

House of Representatives
Supplementary Order Paper

Thursday, 26 October 2006

Sale of Liquor (Youth Alcohol Harm Reduction: Purchase Age) Amendment Bill

Proposed amendments

Gordon Copeland, in Committee, to move the following amendments:

Clause 2B(a)

To omit “licensed premises” in each place where it appears (lines 9, 12, 15, and 18 on page 2) and substitute in each case “off-licensed premises”.

Clause 4AA(1) to (3)

To omit these subclauses (lines 16 to 26 on page 3) and substitute the following subclauses:

- (1) Section 2 is amended by inserting the following definitions in their appropriate alphabetical order:

“**former guardian**, in relation to a person (A) who is under the age of 20 years, means another person whose guardianship of A has ended under section 28(1)(a) to (c) or (e) of the Care of Children Act 2004

“**relevant minimum age**,—

“(a) in relation to any licence, means—

“(i) 20 years, if the licence is an off-licence; or

“(ii) 18 years, if the licence is any other kind of licence; and

“(b) in relation to any licensed premises (including, without limitation, for the purposes of sections 155, 157, 160, 161, 162, 163, and 164), means—

“(i) 20 years, if those premises are off-licensed premises; or

“(ii) 18 years, if those premises are any other kind of licensed premises”.

- (2) Section 2 is amended by repealing the definitions of **prohibited persons**, **restricted area**, and **supervised area** and substituting the following definitions in their appropriate alphabetical order:

“**prohibited persons**, in relation to any licence, means—

“(a) persons who are under the relevant minimum age; and

“(b) persons to whom liquor may not be sold pursuant to the licence; and

“(c) persons who are intoxicated

“**restricted area**, in relation to any licensed premises, means any part of those premises so designated by the Licensing Authority or the District Licensing Agency to which persons must not be admitted if they are under the relevant minimum age

“**supervised area**, in relation to any licensed premises, means any part of those premises so designated by the Licensing Authority or the District Licensing Agency to which a person who is under the relevant minimum age must not be admitted unless accompanied by the person’s parent or guardian or former guardian”.

Clause 4

To omit all the words in lines 28 and 29 on page 3 and substitute the following:

Section 155 is amended by omitting “age of 18 years” in each place where it appears and substituting in each case “relevant minimum age”.

Clause 5

Subclause (1): to omit this subclause (lines 3 and 4 on page 4) and substitute the following subclause:

- (1) Section 157 is amended by omitting “age of 18 years” and substituting “relevant minimum age”.

Subclause (3): new section 157(2)

To omit “age of 20 years” (line 12 on page 4) and substitute “relevant minimum age”.

Clause 6

Subclause (1): to omit this subclause (lines 22 and 23 on page 4) and substitute the following subclause:

- (1) Section 160(1) is amended by omitting “age of 18 years” and substituting “relevant minimum age”.

Subclause (3)

To omit this subclause (lines 6 and 7 on page 5) and substitute the following subclause:

- (3) Section 160(4) is amended by omitting “age of 18 years” and substituting “relevant minimum age”.

Clause 6A(1)

To omit this subclause (lines 9 and 10 on page 5) and substitute the following subclause:

- (1) Section 161(2) is amended by omitting “age of 18 years” and substituting “relevant minimum age”.

Clause 7

To omit all the words on lines 18 and 19 on page 5 and substitute the following:

Section 162(1) is amended by omitting “age of 18 years” and substituting “relevant minimum age”.

Clause 8(1)

To omit this subclause (lines 21 and 22 on page 5) and substitute the following subclause:

- (1) Section 163 is amended by omitting “age of 18 years” in each place where it appears and substituting in each case “relevant minimum age”.

Clause 9(1)

To omit this subclause (lines 13 and 14 on page 6) and substitute the following:

Section 164 is amended by omitting “age of 18 years” in each place where it appears and substituting in each case “relevant minimum age”.

Clause 9A

To omit this clause (line 19 on page 6 to line 4 on page 7).

Clause 9C(2)

To omit *paragraph (a)* (lines 32 and 33 on page 7) and substitute the following paragraphs:

- (a) by omitting “age of 18 years” the first, second, and third times that it appears, and substituting in each case “relevant minimum age”; and
- (aa) by omitting “age of 18 years” the fourth and fifth times that it appears, and substituting in each case “age of 20 years”; and

Explanatory note

This Supplementary Order Paper contains amendments to the Sale of Liquor (Youth Alcohol Harm Reduction: Purchase Age) Amendment Bill which, as reported from the Law and Order Committee on 20 October 2006, amends the Sale of Liquor Act 1989—

- to increase from 18 years to 20 years specified minimum ages including the age that a person must be of or over in order lawfully to purchase, or to be sold, on or from any licensed premises, any liquor (the **minimum legal purchase age**); and

- to provide for some important exceptions to those increased minimum ages (for example, to ensure that it would not be unlawful for persons under 20 years to be employed to sell liquor in supervised and restricted areas on licensed premises).

The amendments in this Supplementary Order Paper, if adopted together as a package, implement a “split age proposal”. In particular, those amendments ensure that the Bill—

- increases from 18 years to 20 years the minimum legal purchase age (and other specified minimum ages) for off-licensed premises; but
 - preserves (at 18 years) the current minimum legal purchase age (and other specified minimum ages) for licensed premises that are not off-licensed premises (for example, on-licensed premises); and
 - provides for the important exceptions to those increased minimum ages (for example, to ensure that it would not be unlawful for persons under 20 years to be employed to sell liquor in restricted areas on off-licensed premises).
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