

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]
House of Representatives, 11 September 1969.

Words struck out by the Committee are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule.

Right Hon. Mr Marshall

SALE OF LIQUOR AMENDMENT

ANALYSIS

Title	4. Refusal to supply liquor to minors
1. Short Title	5. Employment of minors in bars
2. Supply of liquor to minors	6. Employment of females in bars
3. Sending minors for liquor	7. Drinking by minors in public places

A BILL INTITULED

An Act to amend the Sale of Liquor Act 1962

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

1. Short Title—This Act may be cited as the Sale of Liquor Amendment Act 1969, and shall be read together with and deemed part of the Sale of Liquor Act 1962* (hereinafter referred to as the principal Act).

10 **2. Supply of liquor to minors**—(1) The principal Act is hereby amended by repealing section 259, and substituting the following section:

15 “259. (1) Every person commits an offence and is liable to a fine not exceeding \$20 who, being the holder of a licence of any description under this Act, or the holder of a brewer’s licence under the Finance Act 1915, or a manager, supplies

* 1962, No. 139
Amendments: 1963, No. 114; 1964, No. 55; 1965, No. 70; 1967, No. 6; 1967, No. 34; 1968, No. 106

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 \$20, irrespective of any liability that may attach to the licensee or manager in respect of the same offence. 5

“(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 believed on reasonable grounds that the person to whom he supplied it was of or over the age of 20 years. 10

“(4) Where, on or from any licensed premises,— 15

“(a) The holder of any such licence as aforesaid 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— 20

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. 25 30

“(5) Every person commits an offence and is liable to a fine not exceeding \$50 who, being under the age of 20 years,—

“(a) Purchases any liquor from the holder of any such licence as aforesaid, or from a manager, or from the spouse or employee or agent of the holder of any such licence as aforesaid or of the manager; or 35

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

“(6) Nothing in subsections (1) to (5) of this section 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 — 40 45

“(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.

5 “(7) Nothing in subsections (1) to (5) of this section 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

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

“(8) Every person commits an offence and is liable to a fine not exceeding \$50 who, being under the age of 20 years, is found in any bar of any licensed premises, unless—

15 “(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

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

25 “(c) He is accompanied by his spouse, being a lodger of or over the age of 20 years.

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

30 “(a) Requests the supply of any 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—
35 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 as aforesaid, may demand particulars of that person’s age, name, and address. If there is reasonable ground to suppose that any
40 particulars so given by him are false, the person demanding the particulars may require him to supply satisfactory evidence of the correctness thereof.

“(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.” 5

(2) The following enactments are hereby consequentially repealed, namely: 10

(a) Section 22 of the Sale of Liquor Amendment Act 1964:

(b) Section 19 of the Sale of Liquor Amendment Act 1965.

(3) Section 14A of the Government Railways Act 1949 (which was inserted by section 2 (1) of the Government Railways Amendment Act 1968) is hereby amended by omitting from subsection (3) the words “(except subsection (7))”, and substituting the words “(except subsection (8))”. 15

3. Sending minors for liquor—Section 261 of the principal Act is hereby amended by omitting the words “twenty-one years”, and substituting the words “20 years”. 20

4. Refusal to supply liquor (to minors)—Section 187 of the principal Act is hereby amended by adding to paragraph (b) of subsection (4) the following proviso:

“Provided that it shall be lawful for the licensee or manager, or the spouse or any employee or agent of the licensee or manager, to refuse to supply liquor to any person if he believes that the person may be under the age of 20 years. (*unless he has no reasonable grounds for that belief.*)” 25

5. Employment of minors in bars—Section 191 of the principal Act is hereby amended— 30

(a) By omitting from subsection (1) the words “twenty-one years”, and substituting the words “20 years”:

(b) By inserting in the proviso to subsection (1), after the words “equipped for the service of meals”, the words “*(, or taking part as a performer in any musical entertainment,)*” “, or to any person of or over the age of 18 years taking part as a performer in any musical entertainment,”. 35

6. Employment of females in bars—Section 192 of the principal Act is hereby amended by inserting at the beginning of subsection (1), before the words “No female”, the words “Except in cases to which the proviso to subsection (1) of
5 section 191 of this Act applies,”.

7. Drinking by minors in public places—Section 3E of the Police Offences Act 1927 (which was inserted by section 3 (1) of the Police Offences Amendment Act (No. 2) 1960) is hereby amended by omitting from subsection (2) the words
10 “twenty-one years”, and substituting the words “20 years”.