

House of Representatives

Supplementary Order Paper

Thursday, 1 July 2021

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

Proposed amendments

Louisa Wall, in Committee, to move the following amendments:

New clauses 4B to 4E

After *clause 4* (page 2, after line 6), insert:

4B Section 49 amended (Remote sales exempted from trading hours restrictions)

In section 49(2)(b), replace “59(1)” with “**59A**”.

4C Section 59 amended (Requirements relating to remote sales by holders of off-licences)

Repeal section 59(1) and (2).

4D New section 59A inserted (Requirements relating to delivery of remote sales by holders of off-licences)

After section 59, insert:

59A Requirements relating to delivery of remote sales by holders of off-licences

Permitted delivery times if there is relevant local alcohol policy

(1) **Subsection (2)** applies if—

- (a) the holder of an off-licence sells alcohol by remote sale to a buyer; and
- (b) there is in force in the district in which the buyer’s delivery address is located a local alcohol policy that contains an

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- element that has the effect of stating the hours within which alcohol sold by remote sale may be delivered.
- (2) The holder of the off-licence must ensure that any alcohol sold by remote sale is not delivered to the buyer (or to any other person on the buyer's behalf) outside of the hours stated in that local alcohol policy.
- Permitted delivery times if there is no relevant local alcohol policy*
- (3) **Subsection (4)** applies if—
- (a) the holder of an off-licence sells alcohol by remote sale to a buyer; and
- (b) there is not in force in the district in which the buyer's delivery address is located a local alcohol policy that contains an element that has the effect of stating the hours within which alcohol sold by remote sale may be delivered.
- (4) The holder of an off-licence must ensure that any alcohol sold by remote sale is not delivered to the buyer (or to any other person on the buyer's behalf) at any time after 11 pm on any day and before 6 am on the next day.
- Who this section applies to*
- (5) This section applies whether the alcohol is delivered by the seller or by some other person.
- 4E Section 77 amended (Contents of policies)**
- After section 77(1)(e), insert:
- (ea) hours within which alcohol sold by remote sale may be delivered in the district concerned:

Explanatory note

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

New clause 4B makes an amendment to section 49 of the Sale and Supply of Alcohol Act 2012 (the **principal Act**) that is consequential upon *new clauses 4C and 4D*.

New clauses 4C and 4D repeal section 59(1) and (2) of the principal Act and insert *new section 59A*, which incorporates provisions with a similar effect to section 59(1) and (2), together with new provisions. The effect of *new section 59A* is that, if a relevant local alcohol policy states the hours within which alcohol sold by remote sale may be delivered, then alcohol sold by remote sale must not be delivered to the buyer outside of those hours. If there is no relevant local alcohol policy, then *new section 59A(3) and (4)* continues the existing requirement in section 59(1) that alcohol sold by remote sale must not be delivered between 11 pm and 6 am. *New section 59A(5)* repeats existing section 59(2) of the principal Act.

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New clause 4E amends section 77 of the principal Act to provide that a local alcohol policy may include a policy on the hours within which alcohol sold by remote sale may be delivered in the district concerned. This amendment is necessary to enable the amendments in *new clauses 4C and 4D* to have effect.

This change was recommended to the Governance and Administration Committee by Auckland Council in 2018, when the committee considered the Bill and accompanying Supplementary Order Paper No 14.