

House of Representatives

Supplementary Order Paper

Tuesday, 24 September 2013

Statutes Amendment Bill

Proposed amendments

Hon Chester Borrows, in Committee, to move the following amendments:
After *Part 22* (after line 28 on page 33), insert:

Part 22A

Sale and Supply of Alcohol Act 2012

107A Principal Act

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

107B Section 46 amended (No sale or supply outside permitted trading hours: all licences)

After section 46(2), insert:

- “(3) Subsection (1) does not apply where any alcohol previously placed in an area or unit (commonly known as a mini-bar) of a hotel room is, in that room, sold or supplied to—
- “(a) a person (a **guest**) who is, under an agreement, entitled to occupy that room; or
 - “(b) a person whom that guest permits, consistently with that agreement, to be in that room.”

107C Section 350 amended (Monopoly provisions continue to apply)

- (1) After section 350(b)(i), insert:
- “(ia) for premises for which a licence to which **subsection (4)** applies is held; or”
- (2) In section 350, insert as subsections (2) to (4):
- “(2) Every off-licence issued under **subsection (1)(b)(ia)** must be issued subject to a condition that alcohol must not be sold or delivered on or from the premises for which the licence is

held unless it is alcohol of a kind that, immediately before the commencement of the Sale of Liquor Act 1989, could have been sold or delivered under a wine reseller's licence granted under the Sale of Liquor Act 1962.

- “(3) A licence must, if renewed, be renewed subject to a condition that alcohol must not be sold or delivered on or from the premises for which the licence is held unless it is alcohol of a kind that, immediately before the commencement of the Sale of Liquor Act 1989, could have been sold or delivered under a wine reseller's licence granted under the Sale of Liquor Act 1962, if it is—
- “(a) an off-licence issued under **subsection (1)(b)(ia)** of this section or section 216(b)(iii) of the Sale of Liquor Act 1989; or
- “(b) a licence to which **subsection (4)** applies.
- “(4) This subsection applies to a licence if—
- “(a) it was granted as a wine resellers' licence under the Sale of Liquor Act 1962; or
- “(b) it is an off-licence granted in substitution for a wine resellers' licence granted under the Sale of Liquor Act 1962.”

107D Section 409 amended (Existing licences continue in force)

After section 409(2), insert:

- “(2A) The trading hours permitted for premises to which an off-licence endorsed to indicate that section 51 of the Sale of Liquor Act 1989 applies to it—
- “(a) are the default maximum national trading hours stated by section 43 for an on-licence, in any case where, immediately before the commencement of this section, the same or longer trading hours were permitted for those premises; and
- “(b) are the shorter trading hours permitted under the licence, in every other case.
- “(2B) **Subsection (2A)** overrides subsection (2).”

Explanatory note

This Supplementary Order Paper replaces Supplementary Order Paper 346.

That Supplementary Order Paper proposed to amend the Statutes Amendment Bill by inserting a new Part containing an amendment to the Sale and Supply of Alcohol Act 2012 relating to the application of permitted trading hours to the sale or supply of alcohol taken from mini-bars in hotel rooms.

This Supplementary Order Paper proposes to amend the Statutes Amendment Bill by inserting a new Part containing that amendment and 2 others.

Proposed *new clause 107B* amends section 46 of that Act to clarify that permitted trading hours do not apply to the sale or supply of alcohol taken from mini-bars in hotel rooms. Under the default national maximum trading hours, alcohol may not be sold or supplied between 4 am and 8 am on licensed premises for which an on-licence is held.

Under section 216 of the Sale of Liquor Act 1989, businesses operating under licences originally granted as wine resellers' licences under the Sale of Liquor Act 1962 could obtain off-licences enabling them to operate in monopoly licensing trust areas. The ability to obtain such licences was not continued by the Sale and Supply of Alcohol Act 2012. Proposed *new clause 107C* amends section 350 of that Act so as to restore that ability. As before, the off-licences must be issued (and renewed) subject to a condition that the alcohol sold or delivered on or from the premises concerned must be alcohol of a kind that could have been sold or delivered under a wine reseller's licence.

Under the Sale of Liquor Act 1989, caterers could obtain an off-licence endorsed to indicate that section 51 of that Act applied to it. Under the Sale and Supply of Alcohol Act 2012 they will now obtain an endorsed *on*-licence. Proposed *new clause 107D* amends section 409 of that Act to provide that the permitted trading hours for caterers' licences granted under the 1989 Act are to be those applying to on-licences (even though those licences were granted as off-licences).

Departmental disclosure statement

The Ministry of Justice considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.
