substituting the words “Secretary of the Commission”;
- (b) By omitting the words “Licensing Committee” where they secondly occur, and substituting the word “Commission”.

(4) Section 116 of the principal Act is hereby amended—

- (a) By omitting from subsection (1) all the words after the words “shall apply”;
- (b) By omitting from subsection (2) the word “Committee”, and substituting the word “Commission”.

(5) Section 117 of the principal Act is hereby amended—

- (a) By omitting from subsection (1), and also from subsection (2), the words “Licensing Committee”, and substituting in each case the word “Commission”;
- (b) By omitting from subsection (2) the words “authorise the Chairman”, and substituting the words “issue a certificate authorising the Licensing Committee”;
- (c) By omitting from that subsection the word “Committee” where it secondly occurs, and substituting the word “Commission”;
- (d) By omitting from subsection (3) the word “Committee” wherever it occurs, and substituting in each case the word “Commission”.

(6) Nothing in this section shall apply to any application for a wholesale licence in respect of which the Commission gave a certificate under section 113 of the principal Act before the commencement of this Act.

**69. Temporary authority to carry on business under licence**—Section 135 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

“(4A) The Hotel Association of New Zealand, established under the Hotel Association of New Zealand Act 1969, may, by notice in writing filed with the Clerk, object to the grant of an application under subsection (4) of this section on the ground that the applicant or the person nominated by the applicant, as the case may be, is not a fit and proper person to carry on the business of the licensed premises.”



**70. Visitors in chartered clubs**—(1) Section 164 (1) of the principal Act is hereby amended by inserting, after the words “any member of the club”, the words “and any visitor”.

(2) Section 164 of the principal Act is hereby further amended by omitting the words “to members” wherever they occur.

(3) Section 166 (2) of the principal Act is hereby amended by repealing paragraph (h), and substituting the following paragraph:

“(h) No liquor shall be sold or supplied to a visitor on the club’s premises unless—

“(i) The visitor is present on the invitation of a member, and is in the company of a member; or

“(ii) He has, on admission to the premises, produced sufficient evidence to an officer of the club, or a member of its staff, that he is a member of an affiliated club,—

and the liquor is supplied for consumption on the premises.”

(4) Section 166 of the principal Act is hereby further amended by inserting, after subsection (2), the following subsection:

“(2A) In paragraph (h) (ii) of subsection (2) of this section, ‘affiliated club’, in relation to any other club, means a club (being the holder of a charter under this Part of this Act) with which that other club has entered into an agreement providing for reciprocal visiting rights for the members of the 2 clubs.”

**71. Police may object to general manager’s certificate**—Section 177 (5) of the principal Act (as substituted by section 6 (2) of the Sale of Liquor Amendment Act 1977) is hereby amended by inserting, before the words “The Hotel Association”, the words “Any member of the Police, or”.

**72. Payment of commission to managers**—Section 200 (1) of the principal Act is hereby amended—

(a) By omitting from subsection (1) the words “a hotel-keeper’s, tourist-house keeper’s, or tavernkeeper’s”, and substituting the word “any”:

(b) By omitting from that subsection the words “of the business carried on therein”, and substituting the words “arising from the sale of liquor on the premises”:

- (c) By omitting from subsection (2) the words “any such licence as aforesaid”, and substituting the words “a licence”.

**73. Commission may order conversion of hotel to tavern—**  
(1) Section 210 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Without limiting subsection (2) of this section, if, on any such review of any premises in respect of which a hotel premises licence is in force, the Commission is satisfied that the accommodation provided on the premises is not adequate, it may, by order, direct that the hotel premises licence be cancelled, and authorise instead the issue of a tavern premises licence in respect of the premises.”

(2) Section 210 of the principal Act is hereby further amended by inserting, after subsection (7), the following subsection:

“(7A) Where the Commission makes an order under subsection (2A) of this section for the conversion of a hotel to a tavern, the provisions of subsections (6) to (8) of section 101 of this Act shall apply with any necessary modifications.”

**74. Family lounge bar permit—**Section 216c of the principal Act (as inserted by section 59 (1) of the Sale of Liquor Amendment Act 1976 and amended by section 18 (2) of the District Courts Amendment Act 1979) is hereby amended—

- (a) By omitting from subsection (1) the words “any District Court Judge”, and substituting the words “the Commission”:
- (b) By omitting the words “District Court Judge” wherever they occur in subsections (2), (3), (4), and (5), and substituting in each case the word “Commission”:
- (c) By inserting in subsection (1), after the words “hotel-keeper’s or”, the words “tourist-house keeper’s or”:
- (d) By inserting in that subsection, after the words “may be,”, the words “the tourist-house premises or”:
- (e) By adding to that subsection the words “or guardian, or is accompanied by and in the care of any other adult member of his family”:
- (f) By omitting from subsection (6) the expression “section 259 (8)”, and substituting the expression “section 259 (6)”:
- (g) By adding to that subsection the words “or guardian or is accompanied by and in the care of any other adult member of his family”.

**75. Liquor permit for unlicensed restaurant**—Section 218A of the principal Act (as inserted by section 61 (1) of the Sale of Liquor Amendment Act 1976) is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Such a permit shall also authorise the holder to sell and supply any food or hot beverage of which liquor is an ingredient for consumption in the restaurant by any person who is there for the purpose of partaking of a meal at any time referred to in subsection (1) of this section if the food or beverage as supplied to that person contains not more than 25 parts percent of proof spirit.”

**76. Licence holder may apply for variation of hours**—(1) Section 221A of the principal Act (as substituted by section 22 (1) of the Sale of Liquor Amendment Act 1976) is hereby amended by inserting in subsection (4), after paragraph (d), the following paragraph:

“(da) The opening of the premises for less than 11 hours on any day (not being a day on which the premises are required to be closed for the sale of liquor):”.

(2) Section 221A of the principal Act (as so substituted) is hereby further amended by omitting from subsection (4) (e) the words “Friday or Saturday”, and substituting the words “2 days in any week of which 1 shall be Saturday and the other shall be either Thursday or Friday,”.

(3) Section 221A of the principal Act (as so substituted) is hereby further amended by repealing paragraphs (a) and (b) of subsection (5), and substituting the following paragraphs:

“(a) Twelve hours on Christmas Eve, or on any day in any week (not being New Year’s Eve) on which the order authorises the closing of the premises after the usual hour of closing under subsection (4) (e) of this section:

“(b) Eleven hours on any other day in any week (not being Christmas Eve or New Year’s Eve):”.

(4) Section 221B of the principal Act (as substituted by section 22 (1) of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting from subsection (4) the words “Friday or Saturday or on Christmas Eve or New Year’s Eve”, and substituting the word “day”.

**77. Appeal to High Court against decision of Licensing Committee Chairman**—The principal Act is hereby amended by inserting, after section 227, the following section:

“227A. (1) Where the Chairman of a Licensing Committee makes any decision under this Act, any party to the proceedings before the Chairman who is dissatisfied with the decision may appeal to the High Court against the decision on giving notice of appeal within 14 days, or, in the case of proceedings before the Chairman of the Chatham Islands Licensing Committee, within 3 months, after the giving of the decision.

“(2) Subsections (2) to (11) of section 227 of this Act, so far as they are applicable and with any necessary modifications, shall apply with respect to appeals under this section.”

**78. Onus of proof**—Section 255 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) In any proceedings for an offence against any of the provisions of this Act in relation to anything done or omitted to be done on any licensed premises, it shall not be necessary for the prosecution to prove that the premises are or were at any material time licensed premises unless, at least 3 clear days before the date fixed for the commencement of the hearing, the defendant has by notice in writing served on the prosecutor, put the question in issue.”

**79. Selling or supplying spirits otherwise than in a glass**—Section 257B of the principal Act (as inserted by section 11 of the Sale of Liquor Amendment Act 1976) is hereby amended by inserting in subsection (1), after the words “for consumption”, the words “in any bar”.

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This Act is administered in the Department of Justice.

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