

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 23 May 1989

SALE OF LIQUOR BILL
Proposed Amendments

MR LEE, in Committee, to move the following amendments:

Clause 2: To omit from lines 1 and 2 on page 7 the expression "18 years", and substitute the expression "20 years".

To omit from lines 32 and 33 on that page the expression "18 years", and substitute the expression "20 years".

To omit from lines 5 and 6 on page 8, and also from line 9 on that page, and also from line 13 on that page, the expression "18 years", and substitute in each case the expression "20 years".

Clause 33: To omit from line 15 on page 28 the words "and groceries".

Clause 33A: To omit paragraph (c) of subclause (1) (all the words in lines 12 to 14 on page 29), and substitute the following paragraph:

(c) In respect of premises in which the principal business is the manufacture or sale of liquor.

To omit from lines 17 and 18 on that page the words "neither the manufacture or sale of liquor nor the sale of groceries", and substitute the words "other than the manufacture or sale of liquor".

To omit from lines 21 and 22 on that page the words ", or the sale of liquor and groceries only,".

To omit from line 26 on that page the words "subsection (1) (c) or".

To insert on that page, after subclause (3), the following subclause:

(3A) Nothing in subsection (2) (b) of this section shall authorise the grant of an off-licence in respect of any supermarket or grocery store, or any other premises on which the principal business is the sale of food or groceries.

Clause 123: To omit from line 12 on page 96, and also from line 17 on that page, and also from line 25 on that page, and also from line 29 on that page, the expression "18 years", and substitute in each case the expression "20 years".

Clauses 123A to 123C: To omit these clauses on pages 96 and 97, and substitute the following clauses:

123A. Exemptions in respect of restricted areas—
Subsections (1) and (2) of section 123 of this Act do not apply to the

sale or supply of liquor in any restricted area on any licensed premises to any person who—

- (a) Is of or over the age of 18 years; and
- (b) Is accompanied by his or her spouse (being a person of or over the age of 20 years) or his or her parent or guardian.

123b. Exemptions in respect of other parts of licensed premises—Subsections (1) and (2) of section 123 of this Act do not apply to the sale or supply of liquor on any part of any licensed premises other than a restricted area to any person if—

- (a) That person—
 - (i) Is of or over the age of 18 years; and
 - (ii) Is accompanied by his or her spouse (being a person of or over the age of 20 years) or his or her parent or guardian; or
- (b) The liquor is sold or supplied for consumption by that person on the premises (otherwise than in a restricted area) as part of a meal and that person—
 - (i) Is of or over the age of 18 years; or
 - (ii) Is accompanied by his or her spouse (being a person of or over the age of 20 years) or his or her parent or guardian.

123c. Further exemptions in respect of supervised areas—Without limiting anything in section 123b of this Act, subsections (1) and (2) of section 123 of this Act do not apply to the sale or supply of any liquor to any person in any supervised area if that person—

- (a) Is accompanied by his or her spouse (being a person of or over the age of 20 years) or his or her parent or guardian; or
- (b) Is accompanied by and in the charge of any other adult member of his or her family who is properly responsible for him or her.

123d. Further exemptions in respect of licensee's or manager's family or lodger's spouse—Without limiting anything in sections 123a to 123c of this Act, subsections (1) and (2) of section 123 of this Act do not apply to the sale or supply of liquor to a person who—

- (a) Is the spouse, or a member of the family, of the licensee or manager; or
- (b) Is the spouse of a lodger, if the lodger is of or over the age of 20 years.

Clause 124: To omit from line 30 on page 97, and also from line 6 on page 98, the expression “18 years”, and substitute in each case the expression “20 years”.

Clause 125: To omit from line 12 on page 98, and also from line 17 on that page, the expression “18 years”, and substitute in each case the expression “20 years”.

To omit subclause (3) on pages 98 and 99, and substitute the following subclause:

- (3) Subsection (2) of this section does not apply to the employment in a restricted area of any person—
 - (a) For the purpose of—
 - (i) Preparing or serving any meal; or

- (ii) Cleaning, repairing, maintaining, altering, or restocking the area or any equipment in the area; or
- (iii) Removing or replacing any such equipment; or
- (iv) Stocktaking; or
- (v) Checking or removing cash; or
- (b) Who has attained the age of 18 years and is employed for the purpose of taking part as a performer in any entertainment.

Clause 126: To omit from line 9 on page 99 the expression “18 years”, and substitute the expression “20 years”.

To omit subclause (2) on that page, and substitute the following subclauses:

(2) **Subsection (1)** of this section does not apply to any person who—

- (a) Is of or over the age of 18 years; and
- (b) Is accompanied by his or her spouse (being a person of or over the age of 20 years) or his or her parent or guardian.

(3) **Subsection (1)** of this section does not apply to the purchase of liquor by any person in any part of the premises other than a restricted area if—

- (a) That person—
 - (i) Is of or over the age of 18 years; and
 - (ii) Is accompanied by his or her spouse (being a person of or over the age of 20 years) or his or her parent or guardian; or
- (b) The liquor is purchased for consumption by that person on the premises (otherwise than in a restricted area) as part of a meal and that person—
 - (i) Is of or over the age of 18 years; or
 - (ii) Is accompanied by his or her spouse (being a person of or over the age of 20 years) or his or her parent or guardian.

(4) **Subsection (1)** of this section does not apply to the purchase of liquor by any person who—

- (a) Is the spouse, or a member of the family, of the licensee or manager; or
- (b) Is the spouse of a lodger, if the lodger is of or over the age of 20 years.

Clause 127: To omit the clause on pages 99 and 100, and substitute the following clause:

127. Minors in restricted areas or supervised areas—

(1) Every person commits an offence and is liable to a fine not exceeding \$500 who, being under the age of 20 years, is found in any restricted area on any licensed premises unless that person—

- (a) Is of or over the age of 18 years; and
- (b) Is accompanied by his or her spouse (being a person of or over the age of 20 years) or his or her parent or guardian.

(2) Every person commits an offence and is liable to a fine not exceeding \$500 who, being under the age of 20 years, is found in any supervised area on any licensed premises unless that person—

- (a) Is accompanied by his or her spouse (being a person of or over the age of 20 years) or his or her parent or guardian; or
 - (b) Is accompanied by and in the charge of any other adult member of his or her family who is properly responsible for him or her; or
 - (c) Is of or over the age of 18 years and is in the supervised area for the purpose of having a meal.
- (3) Subsections (1) and (2) of this section do not apply to any person—
- (a) Who is an employee or agent of the licensee, or a person acting under any contract with the licensee or a manager, and who is in the restricted area or supervised area for the purpose of—
 - (i) Cleaning, repairing, maintaining, altering, or restocking the area or any equipment in the area; or
 - (ii) Removing or replacing any such equipment; or
 - (iii) Stocktaking; or
 - (iv) Checking or removing cash; or
 - (b) Who is in the restricted area or supervised area for the purpose of preparing or serving any meal; or
 - (c) Who has attained the age of 18 years and who is in the restricted area or supervised area for the purpose of taking part as a performer in any entertainment.

Clause 128: To omit from line 35 on page 100, and also from line 4 on page 101, the expression “18 years”, and substitute in each case the expression “20 years”.

EXPLANATORY NOTE

The amendments in this Supplementary Order Paper have 2 objectives.

1. *Minimum drinking age*

The intention is to preserve the present position under the Sale of Liquor Act 1962. The minimum drinking age would be 20 years, with the exemptions presently allowed by that Act.

The amendments in this Supplementary Order Paper that are designed to achieve this objective are those relating to *clauses 2, 123, new clauses 123A to 123D, 124, 125, 126, 127, and 128.*

They follow the amendments set out in Appendix II to the report of the Committee on the Bill (Parliamentary Paper I. 23A).

2. *Off-licences*

The intention is to defeat the Committee’s recommendation to allow the grant of off-licences in respect of premises in which the principal business is the sale of groceries. However, the minor exceptions for “mixed businesses” in clause 33A (2) are not affected by the amendments in this Supplementary Order Paper.

The relevant amendments on this matter are those in respect of *clauses 33 and 33A.*