

**Version  
as at 18 December 2013**

## **Sale of Liquor Amendment Act 1999**

Public Act      1999 No 92  
Date of assent    31 August 1999

Sale of Liquor Amendment Act 1999: repealed, on 18 December 2013, pursuant to section 418(3) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

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**Note**

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

**This Act is administered by the Ministry of Justice.**

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**Amendments to other Acts**

**An Act to amend the Sale of Liquor Act 1989**

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

## 1 Short Title and commencement

- (1) This Act may be cited as the Sale of Liquor Amendment Act 1999, and is part of the Sale of Liquor Act 1989 (“the principal Act”).
- (2) The following provisions in Part 1 come into force on the day after the date on which this Act receives the Royal assent:
  - (a) Section 3:
  - (b) Section 114.
- (3) The following provisions in Part 1 come into force on 1 December 1999:
  - (a) Section 2(2) to (5):
  - (b) Section 5:
  - (c) Section 13(1):
  - (d) Section 30(1) and (2):
  - (e) Section 62:
  - (f) Sections 75 and 76:
  - (g) Sections 78 to 106:
  - (h) Sections 110 and 111:
  - (i) Section 117:
  - (j) So much of Schedule 2 as relates to the Summary Offences Act 1981.
- (4) The rest of the provisions in Part 1 come into force on 1 April 2000.
- (5) Part 2 (except section 123) comes into force on a date to be appointed by the Governor-General by Order in Council.
- (6) The date appointed under subsection (5) must not be a date earlier than 1 December 2002.
- (7) Parts 3, 4, and 5 come into force on the day after the date on which this Act receives the Royal assent.

## Part 1

### Amendments to principal Act coming into force on specific dates

## 2 Interpretation

- (1) Section 2 of the principal Act is amended by omitting the definition of the term **Defence Council**.
- (2) Section 2 of the principal Act is amended by omitting from paragraph (a) of the definition of the term **prohibited persons** the expression “20”, and substituting the expression “18”.
- (3) Section 2 of the principal Act is amended by omitting from the definition of the term **restricted area** the expression “20”, and substituting the expression “18”.

- (4) Section 2 of the principal Act is amended by repealing the definition of the term **supervised area**, and substituting the following definition:

**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 under the age of 18 years may not be admitted unless accompanied by the person's parent or guardian.

- (5) Section 2 of the principal Act is amended by inserting, in its appropriate alphabetical order, the following definition:

**Guardian**, in relation to a person, means the person's guardian within the meaning of the Guardianship Act 1968

### 3 Meaning of term evidence of age document

The principal Act is amended by inserting, after section 2, the following section:

2A

- (1) For the purposes of this Act, the term **evidence of age document** means a document specified in subsection (2) that—
- (a) Contains a photograph of the person to whom the document is issued; and
  - (b) Contains information that enables the age of the person to be determined.
- (2) For the purposes of subsection (1), a document is—
- (a) A New Zealand passport; or
  - (b) An overseas passport; or
  - (c) A driver licence issued under the Land Transport Act 1998; or
  - (d) A document in the prescribed form issued by a specified person, organisation, body corporate, Government department, Crown agency, or statutory board.
- (3) For the purposes of subsection (2),—
- (a) The term **prescribed** means prescribed by the Minister by notice in the *Gazette*;
  - (b) The term **specified** means specified by the Minister by notice in the *Gazette*.

### 4 Application of Act

Section 5(3)(g) of the principal Act is amended by omitting the words “for any members of the New Zealand Fire Service”.

## 5 Exemption for homestays

The principal Act is amended by inserting, after section 5 the following section:

5A

Nothing in this Act applies to an individual who—

- (a) Occupies premises that are used exclusively or principally as the home or residence of the individual or the individual and his or her family; and
- (b) For reward, permits guests to stay, from time to time, on the premises or other premises nearby; and
- (c) In the course of or incidental to the stay of not more than 10 guests, sells or supplies liquor to some or all of them.

## 6 On-licences

The principal Act is amended by repealing section 7, and substituting the following section:

7

An on-licence authorises the holder of the licence—

- (a) To sell and supply liquor, to any person present on the premises or conveyance described in the licence, for consumption on the premises or conveyance; and
- (b) To allow the consumption of liquor on the premises or conveyance described in the licence.

## 7 Who may hold on-licence

(1) Section 8(1) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraphs:

- (b) Any company within the meaning of the Companies Act 1993 that is not prevented by a restriction in its constitution from selling liquor or from holding a licence under this Act; or
- (ba) Any body corporate (whether incorporated in or outside New Zealand) that is authorised to sell liquor or hold a licence under this Act or under any previous enactment relating to the sale of liquor; or
- (bb) Any board, organisation, or other body that is authorised by another Act to sell liquor or hold an on-licence under this Act; or.

(2) Section 8(1)(f) of the principal Act is amended by inserting, after the words “local authority”, the words “, whether or not”.

## 8 Application for on-licences

Section 9 of the principal Act is amended by adding the following subsections:



- (5) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.
- (6) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (5), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

## 9 Objections

- (1) Section 10(1) of the principal Act is amended by omitting the words “who has attained the age of 18 years and”.
- (2) Section 10(2) of the principal Act is amended by inserting, before the word “notice”, the word “public”.

## 10 Reports

The principal Act is amended by repealing section 11, and substituting the following section:

11

- (1) On receiving an application for an on-licence, the Secretary must send a copy of it, and of each document filed with it, to—
  - (a) The member of the Police in charge of the police station nearest to—
    - (i) The premises in respect of which the licence is sought; or
    - (ii) The Secretary’s office, where the licence is sought in respect of a conveyance; and
  - (b) An inspector; and
  - (c) Where the licence is sought in respect of any premises, the Medical Officer of Health in whose district the premises are situated.
- (2) The inspector must inquire into and file with the District Licensing Agency a report on the application.
- (3) The Police and the Medical Officer of Health must each inquire into and, if they have any matters in opposition, file with the District Licensing Agency a report on the application within 15 working days after receiving the application.
- (4) The District Licensing Agency may assume that, if no report is received from the Police or Medical Officer of Health within 20 working days after sending the application to them, the Police and the Medical Officer of Health have no matters in opposition to the application.
- (5) The Secretary must send to the applicant a copy of any reports filed with the District Licensing Agency under this section.

## **11 Unopposed applications may be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority**

The principal Act is amended by repealing section 12, and substituting the following section:

12

- (1) A District Licensing Agency must decide whether to grant an application for an on-licence in accordance with this Act, if—
  - (a) No objection has been filed under section 10; and
  - (b) No reports containing matters in opposition have been filed with the District Licensing Agency under section 11.
- (2) In any other case, the District Licensing Agency must forward the complete file relating to the application to the Secretary of the Licensing Authority, and the Licensing Authority must determine the application in accordance with this Act.
- (3) For the purposes of this section, the **complete file** means—
  - (a) The application and any papers filed in support of the application; and
  - (b) A copy of the public notice of the application, and a statement of the dates of publication of the notice; and
  - (c) Any objection, and any papers filed in support of any objection; and
  - (d) Any reports made under section 11.

## **12 Criteria for on-licences**

- (1) Section 13(1) of the principal Act is amended by omitting the words “Licensing Authority shall”, and substituting the words “Licensing Authority or District Licensing Agency, as the case may be, must”.
- (2) Section 13(1) of the principal Act is amended by repealing paragraph (e), and substituting the following paragraph:
  - (e) The applicant’s proposals relating to—
    - (i) The sale and supply of non-alcoholic refreshments and food; and
    - (ii) The sale and supply of low-alcohol beverages; and
    - (iii) The provision of assistance with or information about alternative forms of transport from the licensed premises:

- (3) Section 13(2) of the principal Act is amended by omitting the words “Licensing Authority shall”, and substituting the words “Licensing Authority or District Licensing Agency, as the case may be, must”.

## **13 Conditions of on-licences**

- (1) Section 14 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

- (2) It is a condition of every on-licence granted in respect of a hotel or tavern that no liquor is to be sold or supplied on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person other than—
- (a) Any person who is for the time being living on the premises, whether as a lodger or an employee of the holder, or otherwise; or
  - (b) Any person who is present on the premises for the purpose of dining.
- (2) Section 14 of the principal Act is amended by repealing subsections (4) to (7), and substituting the following subsections:
- (4) On granting an application for an on-licence in respect of a hotel or a tavern, the Licensing Authority or District Licensing Agency, as the case may be, must designate the whole or 1 or more parts of the premises as restricted areas or supervised areas.
- (5) On granting an application for an on-licence, the Licensing Authority or District Licensing Agency, as the case may be, may impose conditions relating to the following matters:
- (a) The days on which and the hours during which liquor may be sold:
  - (b) The provision of food for consumption on the premises or conveyance:
  - (c) The sale and supply of low-alcohol beverages:
  - (d) The provision of assistance with or information about alternative forms of transport from the licensed premises:
  - (e) Any other matter aimed at promoting the responsible consumption of liquor:
  - (f) The steps to be taken by the licensee to ensure that the provisions of this Act relating to the sale of liquor to prohibited persons are observed:
  - (g) The designation of the whole or any part or parts of the premises or conveyance as a restricted area or supervised area:
  - (h) The persons or types of persons to whom liquor may be sold or supplied.
- (6) Different conditions may be imposed under subsection (5)(a) in respect of different parts of the premises or conveyance.
- (7) In determining whether to impose conditions under subsection (5)(a) and, if so, what conditions, the Licensing Authority or District Licensing Agency, as the case may be, may have regard to the site of the premises in relation to neighbouring land use.
- (8) Subsection (5)(h) applies subject to the Human Rights Act 1993.

#### **14 Variation of conditions**

- (1) Section 16 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

- (1) The holder of an on-licence may at any time apply to the District Licensing Agency for the variation or cancellation of any condition of the licence imposed by the Licensing Authority or District Licensing Agency.
- (2) Section 16 of the principal Act is amended by inserting, after subsection (2), the following subsections:
  - (2A) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.
  - (2B) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (2A), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.
- (3) Section 16(3) of the principal Act is amended by omitting the words “who has attained the age of 18 years and”.
- (4) Section 16(7) of the principal Act is amended by omitting the words “Licensing Authority shall”, and substituting the words “Licensing Authority or District Licensing Agency, as the case may require, must”.

## **15 Renewal of on-licences**

Section 18 of the principal Act is amended by adding the following subsections:

- (4) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates, unless it is impracticable or unreasonable to do so.
- (5) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (4), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

## **16 Objections to renewal**

- (1) Section 19(1) of the principal Act is amended by omitting the words “who has attained the age of 18 years and”.
- (2) Section 19(2) of the principal Act is amended by inserting, before the word “notice”, the word “public”.

## **17 Reports on applications for renewals**

The principal Act is amended by repealing section 20, and substituting the following section:

20

- (1) On receiving an application for the renewal of an on-licence, the Secretary must send a copy of it, and of each document filed with it, to—
  - (a) The member of the Police in charge of the police station nearest to—

- (i) The premises in respect of which the licence is in force; or
  - (ii) The Secretary's office, where the licence is in force in respect of a conveyance; and
  - (b) An inspector; and
  - (c) Where the licence is in force in respect of any premises, the Medical Officer of Health in whose district the premises are situated.
- (2) The inspector must inquire into and file with the District Licensing Agency a report on the application.
  - (3) The Police and the Medical Officer of Health must each inquire into and, if they have any matters in opposition, file with the District Licensing Agency a report on the application within 15 working days after receiving the application.
  - (4) The District Licensing Agency may assume that, if no report is received from the Police or Medical Officer of Health within 20 working days after sending the application to them, the Police and the Medical Officer of Health have no matters in opposition to the application.
  - (5) The Secretary must send to the applicant a copy of any reports filed with the District Licensing Agency under this section.

**18 Unopposed applications to be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority**

Section 21(3)(d) of the principal Act is amended by omitting the word "The", and substituting the word "Any".

**19 Temporary authority**

Section 24(1) of the principal Act is amended by inserting, after the word "conveyance", the words ", or any business conducted in any premises or conveyance,".

**20 Annual returns**

Section 27 of the principal Act is repealed.

**21 Special provisions relating to BYO restaurants**

Section 28(5) of the principal Act is amended by omitting the words "or section 27".

**22 Off-licences**

Section 29 of the principal Act is amended by adding the following subsection:

- (3) An off-licence also authorises the complimentary supply of liquor by way of sample on the premises to which the licence relates.

**23 Who may hold off-licence**

- (1) Section 30(1) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraphs:
  - (b) Any company within the meaning of the Companies Act 1993 that is not prevented by a restriction in its constitution from selling liquor or from holding a licence under this Act; or
  - (ba) Any body corporate (whether incorporated in or outside New Zealand) that is authorised to sell liquor or hold a licence under this Act or under any previous enactment relating to the sale of liquor; or
  - (bb) Any board, organisation, or other body that is authorised by another Act to sell liquor or hold an off-licence under this Act; or.
- (2) Section 30(1)(f) of the principal Act is amended by inserting, after the words “local authority”, the words “, whether or not”.

**24 Application for off-licences**

Section 31 of the principal Act is amended by adding the following subsections:

- (4) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.
- (5) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (4), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

**25 Objections**

- (1) Section 32(1) of the principal Act is amended by omitting the words “who has attained the age of 18 years and”.
- (2) Section 32(2) of the principal Act is amended by inserting, before the word “notice”, the word “public”.

**26 Reports**

Section 33 of the principal Act is amended by repealing subsections (2) and (3), and substituting the following subsections:

- (2) The inspector must inquire into and file with the District Licensing Agency a report on the application.
- (3) The Police must inquire into and, if they have any matters in opposition, file with the District Licensing Agency a report on the application within 15 working days after receiving the application.
- (4) The District Licensing Agency may assume that, if no report is received from the Police within 20 working days after sending the application to them, the Police have no matters in opposition to the application.

- (5) The Secretary must send to the applicant a copy of any reports filed with the District Licensing Agency under this section.

**27 Unopposed applications may be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority**

The principal Act is amended by repealing section 34, and substituting the following section:

34

- (1) A District Licensing Agency must decide whether to grant an application for an off-licence in accordance with this Act, if—
- (a) No objection has been filed under section 32; and
  - (b) No reports containing matters in opposition have been filed with the District Licensing Agency under section 33.
- (2) In any other case, the District Licensing Agency must forward the complete file relating to the application to the Secretary of the Licensing Authority, and the Licensing Authority must determine the application in accordance with this Act.
- (3) For the purposes of this section, the **complete file** means—
- (a) The application and any papers filed in support of the application; and
  - (b) A copy of the public notice of the application, and a statement of the dates of publication of the notice; and
  - (c) Any objection, and any papers filed in support of any objection; and
  - (d) Any reports made under section 33.

**28 Criteria for off-licences**

- (1) Section 35(1) of the principal Act is amended by omitting the words “Licensing Authority shall”, and substituting the words “Licensing Authority or District Licensing Agency, as the case may be, must”.
- (2) Section 35(2) the principal Act is amended by omitting the words “Licensing Authority shall”, and substituting the words “Licensing Authority or District Licensing Agency, as the case may be, must”.

**29 Types of premises in respect of which off-licences may be granted**

- (1) Section 36(2) of the principal Act is amended by inserting, after the words “Licensing Authority”, the words “or District Licensing Agency, as the case may be,”.
- (2) Section 36(5) and (6) of the principal Act are repealed.

**30 Conditions of off-licences**

- (1) Section 37 of the principal Act is amended by repealing subsections (1) and (1A), and substituting the following subsection:

- (1) It is a condition of every off-licence that no liquor is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.
- (2) Section 37(3) of the principal Act is amended by adding to paragraph (e) the expression “; and”, and adding the following paragraph:
  - (f) Beer that conforms to the standard prescribed by regulation 218 of those regulations, or any other standard that may be set, by regulations made under the Food Act 1981 or by food standards issued under that Act, in substitution for that standard.
- (3) Section 37(4) of the principal Act is amended by inserting, after the words “Licensing Authority”, the words “or District Licensing Agency, as the case may be,”.
- (4) Section 37(4) of the principal Act is amended by adding the following paragraph:
  - (d) The persons or types of persons to whom liquor may be sold or supplied.
- (5) Section 37 of the principal Act is amended by inserting, after subsection (5), the following subsection:
  - (5A) Subsection (4)(d) applies subject to the Human Rights Act 1993.
- (6) Section 37(5) and (6) of the principal Act is amended by inserting, after the words “Licensing Authority” in each place where they occur, the words “or District Licensing Agency, as the case may be,”.

### **31 Variation of conditions**

- (1) Section 39 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:
  - (1) The holder of an off-licence may at any time apply to the District Licensing Agency for the variation or cancellation of any condition of the licence imposed by the Licensing Authority or District Licensing Agency.
- (2) Section 39 of the principal Act is amended by inserting, after subsection (2), the following subsections:
  - (2A) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.
  - (2B) The application is not required to ensure that notice of the application is attached in accordance with subsection (2A), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.
- (3) Section 39(3) of the principal Act is amended by omitting the words “who has attained the age of 18 years and”.
- (4) Section 39(7) of the principal Act is amended by omitting the words “Licensing Authority shall”, and substituting the words “Licensing Authority or District Licensing Agency, as the case may be, must”.



### **32 Renewal of off-licences**

Section 41 of the principal Act is amended by adding the following subsections:

- (4) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.
- (5) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (4), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

### **33 Objections to renewal**

- (1) Section 42(1) of the principal Act is amended by omitting the words “who has attained the age of 18 years and”.
- (2) Section 42(2) of the principal Act is amended by inserting, before the word “notice”, the word “public”.

### **34 Reports on applications for renewals**

Section 43 of the principal Act is amended by repealing subsections (2) and (3), and substituting the following subsections:

- (2) The inspector must inquire into and file with the District Licensing Agency a report on the application.
- (3) The Police must inquire into and, if they have any matters in opposition, file with the District Licensing Agency a report on the application within 15 working days after receiving the application.
- (4) The District Licensing Agency may assume that, if no report is received from the Police within 20 working days after sending the application to them, the Police have no matters in opposition to the application.
- (5) The Secretary must send to the applicant a copy of any reports filed with the District Licensing Agency under this section.

### **35 Unopposed applications to be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority**

- (1) Section 44(1) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph:
  - (b) No report containing matters in opposition is filed with the District Licensing Agency under section 43,—
- (2) Section 44(3)(d) of the principal Act is amended by omitting the word “The”, and substituting the word “Any”.

### **36 Temporary authority**

Section 47(1) of the principal Act is amended by inserting, after the word “premises”, the words “, or any business conducted in any premises,”.

**37 Annual returns**

Section 50 of the principal Act is repealed.

**38 Special provisions relating to caterers**

(1) *[Repealed]*

- (2) Section 51(3) of the principal Act is amended by inserting, after the words “Licensing Authority”, the words “or the District Licensing Agency, as the case may be,”.

Subsection (1) was repealed, as from 6 April 2004, by section 16(2) Sale of Liquor Amendment Act 2004 (2004 No 21).

**39 Special provisions relating to auctioneers**

- (1) Section 52 of the principal Act is amended by repealing subsection (1), and substituting the following subsections:

- (1) An off-licence may be granted to the holder of an auctioneer’s licence under the Auctioneers Act 1928.
- (2) The Licensing Authority or District Licensing Agency must, when granting an off-licence under subsection (1), endorse the licence to indicate that this section applies to the licence.

- (2) Section 52(4) of the principal Act is amended by omitting the expression “50”, and substituting the expression “49”.

**40 Application for club licences**

Section 55 of the principal Act is amended by adding the following subsections:

- (4) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.
- (5) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (4), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

**41 Objections**

- (1) Section 56(1) of the principal Act is amended by omitting the words “who has attained the age of 18 years and”.
- (2) Section 56(2) of the principal Act is amended by inserting, before the word “notice”, the word “public”.

**42 Reports**

The principal Act is amended by repealing section 57, and substituting the following section:

57

- (1) On receiving an application for a club licence, the Secretary must send a copy of it, and of each document filed with it, to—
  - (a) The member of the Police in charge of the police station nearest to the premises in respect of which the licence is sought; and
  - (b) An inspector; and
  - (c) The Medical Officer of Health in whose district the premises are situated.
- (2) The inspector must inquire into and file with the District Licensing Agency a report on the application.
- (3) The Police and the Medical Officer of Health must each inquire into and, if they have any matters in opposition, file with the District Licensing Agency a report on the application within 15 working days after receiving the application.
- (4) The District Licensing Agency may assume that, if no report is received from the Police or Medical Officer of Health within 20 working days after sending the application to them, the Police and the Medical Officer of Health have no matters in opposition to the application.
- (5) The Secretary must send to the applicant a copy of any reports filed with the District Licensing Agency under this section.

**43 Unopposed applications may be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority**

The principal Act is amended by repealing section 58, and substituting the following section:

58

- (1) A District Licensing Agency must decide whether to grant an application for a club licence in accordance with this Act, if—
  - (a) No objection has been filed under section 56; and
  - (b) No reports containing matters in opposition have been filed with the District Licensing Agency under section 57.
- (2) In any other case, the District Licensing Agency must forward the complete file relating to the application to the Secretary of the Licensing Authority, and the Licensing Authority must determine the application in accordance with this Act.
- (3) For the purposes of this section, the **complete file** means—
  - (a) The application and any papers filed in support of the application; and
  - (b) A copy of the public notice of the application, and a statement of the dates of publication of the notice; and
  - (c) Any objection, and any papers filed in support of any objection; and

- (d) Any reports made under section 57; and
- (e) The certificate of approval referred to in section 55(1)(e).

#### **44 Criteria for club licences**

- (1) Section 59(1) of the principal Act is amended by omitting the words “Licensing Authority shall”, and substituting the words “Licensing Authority or District Licensing Agency, as the case may be, must”.
- (2) Section 59(1) of the principal Act is amended by repealing paragraph (g), and substituting the following paragraph:
  - (g) The applicant’s proposals relating to—
    - (i) The sale and supply of non-alcoholic refreshments and food; and
    - (ii) The sale and supply of low-alcohol beverages; and
    - (iii) The provision of assistance with or information about alternative forms of transport from the licensed premises:
- (3) Section 59(2) of the principal Act is amended by omitting the words “Licensing Authority shall”, and substituting the words “Licensing Authority or District Licensing Agency, as the case may be, must”.

#### **45 Conditions of club licences**

- (1) Section 60(1)(b) of the principal Act is amended by inserting, after the words “Licensing Authority”, the words “or District Licensing Agency (whichever granted the licence)”.
- (2) Section 60 of the principal Act is amended by repealing subsection (2), and substituting the following subsections:
  - (2) On granting an application for a club licence, the Licensing Authority or District Licensing Agency, as the case may be, may impose conditions relating to the following matters:
    - (a) The days on which and the hours during which liquor may be sold:
    - (b) The provision of food for consumption on the premises:
    - (c) The sale and supply of low-alcohol beverages:
    - (d) The provision of assistance with or information about alternative forms of transport from the licensed premises:
    - (e) Any other matter aimed at the responsible consumption of liquor:
    - (f) The steps to be taken by the licensee to ensure that the provisions of this Act relating to the sale of liquor to prohibited persons are observed:
    - (g) The designation of the whole or any part or parts of the premises as a restricted area or supervised area:
    - (h) The persons or types of persons to whom liquor may be sold or supplied.

- (2A) Different conditions may be imposed under subsection (2)(a) in respect of different parts of the premises.
- (2B) Subsection (2)(h) applies subject to the Human Rights Act 1993.
- (3) Section 60(3) of the principal Act is amended by inserting, after the words “Licensing Authority”, the words “or District Licensing Agency, as the case may be,”.
- (4) Section 60(4) of the principal Act is amended by—
  - (a) Omitting from paragraph (a) the words “Licensing Authority shall”, and substituting the words “Licensing Authority or District Licensing Agency, as the case may be, must”; and
  - (b) Inserting in paragraph (b), after the words “Licensing Authority”, the words “or District Licensing Agency, as the case may be,”.

#### **46 Variation of conditions**

- (1) Section 62 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:
  - (1) The holder of a club licence may at any time apply to the District Licensing Agency for the variation or cancellation of any condition of the licence imposed by the Licensing Authority or District Licensing Agency.
- (2) Section 62 of the principal Act is amended by inserting, after subsection (2), the following subsections:
  - (2A) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.
  - (2B) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (2A), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.
- (3) Section 62(3) of the principal Act is amended by omitting the words “who has attained the age of 18 years and”.
- (4) Section 62(7) of the principal Act is amended by omitting the words “Licensing Authority shall”, and substituting the words “Licensing Authority or District Licensing Agency, as the case may require, must”.

#### **47 Renewal of club licences**

Section 64 of the principal Act is amended by adding the following subsections:

- (4) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates, unless it is impracticable or unreasonable to do so.

- (5) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (4), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

#### **48 Objections to renewal**

- (1) Section 65(1) of the principal Act is amended by omitting the words “who has attained the age of 18 years and”.
- (2) Section 65(2) of the principal Act is amended by inserting, before the word “notice”, the word “public”.

#### **49 Reports on applications for renewals**

The principal Act is amended by repealing section 66, and substituting the following section:

66

- (1) On receiving an application for the renewal of a club licence, the Secretary must send a copy of it, and of each document filed with it, to—
- (a) The member of the Police in charge of the police station nearest to the premises in respect of which the licence is in force; and
  - (b) An inspector; and
  - (c) The Medical Officer of Health in whose district the premises are situated.
- (2) The inspector must inquire into and file with the District Licensing Agency a report on the application.
- (3) The Police and the Medical Officer of Health must each inquire into and, if they have any matters in opposition, file with the District Licensing Agency a report on the application within 15 working days after receiving the application.
- (4) The District Licensing Agency may assume that, if no report is received from the Police or Medical Officer of Health within 20 working days after sending the application to them, the Police and the Medical Officer of Health have no matters in opposition to the application.
- (5) The Secretary must send to the applicant a copy of any reports filed with the District Licensing Agency under this section.

#### **50 Unopposed applications to be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority**

Section 67(3)(d) of the principal Act is amended by omitting the word “The”, and substituting the word “Any”.

#### **51 Annual Returns**

Section 72 of the principal Act is repealed.

## **52 Special licences**

The principal Act is amended by repealing Section 73, and substituting the following section:

73

A special licence authorises the holder of the licence to sell and supply liquor, on the premises or conveyance described in the licence, to any person attending any occasion or event or series of occasions or events described in the licence.

## **53 Special licence for social gatherings**

Section 74 of the principal Act is amended by omitting the words “in respect of a hotel or tavern,”.

## **54 Who may hold special licence**

(1) Section 75 of the principal Act is amended by repealing paragraph (b), and substituting the following paragraphs:

(b) Any company within the meaning of the Companies Act 1993 that is not prevented by a restriction in its constitution from selling liquor or from holding a licence under this Act; or

(ba) Any body corporate (whether incorporated in or outside New Zealand) that is authorised to sell liquor or hold a licence under this Act or under any previous enactment relating to the sale of liquor; or

(bb) Any board, organisation, or other body that is authorised by another Act to sell liquor or hold an on-licence under this Act; or.

(2) Section 75(f) of the principal Act is amended by inserting, after the words “local authority”, the words “, whether or not”.

## **55 Application for special licences**

Section 76 of the principal Act is amended by repealing subsection (4), and substituting the following subsection:

(4) Within 10 working days after filing the application, the applicant must, if required to do so by the Secretary, ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates, unless the Secretary agrees that it is impracticable or unreasonable to do so.

## **56 Objections**

(1) Section 77(1) of the principal Act is amended by omitting the words “who has attained the age of 18 years and”.

(2) Section 77(2) of the principal Act is amended by inserting, before the word “notice”, the word “public”.

**57 Reports**

Section 78 of the principal Act is amended by repealing subsections (2) to (4), and substituting the following subsections:

- (2) The inspector must inquire into and file with the District Licensing Agency a report on the application.
- (3) The Police must inquire into and, if they have any matters in opposition, file with the District Licensing Agency a report on the application within 15 working days after receiving the application.
- (4) The District Licensing Agency may assume that, if no report is received from the Police within 20 working days after sending the application to them, the Police have no matters in opposition to the application.
- (5) The Secretary must send to the applicant a copy of any reports filed with the District Licensing Agency under this section.

**58 Criteria for special licence**

- (1) Section 79(1) of the principal Act is amended by repealing paragraph (f), and substituting the following paragraph:

- (f) The applicant's proposals relating to—
  - (i) The sale and supply of non-alcoholic refreshments and food; and
  - (ii) The sale and supply of low-alcohol beverages; and
  - (iii) The provision of assistance with or information about alternative forms of transport from the licensed premises:

- (2) Section 79(1)(g) of the principal Act is amended by omitting the word "The", and substituting the word "Any".

**59 Conditions of special licences**

- (1) Section 80(2) of the principal Act is amended by inserting, after paragraph (b), the following paragraphs:

- (ba) The sale and supply of low-alcohol beverages:
- (bb) The provision of assistance with or information about alternative forms of transport from the licensed premises:
- (bc) Any other matter aimed at promoting the responsible consumption of liquor:

- (2) Section 80(2) of the principal Act is amended by adding the following paragraph:

- (g) The containers in which liquor may be sold.

**60 Duration of special licences**

- (1) Section 82(1)(a) of the principal Act is amended by omitting the word "particular".



- (2) Section 82(2) of the principal Act is amended by omitting the word “particular”.

**61 Functions of Authority**

Section 91 of the principal Act is amended by repealing paragraphs (a) to (c), and substituting the following paragraphs:

- (a) To consider and determine such applications for the grant of on-licences, off-licences, and club licences as may be referred to it by any District Licensing Agency in accordance with this Act:
- (b) To consider and determine such applications for renewal of on-licences, off-licences, and club licences as may be referred to it by any District Licensing Agency in accordance with this Act:
- (c) To consider and determine such applications for the grant of managers’ certificates as may be referred to it by any District Licensing Agency in accordance with this Act:

**62 Authority may refer matters for investigation**

Section 94(2) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.

**63 Authority may send statements to Agencies**

Section 96 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

- (3) In the exercise of its functions under this Act, every District Licensing Agency must observe any statement issued under this section.

**64 Functions of District Licensing Agency**

Section 100 of the principal Act is amended by repealing paragraphs (a) and (b), and substituting the following paragraphs:

- (a) To consider and determine such applications for the grant of on-licences, off-licences, and club licences as it is not required by this Act to forward for determination by the Licensing Authority:
- (b) To grant such applications for renewal of on-licences, off-licences, and club licences or for the variation of conditions as it is not required by this Act to forward for determination by the Licensing Authority:

**65 Procedure**

Section 106 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

- (2) Where an objection is filed within the prescribed time, the Licensing Authority or the District Licensing Agency must convene a public hearing to consider the application, unless—

- (a) The application is withdrawn; or
- (b) Having considered the application, the Licensing Authority or District Licensing Agency believes that the objection is vexatious or based on grounds outside the scope of this Act; or
- (c) The objector does not require a public hearing.

#### **66 Right of certain persons to appear**

Section 108 of the principal Act is amended by omitting the words “Except in a case to which section 106(1) of this Act applies,”.

#### **67 Manager to be on duty at all times**

- (1) Section 115 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

(1) At all times when liquor is being sold or supplied to the public on any licensed premises a manager must be on duty and responsible for compliance with this Act and the conditions of the licence.

- (2) Section 115 of the principal Act is amended by adding the following subsection:

(3) At all times when liquor is being sold or supplied to the public on licensed premises the licensee must take all reasonable steps to enable the manager to comply with subsection (1).

#### **68 Reports**

Section 119 of the principal Act is amended by repealing subsections (2) and (3), and substituting the following subsections:

(2) The inspector must inquire into and file with the District Licensing Agency a report on the application.

(3) The Police must inquire into and, if they have any matters in opposition, file a report on the application within 15 working days after receiving the application.

(4) The District Licensing Agency may assume that, if no report is received from the Police within 20 working days after the application is referred to the Police, they have no matters in opposition to the application.

(5) The Secretary must send to the applicant a copy of any reports filed with the District Licensing Agency under this section.

#### **69 Unopposed applications may be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority**

The principal Act is amended by repealing section 120, and substituting the following section:

120

- (1) If, in respect of any application for a manager's certificate, no matter in opposition is filed under section 119, the District Licensing Agency must determine the application in accordance with this Act.
- (2) In any other case, the Secretary of the District Licensing Agency must forward the complete file to the Secretary of the Licensing Authority, and the Licensing Authority must determine the application in accordance with this Act.
- (3) For the purposes of this section, the **complete file** means—
  - (a) The application and any papers filed in support of the application; and
  - (b) Any reports made under section 119.

#### 70 Criteria for managers' certificates

The principal Act is amended by repealing section 121, and substituting the following section:

121

- (1) In considering any application for a general manager's certificate, the Licensing Authority or District Licensing Agency, as the case may be, must have regard to the following matters:
  - (a) The character and reputation of the applicant:
  - (b) Any convictions recorded against the applicant:
  - (c) Any experience, in particular recent experience, that the applicant has had in managing any premises or conveyance in respect of which a licence was in force:
  - (d) Any relevant training, in particular recent training, that the applicant has undertaken and any relevant qualifications that the applicant holds:
  - (e) Any matters dealt with in any report made under section 119.
- (2) In considering any application for a club manager's certificate, the Licensing Authority or District Licensing Agency, as the case may be, must have regard to the following matters:
  - (a) The character and reputation of the applicant:
  - (b) Any convictions recorded against the applicant:
  - (c) Any experience, in particular recent experience, that the applicant has had in managing any premises in respect of which a licence was in force:
  - (d) Any relevant training, in particular recent training, that the applicant has undertaken and any relevant qualifications that the applicant holds:
  - (e) Any matters dealt with in any report made under section 119:
  - (f) Where the applicant intends to be the manager of a particular club, the extent of the applicant's involvement in the management and activities of the club.

**71 Reports and applications for renewals**

Section 124 of the principal Act is amended by repealing subsections (2) and (3), and substituting the following subsections:

- (2) The inspector must inquire into and file with the District Licensing Agency a report on the application.
- (3) The Police must inquire into and, if they have any matters in opposition, file a report on the application within 15 working days after receiving the application.
- (4) The District Licensing Agency may assume that, if no report is received from the Police within 20 working days after the application is referred to the Police, they have no matters in opposition to the application.
- (5) The Secretary must send to the applicant a copy of any reports filed with the District Licensing Agency under this section.

**72 Unopposed applications to be granted, opposed applications to be forwarded to Licensing Authority**

Section 125(3)(b) of the principal Act is amended by omitting the word “The” and substituting the word “Any”.

**73 Criteria for renewal**

Section 126(c) of the principal Act is amended by adding the words “with the aim of contributing to the reduction of liquor abuse”.

**74 Notice of appointment, etc, of manager, temporary manager, or acting manager**

Section 130 of the principal Act is amended by repealing subsection (1), and substituting the following subsections:

- (1) A licensee must give notice, in accordance with subsection (1A), of the appointment, or the cancellation or termination of the appointment, of any manager, temporary manager, or acting manager.
- (1A) Notice is given in accordance with this subsection if the notice is given within 2 working days after the appointment, or the cancellation or termination of the appointment, to—
  - (a) The Licensing Authority; and
  - (b) The District Licensing Agency with which the application for the licence was filed; and
  - (c) The member of the Police in charge of the police station nearest to—
    - (i) The premises, where the licence is in force in respect of any premises; or

- (ii) The office of the District Licensing Agency with which the application was filed, where the licence is in force in respect of any conveyance.

**75 Power of inspector to enter licensed premises**

- (1) Section 131(4) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.
- (2) Section 131(5) of the principal Act is amended by omitting the expression “\$ 1,000”, and substituting the expression “2,000”.

**76 Suspension or cancellation of licences by Licensing Authority in respect of certain offences**

The principal Act is amended by inserting, after section 132, the following section:

132A

- (1) This section applies in respect of an offence committed—
  - (a) By a licensee or manager against section 155(1), section 165, section 166(1), or section 167; or
  - (b) By a person (not being a licensee or manager) against section 155(2) or section 166(2).
- (2) A member of the Police must, immediately after the licensee or manager or person has been convicted of the offence, send a report to the Licensing Authority.
- (3) The report must include—
  - (a) A certificate of the conviction from the Registrar of the court concerned; and
  - (b) A summary of the evidence on which the conviction was based; and
  - (c) A statement by the Police as to whether or not the licensed premises concerned have been conducted in breach of any other provisions of this Act or of any conditions of the licence or otherwise in an improper manner and, if so, a statement of the circumstances; and
  - (d) A statement by the Police as to whether or not the conduct of the licensee is such as to show that the licensee is not a suitable person to hold the licence and, if so, a statement of the circumstances; and
  - (e) A recommendation by the Police as to whether the licence of the licensee should be suspended or cancelled; and
  - (f) The reasons for the recommendation.
- (4) Immediately after receiving the report, the Licensing Authority must consider it.

- (5) If, after considering the report, the Licensing Authority considers that it should hold a public hearing into whether the licence held by the licensee should be suspended or cancelled, the Secretary must—
  - (a) Advise the licensee accordingly; and
  - (b) Send a copy of the report of the Police to the licensee; and
  - (c) Fix the earliest practicable date for a public hearing of the matter; and
  - (d) Give at least 10 working days' notice of the date, time, and place of the hearing to the Police and the licensee.
- (6) At the hearing, the Police and the licensee (whether personally or by counsel),—
  - (a) Are entitled to appear and be heard; and
  - (b) May call, examine, and cross-examine witnesses.
- (7) A certificate of the conviction included in the report of the Police under subsection (3)(a) is conclusive evidence that the licensee or manager or person committed the offence referred to in the certificate.
- (8) At the conclusion of the hearing, the Licensing Authority may make an order under subsection (9) if it is satisfied that—
  - (a) The licensed premises concerned have been conducted in breach of the provisions of this Act or of any conditions of the licence or otherwise in an improper manner; or
  - (b) The licensee is not a suitable person to hold a licence; and
  - (c) In either case, it is desirable to make an order under that subsection.
- (9) An order made under this subsection is an order to—
  - (a) Suspend the licence for such period, not exceeding 6 months, as the Licensing Authority thinks fit; or
  - (b) Cancel the licence.
- (10) Instead of making an order under subsection (9), the Licensing Authority may adjourn the hearing for such period as it thinks fit to give the licensee an opportunity to remedy any matters that the Licensing Authority may require to be remedied within the period.

## **77 Restraining continuing breaches of conditions of licence**

Section 136 of the principal Act is repealed.

## **78 Sales by unlicensed person**

Section 151 of the principal Act is amended by omitting the expression “\$20,000”, and substituting the expression “\$40,000”.

**79 Allowing unlicensed premises to be used for sale of liquor**

Section 152 of the principal Act is amended by omitting the expression “\$20,000”, and substituting the expression “\$40,000”.

**80 Use of unlicensed premises as place of resort for consumption of liquor**

Section 153(1) of the principal Act is amended by omitting the expression “\$10,000”, and substituting the expression “\$20,000”.

**81 Persons found on unlicensed premises kept as place of resort for consumption of liquor**

Section 154(1) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.

**82 Promotion of excessive consumption of alcohol**

The principal Act is amended by inserting, after section 154, the following heading and section:

*Excessive consumption of alcohol*

**154A Promotion of excessive consumption of alcohol**

Every person commits an offence and is liable to a fine not exceeding \$5,000 who, being a licensee or manager of licensed premises, does anything in the promotion of the business conducted on the premises, or in the promotion of any event or activity held or conducted on the premises, that is intended or likely to encourage persons on the licensed premises to consume alcohol to an excessive extent.

**83 Sale or supply of liquor to minors**

- (1) Subsections (1), (2), (4), and (5) of section 155 of the principal Act are amended by omitting the expression “20” in each place where it occurs, and substituting in each case the expression “18”.
- (2) Section 155(1) of the principal Act is amended by omitting the words “a fine not exceeding \$5,000”, and substituting the words “the penalty set out in subsection (2A)”.
- (3) Section 155(2) of the principal Act is amended by omitting the words “a fine not exceeding \$1,000”, and substituting the words “the penalty set out in subsection (2A)”.
- (4) Section 155 of the principal Act is amended by inserting, after subsection (2), the following subsection:

(2A) The penalty is,—

- (a) In the case of a licensee,—
  - (i) A fine not exceeding \$10,000; or

- (ii) The suspension of the licensee's licence for a period not exceeding 7 days; or
  - (iii) Both:
  - (b) In the case of a manager, a fine not exceeding \$10,000:
  - (c) In the case of a person (not being a licensee or manager), a fine not exceeding \$2,000.
- (5) Section 155 of the principal Act is amended by inserting, after subsection (4), the following subsection:
- (4A) Without limiting subsection (4), reasonable grounds exist for the purposes of that subsection if the defendant proves that the person who sold or supplied the liquor had, before or at the time of sale or supply, sighted an evidence of age document of the person whose age is material to the offence, indicating that that person was of or over the age of 18 years.

#### **84 Exemptions in respect of restricted areas**

Section 156 of the principal Act is repealed.

#### **85 Exemptions in respect of other parts of licensed premises**

The principal Act is amended by repealing section 157, and substituting the following section:

157

Subsections (1) and (2) of section 155 do not apply to the supply of liquor on licensed premises (other than a restricted area) to a person who is under the age of 18 years if—

- (a) The person is accompanied by the person's parent or guardian; and
- (b) The liquor is supplied to the person by the person's parent or guardian.

#### **86 Further exemptions in respect of supervised areas**

Section 158 of the principal Act is repealed.

#### **87 Further exemptions in respect of licensee's or manager's family or lodger's spouse**

Section 159 of the principal Act is repealed.

#### **88 Purchasing liquor for minors**

- (1) Section 160(1) of the principal Act is amended by omitting the expression "20", and substituting the expression "18".
- (2) Section 160(1) of the principal Act is amended by omitting the expression "\$1,000", and substituting the expression "\$2,000".
- (3) Paragraphs (a) and (c) of section 160(3) of the principal Act are repealed.



- (4) Section 160(4) of the principal Act is amended by omitting the expression “20”, and substituting the expression “18”.

**89 Employment of minors**

- (1) Section 161(2) of the principal Act is amended by omitting the expression “20”, and substituting the expression “18”.
- (2) Section 161(2) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.
- (3) Section 161(3)(b) of the principal Act is repealed.

**90 Purchasing of liquor by minors**

- (1) Section 162(1) of the principal Act is amended by omitting the expression “20”, and substituting the expression “18”.
- (2) Section 162(1) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.
- (3) Section 162 of the principal Act is amended by repealing subsections (2) to (4).

**91 New sections 162A to 162D inserted**

The principal Act is amended by inserting, after section 162, the following sections:

**162A Infringement offences**

In sections 162B to 162D,—

**Infringement fee**, in relation to an infringement offence, means such amount, not exceeding \$500, as is prescribed by regulations

**Infringement offence** means an offence under section 162 or section 163.

**162B Commission of infringement offence**

Where any person is alleged to have committed an infringement offence, that person may either—

- (a) Be proceeded against for the alleged offence under the Summary Proceedings Act 1957; or
- (b) Be served with an infringement notice as provided for in section 162C.

**162C Infringement notices**

- (1) Where a member of the Police observes a person committing an infringement offence, or has reasonable cause to believe such an offence is being or has been committed by that person, an infringement notice in respect of that offence may be served on that person.
- (2) Any member of the Police (not necessarily the member who issued the notice) may deliver the infringement notice (or a copy of it) to the person alleged to have committed an infringement offence personally or by post addressed to that

person's last known place of residence; and, in that case, for the purposes of the Summary Proceedings Act 1957, it (or the copy) is to be treated as having been served on that person when it was posted.

- (3) Every infringement notice must be in the prescribed form and must contain the following particulars:
- (a) Such details of the alleged infringement offence as are sufficient fairly to inform a person of the time, place, and nature of the alleged offence; and
  - (b) The amount of the infringement fee; and
  - (c) The address of the place at which the infringement fee may be paid; and
  - (d) The time within which the infringement fee must be paid; and
  - (e) A summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
  - (f) A statement that the person served with the notice has a right to request a hearing; and
  - (g) A statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and
  - (h) Such other particulars as are prescribed.
- (4) Where an infringement notice has been issued under this section, proceedings in respect of the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957; and, in that case, the provisions of that section apply with all necessary modifications.

#### **162D Payment of infringement fees**

All infringement fees paid in respect of infringement offences must be paid into the Crown Bank Account.

#### **92 Minors in restricted areas or supervised areas**

- (1) Section 163 of the principal Act is amended by repealing subsections (1) and (2), and substituting the following subsections:
- (1) Every person commits an offence and is liable to a fine not exceeding \$1,000 who, being under the age of 18 years, is found in any restricted area on any licensed premises.
  - (2) Every person commits an offence and is liable to a fine not exceeding \$1,000 who, being under the age of 18 years, is found in any supervised area on any licensed premises unless that person is accompanied by his or her parent or guardian.
- (2) Section 163(3)(c) of the principal Act is repealed.
- (3) Section 163(3) of the principal Act is amended by adding the following paragraph:
- (d) Who is in the supervised area for the purpose of selling or supplying liquor.

**93 Permitting minors to be in restricted areas or supervised areas**

- (1) Section 164(1) of the principal Act is amended by omitting the expression “20”, and substituting the expression “18”.
- (2) Section 164(1) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.
- (3) Section 164(2) of the principal Act is amended by omitting the expression “20”, and substituting the expression “18”.
- (4) Section 164 of the principal Act is amended by inserting, after subsection (2), the following subsection:
  - (2A) Without limiting subsection (2), reasonable grounds exist for the purposes of that subsection if the defendant proves that he or she had sighted an evidence of age document of the person whose age is material to the offence, indicating that that person was of or over the age of 18 years.

**94 Unauthorised sale or supply**

- (1) Section 165 of the principal Act is amended by omitting the words “a fine not exceeding \$10,000”, and substituting the words “the penalty set out in subsection (2)”.
- (2) Section 165 of the principal Act is amended by adding, as subsection (2), the following subsection:
  - (2) The penalty is,—
    - (a) In the case of a licensee,—
      - (i) A fine not exceeding \$20,000; or
      - (ii) The suspension of the licensee’s licence for a period not exceeding 7 days; or
      - (iii) Both:
    - (b) In the case of a manager, a fine not exceeding \$20,000.

**95 Sale or supply of liquor to intoxicated person**

- (1) Section 166(1) of the principal Act is amended by omitting the words “a fine not exceeding \$5,000”, and substituting the words “the penalty set out in subsection (4)”.
- (2) Section 166(2) of the principal Act is amended by omitting the words “a fine not exceeding \$1,000”, and substituting the words “the penalty set out in subsection (4)”.
- (3) Section 166 of the principal Act is amended by adding, as subsection (4), the following subsection:
  - (4) The penalty is,—
    - (a) In the case of a licensee,—
      - (i) A fine not exceeding \$10,000; or

- (ii) The suspension of the licensee's licence for a period not exceeding 7 days; or
- (iii) Both:
- (b) In the case of a manager, a fine not exceeding \$10,000:
- (c) In the case of a person (not being a licensee or manager), a fine not exceeding \$2,000.

#### **96 Allowing person to become intoxicated**

- (1) Section 167 of the principal Act is amended by omitting the words "a fine not exceeding \$5,000", and substituting the words "the penalty set out in subsection (2)".
- (2) Section 167 of the principal Act is amended by adding, as subsection (2), the following subsection:

- (2) The penalty is,—
  - (a) In the case of a licensee,—
    - (i) A fine not exceeding \$10,000; or
    - (ii) The suspension of the licensee's licence for a period not exceeding 7 days; or
    - (iii) Both:
  - (b) In the case of a manager, a fine not exceeding \$10,000.

#### **97 Allowing drunkenness or disorderly conduct on licensed premises**

Section 168(1) of the principal Act is amended by omitting the expression "\$2,000", and substituting the expression "\$4,000".

#### **98 Sales of spirits otherwise than in a glass**

Section 169(1) of the principal Act is amended by omitting the expression "\$1,000", and substituting the expression "\$2,000".

#### **99 Being on licensed premises outside licensing hours**

- (1) Section 170(1) of the principal Act is amended by omitting the expression "\$1,000", and substituting the expression "\$2,000".
- (2) Section 170(2) is amended by repealing paragraph (d)(iv), and substituting the following subparagraph and paragraph:
  - (iv) Checking or removing cash; or
  - (e) Any employee of the licensee not living on the premises at any time while he or she is employed on the premises or at any time not later than 1 hour after such employment has ceased for the day.

**100 Allowing person on licensed premises outside licensing hours**

Section 171 of the principal Act is amended by omitting the expression “\$5,000”, and substituting the expression “\$10,000”.

**101 Making false representations to licensees, etc**

- (1) Section 172(1) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.
- (2) Section 172(2) of the principal Act is amended by omitting the expression “\$500”, and substituting the expression “\$1,000”.

**102 Licensee’s offences in respect of manager**

The principal Act is amended by inserting, after section 172, the following section:

172A

Every person commits an offence and is liable to a fine not exceeding \$5,000 who, being a licensee, fails, without reasonable excuse, to—

- (a) Appoint a manager as required by any of sections 26, 49, 71, or 84:
- (b) Ensure that section 115 is complied with:
- (c) Comply with section 130.

**103 Closure of licensed premises in case of riot**

- (1) Section 173(4) of the principal Act is amended by omitting the expression “\$5,000”, and substituting the expression “\$10,000”.
- (2) Section 173(5) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.

**104 Closure of premises in case of fighting, etc**

- (1) Section 174(6) of the principal Act is amended by omitting the expression “\$5,000”, and substituting the expression “\$10,000”.
- (2) Section 174(7) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.

**105 Powers of entry on licensed premises**

- (1) Section 175(4) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.
- (2) Section 175(5) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.

**106 Power of Police to demand information**

Section 176(4) of the principal Act is amended by omitting the expression “\$500”, and substituting the expression “\$1,000”.

**107 Power of Police to seize samples of liquor**

The principal Act is amended by inserting, after section 177, the following section:

177A

Any member of the Police who enters and is conducting an inspection of any licensed premises under section 175 and who, during the inspection, has reasonable cause to suspect that any person on those premises has committed or is committing or is attempting to commit any offence against this Act, may seize, without warrant for the purpose of analysis, any liquid, including the container holding the liquid, in the possession of that person that is suspected of being liquor.

**108 Court may order forfeiture in certain cases**

Section 183 of the principal Act is amended by omitting the words “section 151 or section 152 or section 153 of”.

**109 Certain licensees to file annual returns**

Section 224 of the principal Act is repealed.

**110 Notification of Licensing Authority by company of changes in company shareholding or name**

Section 225(5) of the principal Act is amended by omitting the expression “\$5,000”, and substituting the expression “\$10,000”.

**111 Notification of Licensing Authority by beneficial owner of shares of changes in shareholding**

Section 225A(3) of the principal Act is amended by omitting the expression “\$5,000”, and substituting the expression “\$10,000”.

**112 Duplicate licence or certificate**

The principal Act is amended by repealing section 226, and substituting the following section:

226

If the Secretary of the Licensing Authority or the District Licensing Agency is satisfied that any licence or manager’s certificate issued by the Licensing Authority or District Licensing Agency has been lost or destroyed, the Secretary may issue a duplicate licence or certificate to the holder.

**113 Surrender of licence**

Section 227(3) of the principal Act is amended by inserting, after the word “fee”, the words “(including, but not limited to, an application fee)”.

#### **114 Regulations**

Section 229 of the principal Act is amended by inserting, after paragraph (e), the following paragraphs:

- (ea) Prescribing the requirements and procedure that an applicant for an evidence of age document under section 2A(2)(d) must satisfy and follow before the document can be issued to the applicant:
- (eb) Requiring licences or any class of licence to have endorsed on, or attached to, them a description of the land and premises they relate to:
- (ec) Prescribing the form and extent of, and the procedure for varying, a description required by regulations made under paragraph (eb):
- (ed) Prescribing the infringement fee payable in respect of infringement offences:
- (ee) Prescribing the form of infringement notices, and any other particulars to be contained in infringement notices:

#### **115 Present conditions of sale to continue**

Section 242 of the principal Act is amended by adding the following subsection:

- (8) All converted on-licences and converted off-licences in force immediately before 1 December 1999 expire at the close of the period of 3 years commencing with the date on which a licence was last renewed.

#### **116 Certain managers' certificates deemed to be club managers' certificates**

Section 246 of the principal Act is repealed.

#### **117 Conditions of licences varied**

- (1) On and from the commencement of this section, an on-licence in force immediately before the commencement of this section has effect as if—
  - (a) The condition prohibiting the sale or supply of liquor on Sunday applied only to Easter Sunday; and
  - (b) The licence contained a condition prohibiting the sale and supply of liquor before 1 pm on Anzac Day; and
  - (c) The licence contained a condition permitting the sale and supply of liquor between 9 am and 10 pm on Sunday (other than Easter Sunday) and after 1 pm on Anzac Day.
- (2) On and from the commencement of this section, an off-licence in force immediately before the commencement of this section has effect as if—
  - (a) The condition prohibiting the sale or delivery of liquor on Sunday applied only to Easter Sunday; and
  - (b) The licence contained a condition prohibiting the sale and delivery of liquor before 1 pm on Anzac Day; and

- (c) The licence contained a condition permitting the sale and delivery of liquor between 9 am and 10 pm on Sunday (other than Easter Sunday) and after 1 pm on Anzac Day; and
- (d) In relation to an off-licence granted in respect of premises described in section 36(1)(d), there were a condition permitting the sale of beer that conforms to the standard prescribed by regulation 218 of the Food Regulations 1984, or any other standard that may be set, by regulations made under the Food Act 1981 or by food standards set under that Act, in substitution for that standard.

### **118 Repeals**

The enactments specified in Schedule 1 are repealed.

### **119 Amendments to other Acts**

The enactments specified in Schedule 2 are amended in the manner indicated in that schedule.

## **Part 2**

### **Amendments to principal Act coming into force on date to be appointed by Order in Council**

#### **120 Manager to be on duty at all times and responsible for compliance**

The principal Act is amended by repealing section 115, and substituting the following section:

115

- (1) At all times when liquor is being sold or supplied to the public on any licensed premises a manager must be on duty.
- (2) A manager on duty in respect of licensed premises is responsible for—
  - (a) The compliance with and enforcement of—
    - (i) The provisions of this Act; and
    - (ii) The conditions of the licence in force in respect of the premises; and
  - (b) The conduct of the premises with the aim of contributing to the reduction of liquor abuse.
- (3) At all times while a manager is on duty in respect of any licensed premises, the name of the manager must be prominently displayed inside the premises so as to be easily read by persons using the premises; and the person so named at any time is to be treated for the purposes of this Act as the manager at that time.



- (4) At all times when liquor is being sold or supplied on licensed premises the licensee must take all reasonable steps to enable the manager to comply with this section.

**121 New sections substituted**

The principal Act is amended by repealing sections 116 and 117, and substituting the following sections:

**116 Managers to hold certificate**

No person is to be appointed as a manager of any licensed premises for the purposes of this Act unless the person holds a manager's certificate granted under this Part.

**117 Kinds of managers' certificates**

- (1) Every manager's certificate must be either a general manager's certificate or a club manager's certificate.
- (2) A general manager's certificate authorises the holder to manage any licensed premises.
- (3) A club manager's certificate authorises the holder to manage any licensed premises in respect of which only a club licence is in force.

**117A General manager must hold prescribed qualification**

No person is entitled to hold a general manager's certificate, and the District Licensing Agency or the Licensing Authority must not issue a general manager's certificate to a person, unless the person holds a prescribed qualification.

**122 Criteria for general managers' certificates**

The principal Act is amended by repealing section 121(1) (as substituted by section 70 of this Act), and substituting the following subsection:

- (1) In considering any application for a general manager's certificate, the Licensing Authority or District Licensing Agency, as the case may be, must have regard to the following matters:
- (a) The character and reputation of the applicant:
- (b) Any convictions recorded against the applicant:
- (c) Any experience, in particular recent experience, that the applicant has had in controlling any premises or conveyance in respect of which a licence was in force:
- (d) Any relevant training, in particular recent training, that the applicant has undertaken and evidence that the applicant holds the prescribed qualification required under section 117A:
- (e) Any matters dealt with in any report made under section 119.

**123 Regulations***[Repealed]*

Section 123 was repealed, as from 6 April 2004, by section 27(3) Sale of Liquor Amendment Act 2004 (2004 No 21).

**Part 3****Conditions in certain off-licences****124 Certain off-licences to be treated as permitting sale or supply of liquor during early hours of Sunday morning**

- (1) Every off-licence granted before the commencement of this Part that contains a condition or statement that appears or is intended to permit the sale or delivery of liquor during the period from midnight on a Saturday to 3 am on a Sunday or during a part of that period must be treated as permitting and as having always permitted the sale or delivery of liquor during that period or during that part of that period, as the case may be.
- (2) Subsection (1) does not apply in respect of any Easter Sunday or Anzac Day (where that day falls on a Sunday) occurring after this part comes into force.

**Part 4****Amendment to Privacy Act 1993****125 Schedule 2 of Privacy Act 1993 amended**

Schedule 2 of the Privacy Act 1993 is amended by inserting, in Part 1, after the item relating to the Motor Vehicle Securities Act 1989, the following item:

Sale of Liquor Act 1989	sections 220 and 221
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**Part 5****Amendment to Summary Offences Act 1981****126 Summary Offences Act 1981 amended**

The Summary Offences Act 1981 is amended by inserting, after section 38, the following heading and sections:

*Infringement offences***38A Infringement offences**

In section 38B to 38E,—

**Infringement fee**, in relation to an infringement offence, means \$200

**Infringement offence** means an offence under section 38(3).

**38B Commission of infringement offence**

- (1) Where any person is alleged to have committed an infringement offence, that person may either—
  - (a) Be proceeded against for the alleged offence under the Summary Proceedings Act 1957; or
  - (b) Be served with an infringement notice under section 38C.
- (2) No person arrested under section 39 may be served with an infringement notice under section 38C.

**38C Infringement notices**

- (1) Where a member of the Police observes a person committing an infringement offence, or has reasonable cause to believe such an offence is being or has been committed by that person, an infringement notice in respect of that offence may be served on that person.
- (2) Any member of the Police (not necessarily the member who issued the notice) may deliver the infringement notice (or a copy of it) to the person alleged to have committed an infringement offence personally or by post addressed to that person's last known place of residence; and, in that case, for the purposes of the Summary Proceedings Act 1957, it (or the copy) is to be treated as having been served on that person when it was posted.
- (3) Every infringement notice must be in the prescribed form and must contain the following particulars:
  - (a) Such details of the alleged infringement offence as are sufficient fairly to inform a person of the time, place, and nature of the alleged offence; and
  - (b) The amount of the infringement fee; and
  - (c) The address of the place at which the infringement fee may be paid; and
  - (d) The time within which the infringement fee must be paid; and
  - (e) A summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
  - (f) A statement that the person served with the notice has a right to request a hearing; and
  - (g) A statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and
  - (h) Such other particulars as are prescribed.
- (4) Where an infringement notice has been issued under this section, proceedings in respect of the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957; and, in that case, the provisions of that section apply with all necessary modifications.

**38D Payment of infringement fees**

All infringement fees paid in respect of infringement offences must be paid into the Crown Bank Account.

**38E Regulations**

The Governor-General may from time to time, by Order in Council, make regulations prescribing the form of infringement notices, and any other particulars to be contained in infringement notices.

## Schedule 1 Enactments repealed

Section 118

- 1991, No 150—The Building Act 1991: So much of Schedule 4 as relates to sections 11, 20, 57, 58, and 66 of the principal Act.
- 1992, No 35—The Sale of Liquor (Off-Licence) Amendment Act 1992.
- 1994, No 16—The Company Law Reform (Transitional Provisions) Act 1994: So much of Schedule 1 as relates to sections 8, 30, and 75 of the Sale of Liquor Act 1989.
- 1996, No 143—The Sale of Liquor Amendment Act 1996: Section 2.
- 1997, No 11—The Sale of Liquor Amendment Act 1997: Section 2.

The item relating to the Building Act 1991 was substituted, as from 31 August 1999, by section 28(1) Sale of Liquor Amendment Act 2004 (2004 No 21).

The item relating to the Company Law Reform (Transitional Provisions) Act 1994 was inserted, as from 31 August 1999, by section 28(2) Sale of Liquor Amendment Act 2004 (2004 No 21).

## Schedule 2 Amendments to other Acts

Section 119

Enactment	Amendment
1981, No 113—The Summary Offences Act 1981 (RS Vol 28, p 887)	By omitting from section 38(3)— <ul style="list-style-type: none"> <li>(a) The expression “20”, and substituting the expression “18”; and</li> <li>(b) The words “spouse (being an adult) or by his parent or guardian or any other person (being an adult) acting in the place of his parent”, and substituting the words “or her parent or legal guardian”.</li> </ul>
1981, No 125—The Wine Makers Act 1981	By repealing the definition of the term <b>chartered club</b> in section 2.

Enactment	Amendment
1990, No 98—The Civil Aviation Act 1990 (RS Vol 32, p 1)	By omitting from section 96(1) and (2)(a) the expression “20” in each place where it occurs, and substituting in each case the expression “18”.

**Consolidation notes****1    *General***

This is a consolidation of the Sale of Liquor Amendment Act 1999 that incorporates all the amendments to that Act as at the date of the last amendment to it.

**2    *About this consolidation***

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

**3    *Amendments incorporated in this consolidation***

Sale and Supply of Alcohol Act 2012 (2012 No 120): section 418(3)