

3 November 2021

Attorney-General

**Sale and Supply of Alcohol (Exemption for Race Meetings) Amendment Bill –
Consistency with the New Zealand Bill of Rights Act 1990**
Our Ref: ATT395/348

1. We have reviewed the Sale and Supply of Alcohol (Exemption for Race Meetings) Amendment Bill for consistency with the New Zealand Bill of Rights Act 1990 (**the Bill of Rights Act**).
2. We could find no inconsistency with the Bill of Rights Act.

The Bill

3. The Bill proposes amendments to the Sale and Supply of Alcohol Act 2012.
4. The Bill's explanatory note states many regional racing clubs lack the infrastructure to offer large amounts of hospitality services, and that allowing patrons to bring their own food and drink to the course helps attract attendance on race days. Typically, racing clubs obtain a special licence (or hold an on-licence) for a designated area and allow the rest of the course to be available for bring-your-own alcohol consumption.
5. Section 235 of the Sale and Supply of Liquor Act 2012 provides that a person who is the occupier, or has or takes part in the care, management, or control, of any unlicensed premises commits an offence if that person allows those premises to be kept or used as a place of resort for the consumption of alcohol.
6. This Bill makes it clear that racing clubs and race meetings are not the intended target of section 235 of the Sale and Supply of Liquor Act. The Bill does this by providing an exemption from section 235 for racing clubs on the days of race meetings if the consumption of alcohol takes place at a time when the club holds either an on-licence or an on-site special licence that applies to the race meeting.

Our conclusion

7. In our view the Bill does not engage with any of the rights guaranteed by the Bill of Rights Act.

Review of this advice

8. This advice has been peer reviewed by Helen Carrad, Crown Counsel.



Peter Gunn
Team Manager/Crown Counsel

Noted / Approved/ ~~Not Approved~~



Hon David Parker
Attorney-General
8 / 11 /2021