

[AS REPORTED FROM THE JUSTICE AND LAW REFORM
COMMITTEE]

House of Representatives, 11 July 1989.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 10 October 1989.

**[Clauses 6 to 14 of this Bill were formerly clauses 6 to 14
of the Law Reform (Miscellaneous Provisions) Bill:
122-2]**

Hon. W. P. Jeffries

ALCOHOLIC LIQUOR ADVISORY COUNCIL AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Alcoholic Liquor Advisory Council Act 1976

BE IT ENACTED by the Parliament of New Zealand as follows:

- 5 **1. Short Title**—This Act may be cited as the Alcoholic Liquor Advisory Council Amendment Act 1989, and shall be read together with and deemed part of the Alcoholic Liquor Advisory Council Act 1976 (hereinafter referred to as the principal Act).
- 10 **6. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by repealing paragraph (b) of the definition of

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the term “basic unit of liquor”, and substituting the following paragraph:

“(b) In relation to spirits, a litre of alcohol:”.

(2) Section 2(1) of the principal Act is hereby further amended by repealing the definition of the term “beer” (as substituted by section 2(1) of the Alcoholic Liquor Advisory Council Amendment Act 1978), and substituting the following definition: 5

“‘Beer’ means the product of the alcoholic fermentation by yeast of liquid derived from a mash of drinking water and malt grains with hops or their extracts that on analysis is found to contain more than ~~(0.50)~~ 1.15 percent volume of alcohol:”.

(3) Section 2(1) of the principal Act is hereby further amended by repealing the definition of the term “fortified wine” (as inserted by section 2(2) of the Alcoholic Liquor Advisory Council Amendment Act 1978), and the definition of the term “fruit wine”, and the definition of the term “grape wine”, and substituting the following definitions: 15

“‘Fortified wine’ means any product that, if imported, would be admissible for the time being under any of the headings 22.04, 22.05, and 22.06 of the Customs Tariff of New Zealand and that exceeds in strength 14 percent alcohol by volume: 20

“‘Fruit wine’ means wine manufactured in New Zealand from any product other than grapes: 25

“‘Grape wine’ means wine manufactured in New Zealand from grapes:”.

(4) Section 2(1) of the principal Act is hereby further amended by repealing the definition of the term “spirits” (as substituted by section 2(4) of the Alcoholic Liquor Advisory Council Amendment Act 1978), and substituting the following definition: 30

“‘Spirits’ means ethyl alcohol, whether denatured or not, and any spirituous beverages, including brandy, gin, rum, vodka, whisky, and every other description of spirituous liquor derived from ethyl alcohol:”.

(5) Section 2(1) of the principal Act is hereby further amended by repealing the definition of the term “wine”, and substituting the following definition: 40

“‘Wine’ means all products that, if imported, would be admissible for the time being under any of the headings 22.04, 22.05, and 22.06 of the Customs Tariff of New Zealand:”.

(6) Section 2 of the Alcoholic Liquor Advisory Council Amendment Act 1978 is hereby consequentially amended by repealing subsections (1), (2), and (4).

7. Further provisions relating to common seal of

5 **Council**—Section 3 of the principal Act is hereby amended by inserting, after subsection (1A) (as inserted by section 3 (1) of the Alcoholic Liquor Advisory Council Amendment Act 1978), the following subsections:

10 “(1B) The common seal of the Council shall be held in the custody of such officer of the Council as the Council may from time to time appoint, and shall not be affixed to any document except pursuant to a resolution of the Council, or of a committee of the Council acting in that behalf with the authority of the Council.

15 “(1C) The execution of any document so sealed shall be attested to by the Chairman or any member of the Council acting on behalf of the Chairman, and by the Chief Executive Officer or other officer of the Council authorised by the Council in that behalf.”

20 **8. Council to appoint chief executive officer**—Section 13 (4) of the principal Act is hereby amended by omitting the words “fixed by the Minister of Finance”, and substituting the words “approved by the Minister on the recommendation of the Council.”

25 **9. Other officers**—(1) The principal Act is hereby amended by repealing section 14, and substituting the following section:

“14. (1) The Council may from time to time appoint such other officers and employees as may be required to enable the Council to carry out its functions under this Act.

30 “(2) The Council may from time to time designate one of its officers as the deputy chief executive officer, who shall have and may exercise all of the powers of the chief executive when the chief executive officer is unable to act through absence, illness, or other cause.

35 “(3) The Council may pay to any such officers and employees such remuneration by way of fees, salary, wages, or allowances, and such travelling allowances and expenses, as the Council may from time to time determine, either generally or in respect of any particular person or persons.

40 “(4) The Council may, out of its funds, subsidise or contribute to the National Provident Fund, or any other fund or scheme established with the approval of the Minister of Finance, for the

purposes of providing such other officers or employees with a superannuation or retiring allowance.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 3 of the Alcoholic Liquor Advisory Council Amendment Act 1977: 5

(b) Section 2 (3) of the Alcoholic Liquor Advisory Council Amendment Act 1987.

10. Bank accounts—Section 19A of the principal Act (as inserted by section 4 of the Alcoholic Liquor Advisory Council Amendment Act 1977) is hereby amended by omitting from subsection (1) the words “approved by the Minister of Finance”, and substituting the words “determined from time to time by the Council”. 10

11. Alcoholic Liquor Account—(1) Section 21 (1) of the principal Act is hereby amended by omitting the words “the Reserve Bank of New Zealand”, and substituting the words “such bank as the Council may from time to time determine”. 15

(2) Section 21 of the principal Act is hereby further amended by repealing subsection (2), and substituting the following subsection: 20

“(2) The Alcoholic Liquor Account shall be operated upon by cheque signed by—

“(a) Two members of the Council; or

“(b) One member of the Council and— 25

“(i) The chief executive officer; or

“(ii) In the absence of the chief executive officer, some other officer of the Council authorised by the Council to act in that behalf during any such absence.” 30

(3) Section 3 of the Alcoholic Liquor Advisory Council Amendment Act 1987 is hereby consequentially repealed.

12. Investment of Fund—Section 22 of the principal Act is hereby amended—

(a) By repealing paragraph (b): 35

(b) By omitting from paragraph (c) the words “approved by the Minister of Finance”.

13. Levies payable by importers and manufacturers of liquor—(1) The principal Act is hereby amended by repealing section 28, and substituting the following section: 40

“28. (1) In every financial year there shall be payable by every person who—

5 “(a) Enters for home consumption in New Zealand any imported liquor of any of the classes referred to in section 26 of this Act; or

“ (b) Manufactures in New Zealand any beer or spirits; or

“ (c) Sells any fortified wine or unfortified wine manufactured by that person in New Zealand,—

10 a levy at the rate for the time being fixed by the Minister in accordance with section 27 of this Act.

“(2) Notwithstanding anything in subsection (1) of this section, no levy shall be payable under this Act in respect of any liquor that is not subject to or is exempt from Customs duty under any of the Customs Acts.

15 “(3) Notwithstanding anything in this Act, where any person may be allowed, under any of the Customs Acts, any drawback in respect of any liquor, that person may also be allowed a refund of any levy paid by that person under this Act in respect of that liquor.

20 “(4) In this section—

“ ‘Customs Acts’ has the meaning assigned to that term by section 3 of the Customs Act 1966:

“ ‘Customs duty’ has the meaning assigned to the term ‘duty’ by section 2 (1) of that Act.”

25 (2) Section 10 of the Alcoholic Liquor Advisory Council Amendment Act 1978 is hereby consequentially repealed.

14. Validation of levies—(1) Notwithstanding anything in section 27 of the principal Act or in any notice given by the Minister of Health in the *Gazette* pursuant to subsection (1) of that section, the rate at which the levy imposed by section 28 of that Act is payable on each basic unit of liquor of each of the classes of liquor referred to in section 26 of that Act for the financial year commencing with the 1st day of April 1988 shall be deemed to be, and to have been on and from that date, as follows:

(a) Beer—0.82 cents per litre:

(b) Spirits—27.00 cents per proof litre:

(c) Fortified wine—4.96 cents per litre:

(d) Unfortified wine—3.03 cents per litre.

40 (2) All sums paid to and received by any Collector of Customs or the Wine Institute of New Zealand Incorporated or any Clerk of a Licensing Committee, at any time on or after the 1st day of April 1988 and before the passing of this section, by way of levy under and for the purposes of the principal Act

shall, to the extent that they were paid and received at the appropriate rate prescribed by **subsection (1)** of this section, be deemed to have been properly paid and received under the principal Act.