

House of Representatives

# Supplementary Order Paper

Thursday, 1 July 2021

**Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill  
(No 2)**

*Proposed amendments for the consideration of the Committee of the  
whole House*

**Key:**

- **this is inserted text**
- **~~this is deleted text~~**

**Note:** This Supplementary Order Paper shows amendments to the Bill that are being proposed by Louisa Wall for the purposes of consideration in Committee of the whole House. This document does—

- **NOT have official status in terms of unamended text**
- **NOT have the status of an as-reported version of the Bill.**



### **Explanatory note**

This Supplementary Order Paper (**SOP**) amends the Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No 2).

Section 133 of the Sale and Supply of Alcohol Act 2012 (the **principal Act**) provides that, in considering whether to renew a licence to sell or supply alcohol, a licensing authority or licensing committee must not take into account any inconsistency between a relevant local alcohol policy and the renewal of the licence or the consequences of its renewal.

As introduced, the Bill provided that a licensing authority or licensing committee could refuse to renew a licence if the renewal would be inconsistent with certain matters in a relevant local alcohol policy. This SOP proposes to revert to the approach under the principal Act for all licence renewals except renewals of an off-licence that are opposed by the Police, the Medical Officer of Health, or a licensing inspector. In the case of an opposed off-licence renewal, the SOP would require a licensing authority or licensing committee to take into account inconsistencies with a relevant local alcohol policy when considering whether to renew the off-licence.

This change will not affect applications for off-licence renewals that have been filed before the Bill comes into force and on which no decision has been made.

**Louisa Wall, in Committee, to propose the amendments shown in the following document.**



*Louisa Wall*

## **Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No 2)**

Member's Bill

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	<b><u>Schedule</u></b>
	<b><u>New Schedule 1AA inserted</u></b>

**The Parliament of New Zealand enacts as follows:**

#### **1 Title**

This Act is the Sale and Supply of Alcohol (Renewal of Licences) Amendment Act **2018**.

**Proposed amendments to  
Sale and Supply of Alcohol (Renewal of Licences)  
Amendment Bill (No 2)**

cl 2

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**3 Principal Act**

This Act amends the Sale and Supply of Alcohol Act 2012 ~~(the principal Act)~~.

**4 Purpose**

~~The purpose of this Act is to amend the principal Act to provide that, in considering a renewal of licence where a relevant local alcohol policy exists, a licensing authority or licensing committee must take into account any inconsistency between any location and density matters contained in a relevant local alcohol policy and the renewal of a licence or the consequences of that renewal.~~

**4A New section 6A inserted (Transitional, savings, and related provisions)**

After section 6, insert:

**6A Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.

**5 Section 133 ~~replaced~~ amended (Renewal of licences where relevant local alcohol policy exists)**

Replace section 133 with:

**133 Renewal of licences where relevant local alcohol policy exists**

- (1) ~~A licensing authority or licensing committee may refuse to renew a licence if, in its opinion, the renewal of the licence or the consequences of its renewal would be inconsistent with policies, on any or all of the matters set out in paragraphs (a) to (d) of section 77(1), that are contained in any relevant local alcohol policy.~~
- (2) ~~A licensing authority or licensing committee may impose particular conditions on any licence it renews if, in its opinion, the renewal of the licence, or the consequences of its renewal without those conditions would be inconsistent with policies, on any or all of the matters set out in paragraphs (e) to (g) of section 77(1), that are contained in any relevant local alcohol policy.~~

After section 133(1), insert:

(1A) However, if a licensing authority or licensing committee is considering an application to renew an off-licence in respect of which a report has been made under section 129 opposing the renewal application, the authority or committee must take into account any inconsistency between a relevant local alcohol policy and—

- (a) the renewal of the licence; or

(b) the consequences of the renewal of the licence.

**6 ~~Section 135 amended (Decision on renewal)~~**

~~In section 135(1), delete “, subject to section 133,”.~~

**7 New Schedule 1AA inserted**

Insert the **Schedule 1AA** set out in the **Schedule** of this Act as the first schedule to appear after the last section of the principal Act.

**Schedule**  
**New Schedule 1AA inserted**

**s 7**

**Schedule 1AA**  
**Transitional, savings, and related provisions**

**s 6A**

**Part 1**  
**Provisions relating to Sale and Supply of Alcohol (Renewal of Licences) Amendment Act (No 2) 2018**

- 1** **Application for renewal of off-licence filed before commencement of Sale and Supply of Alcohol (Renewal of Licences) Amendment Act (No 2) 2018**
- (1) An application for the renewal of an off-licence filed before the commencement date on which no decision has been made must be considered by the licensing authority or licensing committee as if the Amendment Act had not been enacted.
- (2) In this clause,—  
**Amendment Act** means the Sale and Supply of Alcohol (Renewal of Licences) Amendment Act (No 2) **2018**  
**commencement date** means the day on which the Amendment Act comes into force.