

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 Wine Makers Act 1981. 5

(2) This Act shall come into force on the 1st day of April 1982.

2. Interpretation—In this Act, unless the context otherwise requires,—

New 10

“Chartered club” has the same meaning as it has in the Sale of Liquor Act 1962:

“Commission” means the Licensing Control Commission constituted under section 4 of the Sale of Liquor Act 1962: 15

“Fruit wine” means the product of the alcoholic fermentation of the juice, or of the juice and other portions, of—

(a) Any fruit other than grapes; or

(b) Any vegetable: 20

“Grape wine” means the product of the partial or complete alcoholic fermentation of—

(a) Grape juice; or

(b) Grape juice and other portions of grapes:

“Liquor” has the same meaning as it has in the Sale of Liquor Act 1962: 25

New

“No-licence district” means a no-licence district to which Part X of the Sale of Liquor Act 1962 for the time being applies: 30

“Premises” includes any land whether or not any building is erected on it:

New

“Public notice” means a notice published twice in newspapers circulating in the locality to which the act, matter, or thing required to be publicly notified relates or refers, or in which it arises, with an interval of not less than 5 nor more than 10 days between each notification: 35

“Wine” means—

- (a) Grape wine:
- (b) Fruit wine:
- (c) Any wine-based drink—

5 containing not more than 23 percent volume of
alcohol:

10 “Wine-based drink” means any drink, of which the
principal ingredient is grape wine or fruit wine,
made by the addition to that wine of any other
substance or substances in conformity with the pro-
visions of the Food and Drug Act 1969 and any
regulations for the time being in force under that
Act:

15 “Wine Institute” means the Wine Institute of New
Zealand Incorporated.

Licensing

3. Wine makers to be licensed—(1) No person shall make
wine for sale otherwise than pursuant to, and in accordance
with the terms and conditions of, a licence issued under this
20 Act.

(2) Every person commits an offence and is liable to a fine
not exceeding \$1,000 who makes any wine in contravention
of subsection (1) of this section.

Cf. 1962, No. 139, ss. 149 (1), 155

25 4. Types of licence—(1) A wine maker’s licence shall be
either—

- (a) A grape wine licence; or
- (b) A fruit wine licence.

Struck Out

30 (2) No person shall be the holder of both a grape wine
licence and a fruit wine licence in respect of the same
premises.

35 (3) No holder of any wine maker’s licence shall cause or
permit any part of the premises or equipment used by him
to make wine to be used for the making of any kind of wine
or other liquor that he himself is not authorised to make
pursuant to his licence, except with the prior consent in
writing of the Commission and subject to such conditions
and restrictions as the Commission thinks fit.

New

(2) No holder of a grape wine licence shall be granted a fruit wine licence, and no holder of a fruit wine licence shall be granted a grape wine licence, whether in respect of the same or any other premises, unless the Commission is satisfied that, having regard to the applicant's equipment, production control methods, and records, there are adequate safeguards against the mixing of any grape wine or any ingredient thereof with any fruit wine or any ingredient thereof. 5
10

(3) No holder of an alcoholic drinks licence under the Sale of Liquor Act 1962 shall be granted a grape wine licence or a fruit wine licence, whether in respect of the same or any other premises unless the Commission is satisfied that, having regard to the applicant's equipment, production control methods, and records, there are adequate safeguards against the mixing of any alcoholic drink or any ingredient thereof with any wine or any ingredient thereof. 15
20

Cf. 1962, No. 139, s. 149 (2) to (4)

5. Grape wine licence—(1) Every grape wine licence shall be in the prescribed form, and shall authorise the holder to make grape wine from grapes grown in New Zealand. 20

(2) Every grape wine licence shall be deemed to include authority for the holder to blend grape wine of his own making with grape wine made by any other holder of a grape wine licence. 25

(3) Every grape wine licence shall be deemed also to include authority for the holder to make any wine-based drink from grape wine made by him pursuant to his licence.

Cf. 1962, No. 139, s. 150; 1977, No. 88, s. 4 (4), (5) 30

6. Fruit wine licence—(1) Every fruit wine licence shall be in the prescribed form, and shall authorise the holder to make such kind or kinds of fruit wine as shall be specified in the licence, being—

(a) Wine from any fruit, other than grapes, grown in New Zealand; or 35

(b) Wine from any vegetable grown in New Zealand; or

(c) Cider or perry from apples or pears grown in New Zealand,—

whether the fruit or vegetable is cultivated or not. 40

(2) Every fruit wine licence shall be deemed to include authority for the holder to make any wine-based drink from any fruit wine made by him pursuant to his licence.

(3) Nothing in this Act shall prevent the holder of a fruit wine licence from fortifying his fruit wine by the addition of spirit distilled from grape wine or the lees of grape wine pursuant to the Distillation Act 1971.

5 Cf. 1962, No. 139, s. 151; 1977, No. 88, s. 4 (6)

7. Provisions applying to all wine makers' licences—

(1) Every wine maker's licence shall authorise the holder to sell wine made by him pursuant to his licence in quantities of not less than 375 millilitres to any one person at any one
10 time.

(2) The holder of a wine maker's licence may, pursuant to his licence and this section,—

(a) Sell or deliver wine between the hours of 9 o'clock in the morning and 9 o'clock in the evening on any
15 day; and

(b) Deliver wine at any time on any day to any person who is the holder of any licence under the Sale of Liquor Act 1962 or this Act, or to any chartered club, or to any licensing trust, if the delivery is made
20 at the licensed premises of that licensee or, as the case may require, at the premises of the club or trust.

(3) The wine may be delivered—

(a) To any person who is not the holder of any licence under the Sale of Liquor Act 1962 or this Act or a chartered club or a licensing trust, from one place only, being the premises specified in the wine maker's licence:
25

(b) To any person who is the holder of any licence under that Act or this Act or a chartered club or a licensing trust, from the premises specified in the licence or from any premises used by the wine maker for the
30 bulk storage of his wine.

(4) Wine sold pursuant to the licence shall not be consumed
35 on the wine maker's premises or on any premises from which he is authorised to deliver the wine.

Cf. 1962, No. 139, s. 152; 1976, No. 53, s. 21 (1), 41

8. Application for wine maker's licence—(1) Every application for a wine maker's licence shall be made in the prescribed form and manner, and shall be filed, together with 3
40 copies, with the Secretary of the Commission.

(2) Every application under this section shall specify whether the licence to which the application relates is a grape wine licence or a fruit wine licence, and, in the case of a fruit wine licence, the kind or kinds of fruit wine that the applicant intends to make. 5

(3) Every such application shall also be accompanied by 2 testimonials (in duplicate) as to the fitness of the applicant to be the holder of a wine maker's licence of the kind for which he applies.

(4) The Secretary shall send a copy of the application, and the original testimonials, to the Police. 10

(5) The Secretary shall also send a copy of the application to the Medical Officer of Health for the district in which the applicant intends to establish his premises.

(6) The Police and the Medical Officer of Health shall report to the Commission in respect of the application. 15

(7) The applicant shall give public notice of the application, specifying—

- (a) His name, address, and occupation; and
- (b) The kind of wine maker's licence applied for; and 20
- (c) The address of the premises where he proposes to make wine.

Cf. 1962, No. 139, s. 153 (2) to (5); 1976, No. 167, s. 23; 1977, No. 88, s. 4 (3)

9. Grant of wine maker's licence—(1) Subject to this Act, the Commission may in its discretion grant or refuse to grant any application for a wine maker's licence. 25

(2) The Commission shall not grant an application for a wine maker's licence unless it is satisfied—

- (a) That the applicant is a fit person to be the holder of such a licence; and 30
- (b) That the premises in which the wine is to be made, and the equipment in the premises, are suitable for the making, storage, and sale of wine of the kind to which the application relates and are in a proper sanitary condition. 35

New

(2A) In any case to which subsection (2) or subsection (3) of section 4 of this Act applies, the Commission may grant an application subject to such conditions as it thinks fit, including any condition designed to ensure that the product as bottled, labelled, and marketed is readily distinguishable from any other kind of liquor. 45

(3) Where the holder of a wine maker's licence applies for the grant of an additional wine maker's licence, the Commission may in its discretion refuse to grant the additional licence notwithstanding that it may be satisfied of the matters specified in subsection (2) of this section.

Cf. 1962, No. 139, s. 153 (1), (7); 1976, No. 137, s. 21 (1) (2); 1977, No. 88, s. 4 (1), (2); 1978, No. 7, s. 11 (2)

10. Issue of wine maker's licence—(1) Whenever the Commission grants any application for a wine maker's licence, it shall issue a certificate authorising the Licensing Committee to issue a licence.

(2) Where the premises are situated in a licensing trust district or suburban trust area, the certificate shall be issued to the Licensing Committee of an adjoining licensing district.

(3) Where the premises are situated in a no-licence district, the certificate shall be issued to the Licensing Committee of the licensing district within whose boundaries the no-licence district is situated.

(4) Where the Commission has issued a certificate under this section, the Chairman of the Licensing Committee shall issue the licence.

11. Duration of wine maker's licence—Subject to the provisions of this Act, every wine maker's licence shall continue in force until the close of the 30th day of June next following its issue, and may from time to time be renewed by the Chairman of the Licensing Committee for a period of 12 months from the time when the licence or the last preceding renewal of the licence expires.

Cf. 1962, No. 139, s. 152 (5)

12. Renewal of wine maker's licence—(1) Every application for the renewal of a wine maker's licence shall be made in the prescribed form and manner, and shall be filed, together with 3 copies, with the Clerk of the Licensing Committee.

(2) The Clerk shall send 1 copy of the application to the Police, and 1 copy to the Medical Officer of Health for the district in which the applicant has his premises.

(3) The Police and the Medical Officer of Health shall report in respect of the application.

(4) The Chairman of the Licensing Committee shall grant the application unless he is not satisfied—

(a) Of the matters specified in section 9 (2) of this Act;

or

(b) That, in the case of a grape wine licence, the applicant has paid any levy payable pursuant to the Alcoholic Liquor Advisory Council Act 1976 or the Wine Makers Levy Act 1976; or

(c) That, in the case of a fruit wine licence, the applicant has paid any levy payable pursuant to the Alcoholic Liquor Advisory Council Act 1976.

(5) Where any application for renewal is granted, the Clerk shall notify the applicant in the prescribed form; and, subject to the payment of the fee prescribed for the renewal of the licence, the notification shall have the effect of renewing the licence.

Cf. 1962, No. 139, s. 153 (1) (d) to (f), (9); 1976, No. 137, s. 21 (1), (2); 1977, No. 88, s. 4 (1), (2); 1978, No. 7, s. 11 (2)

13. Transfer of wine maker's licence—(1) A wine maker's licence may be transferred in accordance with this section.

(2) Every application for the transfer of a wine maker's licence shall be made in the prescribed form by the person who intends to carry on the business conducted under the licence if the application for the transfer is granted, and shall be made to the Chairman of the Commission.

(3) The applicant shall give public notice of the application, specifying—

(a) His name, address, and occupation; and

(b) The premises in respect of which the application is made.

(4) The Chairman shall not grant the application unless he is satisfied that the applicant is a fit person to be the holder of the licence.

(5) If the application is granted, the transfer shall be effected by an endorsement on the licence; and thereupon the person named in the endorsement as the transferee shall for all the purposes of this Act be the holder of the licence, and the transferor shall cease to be the holder.

(6) If, on the first application for the renewal of the licence after it has been transferred, the Licensing Committee grants the application for renewal, a new licence shall be issued to the licensee, and the transferred licence shall be cancelled.

Cf. 1962, No. 139, s. 154

14. Removal of wine maker's licence—(1) Any wine maker's licence for the time being in force in respect of any premises may, by order of the Commission made on application under this section, be removed to any other premises.

5 (2) Every application for the removal of a wine maker's licence shall be made in the prescribed form and manner, and shall be filed, together with 3 copies, with the Secretary of the Commission.

10 (3) The Secretary shall send a copy of the application to the Police, and another to the Medical Officer of Health for the district in which the proposed new premises are to be established.

(4) The Police and the Medical Officer of Health shall report to the Commission in respect of the application.

15 (5) The applicant shall give public notice of the application; and section 8 (6) of this Act, with all necessary modifications, shall apply in respect of the notice.

20 (6) The Commission shall not grant an application under this section unless it is satisfied that the proposed new premises, and the equipment in those premises, are suitable for the making, storage, and sale of wine of the kind to which the licence relates, and are in a proper sanitary condition.

15. Cancellation or suspension of licence following conviction—(1) Where the holder of any wine maker's licence is convicted of an offence against any of the provisions of—

- 25 (a) This Act; or
(b) The Health Act 1956; or
(c) The Sale of Liquor Act 1962; or
(d) The Food and Drug Act 1969; or
30 (e) The Distillation Act 1971; or
(f) Any regulations made under any of those Acts,—

the Registrar of the convicting Court shall notify the Commission of the conviction.

35 (2) On receipt of any such notice, the Commission shall consider the matter, and may, after giving the holder of the licence a reasonable opportunity to be heard, make an order—

- (a) Cancelling the licence; or
(b) Suspending the licence for such period, not exceeding 12 months, as it thinks fit.

40 Cf. 1977, No. 71, s. 9

New

15A. Use of winemaker's premises by other persons—(1) No holder of any wine maker's licence shall cause or permit any part of the premises or equipment used by him for the making of wine to be used by any person for the making of any kind of wine or other liquor that is not authorised by the wine maker's licence, except with the prior consent of the Commission and subject to such conditions and restrictions as the Commission thinks fit. 5

(2) The Commission shall not give its consent under subsection (1) of this section unless it is satisfied that, having regard to the applicant's equipment, production control methods, and records, there are adequate safeguards against the mixing of any wine made by the holder of the licence with any wine or other liquor made by the other person. 10 15

Permits

16. Commission may grant vineyard bar permit—(1) Notwithstanding anything in this Act, on the grant of a grape wine maker's licence, or at any subsequent time (whether the licence was granted before or after the commencement of this Act), the Commission may in its discretion, on application, and subject to such conditions as it thinks fit, grant to the holder of the licence a vineyard bar permit in accordance with this section. 20

(2) Every vineyard bar permit shall be in writing and shall authorise the holder to sell and dispose of wine made by him, for consumption on the portion of his premises described in the permit, at any time between the hours of 9 o'clock in the morning and 9 o'clock in the evening on any day other than a Sunday or Good Friday or Christmas Day. 25 30

(3) Every vineyard bar permit shall be deemed to be granted subject to the condition that every bottle or other container in which wine is supplied pursuant to the permit, and every drinking vessel used for its consumption, shall be cleared away immediately after 9.30 o'clock in the evening. 35

(4) Notwithstanding anything in subsection (2) of this section, a vineyard bar permit shall be granted only in respect of any premises—

- (a) That comprise the whole or part of the premises described in the applicant's wine maker's licence; 40
or
- (b) That comprise the whole or part of a vineyard owned by the applicant in which he grows grapes for use in making his wine.

17. **Application for permit**—(1) The applicant shall give public notice of his application, and the notice shall—

- 5 (a) Specify the applicant's name and address, and the address of the premises in respect of which the application is made; and
- (b) Describe the portion of his premises to which the application relates; and
- 10 (c) State that any person who wishes to object to the grant of a vineyard bar permit in respect of the premises may, not later than 14 days after the first publication of the notice, file notice of his objection, and of the ground of the objection (being the ground set out in subsection (3) of this section), with the Secretary of the Commission.

15 (2) If the application for a vineyard bar permit is included in or combined with an application for the grant of a wine maker's licence, it shall be sufficient compliance with subsection (1) of this section if the public notice of application for the grant, given by the applicant under section 8 (7) of
20 this Act, states that a vineyard bar permit is also being applied for in respect of the premises or proposed premises, and the description required by subsection (1) (b), and the statement required by subsection (1) (c), of this section.

25 (3) Within 14 days after the first publication of notice of the making of an application for a vineyard bar permit or within such further time as the Chairman of the Commission may allow, any person of or over the age of 18 years who is resident in the immediate neighbourhood of the premises or proposed premises may, by notice in writing filed with the
30 Chairman of the Commission, object to the grant of the permit on the ground that the grant of the permit would in itself have a prejudicial effect on residents in the immediate neighbourhood of the premises.

18. **Grant of permit**—(1) If no objections to the grant of
35 the permit are filed within the time prescribed by or allowed under this section, the Commission may in its discretion either grant the application for the permit or deal with it at a public sitting.

(2) If any such objection is so filed, the Commission shall
40 deal with the application at a public sitting.

(3) The Commission shall grant an application for a vineyard bar permit unless it is satisfied it should not do so, having regard to—

- (a) The suitability of the premises or proposed premises and the facilities and services to be provided, bearing in mind that the primary purpose of the premises is the growing of grapes or the making of wine: 5
- (b) Any prejudicial effect on residents in the immediate neighbourhood by reasons only of the grant of a vineyard bar permit in respect of the premises:
- (c) Such other considerations as the Commission thinks fit to take into account.
- (4) The Commission may from time to time in its discretion, after giving the holder of the permit a reasonable opportunity to be heard,— 10
- (a) Vary any conditions subject to which a vineyard bar permit is granted:
- (b) Revoke the permit, or suspend it for such period as it thinks fit. 15
- (5) The holder of a vineyard bar permit shall not make any substantial alterations to that portion of his premises described in the permit without the prior consent of the Commission. 20

Cf. 1962, No. 139, s. 154A; 1976, No. 53, s. 42 (1)

19. Special permit for social gatherings in vineyards—

- (1) Notwithstanding anything in this Act, the Commission may at any time in its discretion, on application, and subject to such conditions as it thinks fit, grant to the holder of a wine maker's licence a special permit authorising the holder from time to time to sell and supply wine made by him for consumption on the premises described in his licence or in any vineyard bar permit held by him to persons attending social gatherings of any kind or kinds specified in the permit. 25 30
- (2) Every special permit issued by the Commission under this section shall be deemed to be issued subject to the following conditions:
- (a) That, except in the case of employees or other persons engaged in service at the gathering, no persons shall be admitted to any such gathering except the person or persons holding or promoting the gathering and guests specially invited thereto: 35
- (b) That wine shall not be sold or supplied or consumed after such hour as the Commission may from time to time determine in respect of any such gathering: 40
- (c) That the holder of the permit shall, not less than 2 hours before the commencement of any such gathering, notify the member of the Police for the time being in charge of the police station nearest to the premises that the gathering is to take place there. 45

(3) The Commission may from time to time in its discretion, after giving the holder of the permit a reasonable opportunity to be heard,—

- 5 (a) Vary any conditions subject to which a special permit is granted:
 (b) Revoke the permit, or suspend it for such period as it thinks fit.

Appeals

10 **20. Appeal to High Court against decision of Licensing Committee Chairman**—(1) Where the Chairman of a Licensing Committee refuses to renew any wine maker's licence under section 12 of this Act, the holder of the licence may appeal to the High Court against the Chairman's decision.

15 (2) Subsections (2) to (10) of section 22 of this Act, so far as they are applicable and with any necessary modifications, shall apply with respect to appeals under this section.

17 **21. Appeal against decision of Commission on question of law**—(1) Where any party to any proceedings before the Commission under this Act is dissatisfied with any determination of the Commission in the proceedings as being erroneous in point of law, he may appeal to the High Court by way of case stated for the opinion of that Court on a question of law only.

25 (2) The provisions of Part IV of the Summary Proceedings Act 1957, so far as they relate to appeals by way of case stated on questions of law only, shall apply, so far as they are applicable, to every appeal under this section; and for the purposes of any such appeal those provisions shall be read as if—

- 30 (a) References to the District Court or to the District Court Judge or Justice or Justices were references to the Commission:
 (b) References to the Registrar of the District Court were references to the Secretary of the Commission:
 35 (c) References to the respondent or his solicitor were references to each of the other parties to the proceedings before the Commission.

22. Appeals to High Court against decisions of Commission—(1) Where the Commission—

- 40 (a) Under section 4 (3) of this Act, refuses to consent to the use of any premises or equipment, or grants its consent subject to any condition or restriction; or

- (b) Under section 9 of this Act, refuses to grant an application for a wine maker's licence; or
- (c) Under section 13 of this Act, refuses to grant an application for the transfer of any such licence; or
- (d) Under section 14 of this Act, refuses to grant an application for the removal of any such licence; or 5
- (e) Under section 15 of this Act, suspends or cancels any such licence; or
- (f) Under section 18 of this Act, refuses to grant an application for a vineyard bar permit, or revokes or suspends any such permit; or 10
- (g) Under section 19 of this Act, refuses to grant an application for a special permit for social gatherings, or revokes or suspends any such permit; or
- (h) On granting any application under this Act, imposes 15
any condition,—

the applicant, or, as the case may require, the licence holder, may appeal to the High Court against the Commission's decision.

(2) Every appeal under this section shall be by notice 20
of appeal given within 14 days after the giving of the decision appealed against.

(3) Notwithstanding subsection (2) of this section, a Judge of the High Court, on the application by motion of any person having a right of appeal under this section, may grant 25
leave to that person to give notice of appeal after the expiration of the time prescribed by that subsection, and within such time as the Judge thinks fit, where in the opinion of the Judge there was reasonable cause for the failure or inability of that person to give notice within the time prescribed by 30
this section.

(4) The notice of appeal shall be in writing and shall be filed in the office of the High Court.

(5) It shall not be necessary to state in the notice the grounds of appeal. 35

(6) Either before or immediately after the filing of the notice of appeal, a copy of the notice shall be delivered or sent to the Secretary of the Commission.

(7) The operation of the decision appealed against shall be suspended until the final determination of the appeal. 40

(8) In the case of the cancellation or suspension of a licence, the licence shall, if the appeal is not finally determined on or before the expiry of the licence by effluxion of time, be deemed to be extended until the final determination of the appeal.

(9) On hearing the appeal, the High Court may confirm, modify, or reverse the decision appealed against.

(10) The decision of the Court shall be final and binding on all parties.

- 5 **23. Appeals to be heard by Administrative Division of High Court**—Every appeal to the High Court under section 20 or section 21 or section 22 of this Act shall be heard and determined by the Administrative Division of the High Court; and accordingly all references to the High Court in those
10 sections shall, unless the context otherwise requires, be read as references to the Administrative Division of the High Court.

Export of New Zealand Wine

- 15 **24. New Zealand wine not to be exported without certificate of compliance**—(1) Every person commits an offence (*and is liable to a fine not exceeding \$5,000*) who exports for sale any consignment of grape wine made in New Zealand unless a certificate in respect of that wine has been issued by the Director, in accordance with regulations made under this
20 Act, to the effect that—

(a) The wine complies with all the provisions of the Food and Drug Regulations 1973 so far as they would be applicable to that wine if it were offered for sale in New Zealand; and

25 (b) The wine is free from obvious fault.

(2) If the Director refuses to issue a certificate in respect of any wine for the purposes of subsection (1) of this section on the ground that the wine is not free from obvious fault, any person aggrieved by his decision may require the case to
30 be referred to a reviewing panel, comprising not less than 3 persons of wide experience in wine making appointed by the Wine Institute in accordance with regulations made under this Act, who shall review the Director's decision.

(3) If the majority of the members of the reviewing panel
35 is satisfied that the wine is free from obvious fault, the chairman of the panel shall instruct the Director to issue a certificate for the purposes of subsection (1) of this section, and the Director shall issue such a certificate accordingly.

New

- 40 (3A) Every person who commits an offence against this section shall be liable to a fine not exceeding \$1,000 or 3 times the value of the wine in respect of which the offence is committed, whichever is the greater.

(4) In this section—

“Director” means the person for the time being holding, or acting in, the office of Director of the Division of Public Health in the Department of Health:

“Obvious fault”, in relation to any wine, means— 5

(a) Oxidised:

(b) Tainted by extraneous flavours:

(c) Malodorous:

(d) Any other fault specified by regulations made under this Act. 10

25. Enforcement of prohibition against export of uncertificated New Zealand wine—(1) All the provisions of the Customs Acts with respect to prohibited goods shall extend and apply with respect to wine the exportation of which is prohibited by section 24 of this Act in all respects as if the exportation of the wine were prohibited under section 70 of the Customs Act 1966. 15

(2) Nothing in section 24 of this Act shall limit or affect the operation of the Customs Acts.

Miscellaneous Provisions

20

26. Offences—(1) Every holder of a licence under this Act commits an offence and is liable to a fine not exceeding \$1,000 who—

(a) Sells or exposes or keeps for sale any liquor of a kind that he is not authorised to sell; or 25

(b) Sells or exposes or keeps for sale any wine of a kind that he is not authorised by his licence to sell; or

(c) Sells or exposes or keeps for sale any wine at any place where he is not authorised by his licence to sell or keep wine; or 30

(d) Sells or offers for sale any wine to any person to whom he is not authorised to sell wine.

(2) Every holder of a licence under this Act commits an offence and is liable to a fine not exceeding \$500 who, otherwise than pursuant to a vineyard bar permit or a special permit granted under this Act,— 35

(a) Sells any wine for consumption on the premises; or

(b) Allows any person who has purchased wine on the premises to consume that wine thereon;—

and for the purposes of this subsection, the term “premises” includes any premises that are near the premises where the wine is sold and that belong to or are under the control of or are used by the permission of the holder of the licence. 40

(3) Every holder of a licence under this Act commits an offence and is liable to a fine not exceeding \$500 who sells or exposes for sale or supplies any wine, or opens or keeps open the premises for the sale of wine, to any person at any time
5 when he is not authorised by his licence or by a vineyard bar permit or a special permit granted under this Act to sell to that person.

(4) Every holder of a licence under this Act commits an offence and is liable to a fine not exceeding \$1,000 who—

- 10 (a) Sells or supplies any liquor to any person who is already in a state of intoxication; or
(b) Allows any person to become drunk on the premises to which the licence relates.

(5) Every holder of a licence or a permit under this Act
15 commits an offence and is liable to a fine not exceeding \$200 who contravenes or fails to comply with any condition of his licence or permit.

27. Offences to be punishable on summary conviction—
Every offence against this Act shall be punishable on summary conviction.
20

28. Sale of wine to minors—(1) Section 259A of the Sale of Liquor Act 1962 (as substituted by section 62 of the Sale of Liquor Amendment Act 1980) is hereby amended by inserting in subsection (6) (a), after the words “vineyard
25 bar permit”, the words “, is in force under the Wine Makers Act 1981”.

(2) Section 259A of the Sale of Liquor Act 1962 (as so substituted) is hereby further amended by adding to subsection (7) the words “, or a vineyard bar permit in force
30 under the Wine Makers Act 1981”.

29. Application of Sale of Liquor Act 1962—(1) The following provisions of the Sale of Liquor Act 1962 shall apply with all necessary modifications to wine maker’s licences and to premises in respect of which any such licence is sought or is in force as if the licences were licences under
35 that Act and the premises were licensed premises within the meaning of that Act:

- (a) Section 14A, relating to the determination of certain matters on the papers:
40 (b) Section 72, which states who may hold licences;

- (c) Section 124 (2), which relates to applications for the renewal of licences in special cases:
- (d) Section 135, which relates to temporary authority to carry on business under a licence:
- (e) Section 199, which prohibits the withholding of service from any person on the ground of the race, colour, nationality, sex, beliefs, or opinions of that person: 5
- (f) Sections 205 to 207, which relate to the duties, functions, and powers of inspectors of licensed premises:
- (g) Sections 208, 209, and 254, which relate to the functions and powers of the Police: 10
- (h) Section 223, which prohibits the sale of liquor through agents, other than full-time employees of licensees:
- (i) Section 224, which relates to the delivery of liquor by licensees or carriers: 15
- (j) Sections 234 to 242, which relate to prohibition orders:
- (k) Sections 255 and 269, which relate to the onus of proof in certain proceedings:
- (l) Section 259, which relates to the supply of liquor to minors: 20
- (m) Sections 276 to 285, which relate to records and to registers of licensed premises:
- (n) Sections 287 and 288, which provide for duplicate and temporary licences. 25

Struck Out

(2) The Commission shall have the same powers in respect of proceedings under this Act as it has under sections 46 to 53 of the Sale of Liquor Act 1962 in respect of proceedings under that Act.

New

(2) The Commission shall have the same powers in respect of proceedings under this Act as it has under sections 46 to 51 and 53 of the Sale of Liquor Act 1962 in respect of proceedings under that Act, and those sections shall apply with all necessary modifications to proceedings under this Act.

30. Regulations—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing the procedure to be followed in respect of applications and objections to and proceedings before the Commission under this Act; and prescribing fees to be paid in respect of any such applications or proceedings: 40

- (b) Prescribing the procedure for the institution, hearing, and determination of appeals to the High Court under this Act:
- 5 (c) Providing for the keeping of records, and the filing of returns, relating to the making and sale of wine:
- (d) Prescribing forms of applications, licences, and other documents made or issued under or for the purposes of this Act:
- 10 (e) Providing for the appointment of reviewing panels for the purposes of section (20) 24 (2) of this Act, and prescribing the procedure to be followed by such panels:
- (f) Specifying obvious faults in wine for the purposes of section (20) 24 (4) of this Act:
- 15 (g) Prescribing the matters to be contained or not to be contained in any label on any bottle or other container of wine:
- (h) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this section, and prescribing the amount of any fine that may be imposed in respect of any such offence, being an amount not exceeding \$200:
- 20 (i) Providing for such other matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.
- 25 (2) No regulations may be made under any of paragraphs (c), (e), (f), and (g) of subsection (1) of this section except on the advice of the Minister of Justice tendered after consultation with the Wine Institute.

30 **31. Transitional provisions**—(1) On the date of the commencement of this Act, every grape wine maker's licence and every fruit wine maker's licence that was in force under the Sale of Liquor Act 1962 immediately before that date shall be deemed to have been issued and to be in force under this

35 Act.

(2) On the date of the commencement of this Act, every vineyard bar permit that was in force under the Sale of Liquor Act 1962 immediately before that date shall be deemed to have been granted and to be in force under this Act.

(3) Where, before the date of the commencement of this Act, any application for a grape wine licence or a fruit wine licence or a vineyard bar permit has been made but not determined under the Sale of Liquor Act 1962, that application shall be deemed to have been made and shall be determined under this Act. 5

(4) Where, before the commencement of this Act, any application for a grape wine licence or a fruit wine licence has been made and determined but no licence has been issued under the Sale of Liquor Act 1962, that application shall be deemed to have been made and determined and the licence shall be issued under this Act. 10

(5) Every consent given by the Chairman of a Licensing Committee under and for the purposes of section 149 (4) of the Sale of Liquor Act 1962 and in force immediately before the commencement of this Act, shall be deemed to have been given by the Commission under and for the purposes of section (4 (3)) 15A of this Act. 15

32. Consequential amendments—The enactments specified in the first column of the Schedule to this Act are hereby amended in the manner indicated in the second column of that Schedule. 20

SCHEDULE

ENACTMENTS CONSEQUENTIALLY AMENDED

Section 32

Enactment Amended	Amendment
1962, No. 139—The Sale of Liquor Act 1962	<p>By omitting from section 2 the definitions of the terms “table wine” and “wine”, and substituting the following definition: “Wine” has the same meaning as it has in the Wine Makers Act 1981.</p> <p>By adding to section 10 (2) (as substituted by section 55 of the Beer Duty Act 1977) the words “, and the functions relating to wine makers’ licences conferred on it by the Wine Makers Act 1981”.</p> <p>By repealing section 11 (1A).</p> <p>By inserting in section 35 (1) (c), after the word “malster”, the words “wine maker”.</p> <p>By omitting from section 54 (4) the words “wine makers’ licences, wine resellers’ licences”, and substituting the words “wine resellers’ licences”.</p> <p>By repealing sections 148 to 155 and 161A.</p> <p>By inserting in section 260 (1) (as substituted by section 3 of the Sale of Liquor Amendment Act 1976), after the words “the Beer Duty Act 1977” (as substituted by section 55 of the Beer Duty Act 1977), the words “or the holder of a wine maker’s licence under the Wine Makers Act 1981”.</p>
	<i>Struck Out</i>
	<p>By omitting from section 260 (1) (b) (as so substituted) the words “caterer’s licence, a general ancillary licence, or a vineyard bar permit”, and substituting the words “food and entertainment licence, club licence, or a vineyard bar permit for the time being in force under the Wine Makers Act 1981”.</p>
	<i>New</i>
	<p>By inserting in section 260 (1) (b) (as so substituted) after the words “vineyard bar permit”, the words “under the Wine Makers Act 1981”.</p>
	<p>By inserting in section 264 (2), after the words “this Act” where they first occur, the words “or the Wine Makers Act 1981”.</p>
	<p>By adding to section 302 the words “or the Wine Makers Act 1981”.</p>

SCHEDULE—*continued*ENACTMENTS CONSEQUENTIALLY AMENDED—*continued*

Enactment Amended	Amendment
1967, No. 34—The Sale of Liquor Amendment Act (No. 2) 1967	By repealing so much of the Schedule as relates to section 152 (2) (a) of the Sale of Liquor Act 1962. <i>New</i>
1971, No. 38—The Distillation Act 1971	By omitting from section 14 (2), the words "Sale of Liquor Act 1962", and substituting the words "Wine Makers Act 1981". By repealing section 21 (3).
1971, No. 77—The Sale of Liquor Amendment Act (No. 2) 1971	By repealing sections 10 and 13.
1974, No. 13—The Sale of Liquor Amendment Act 1974	By repealing so much of the Schedule as relates to section 152 of the Sale of Liquor Act 1962.
1976, No. 53—The Sale of Liquor Amendment Act 1976	By repealing section 41 and subsections (1) and (2) of section 42. By repealing so much of the Second Schedule as relates to section 155 of the Sale of Liquor Act 1962. By repealing so much of the Third Schedule as relates to section 152 (2) (a) of the Sale of Liquor Act 1962. <i>New</i>
1976, No. 137—The Wine Makers Levy Act 1976	By omitting from section 2 the definition of the term "Wine", and substituting the following definition: " 'Wine' has the same meaning as it has in the Wine Makers Act 1981: ". By repealing section 21 (2).
1976, No. 167—The Licensing Trusts Amendment Act 1976	By repealing section 23.
1977, No. 88—The Sale of Liquor Amendment Act 1977	By repealing section 4.