

ALCOHOL LAW REFORM SCENARIOS

Scenario	Status quo	Proposal
Purchase age	<p>People must be 18 years or over to buy alcohol from any kind of licensed premises [on-licences (for example, a restaurant or bar), off-licences (for example, a supermarket or bottle store), club licences (for example, a sports club) and special licences].</p>	<p>People must be 18 years or over to buy alcohol in on-licence premises, for example, in restaurants, cafes, bars and nightclubs, and club licence premises.</p> <p>People must be 20 years or over to buy alcohol in off-licence premises, for example, in bottle stores and supermarkets.</p>
Access to licensed premises	<p>Under-18 year olds are not allowed to be on licensed premises designated as restricted at any time. For example, nightclubs and some bottle stores are designated as restricted areas.</p> <p>Under-18 year olds may enter and drink on premises designated as supervised if they are accompanied by a parent or guardian and their parent or guardian supplies them with the alcohol. For example, some or all parts of a restaurant and “country pubs” may be designated as supervised areas.</p>	<p>The status quo will largely remain.</p> <p>A difference is that 18 and 19 year olds will be allowed on licensed premises designated as restricted or supervised, but if it is an off-licence, they will be unable to buy alcohol there.</p> <p>Off-licences will continue to enforce their current operational practices in regard to checking of identification for those on the premises and for those purchasing alcohol.</p>
Employment on licensed premises	<p>Employees must be aged 18 years or over to sell or supply alcohol on premises designated as restricted areas, for example, at nightclubs and some bottle stores. However, under-18 year olds can be employed in these areas to do things such as preparing or serving food, undertaking maintenance and stocktaking.</p> <p>Under-18 year olds can sell alcohol in non-designated premises or premises designated as supervised, for example, at supermarkets and cafes.</p>	<p>The status quo will largely remain.</p> <p>A difference is that 18 and 19 year olds will continue to be allowed to be employed in all restricted areas, including off-licences (for example, bottle stores), even though they will be unable to buy alcohol from off-licences. This is equivalent to the current situation for sale of alcohol in supermarkets and cafes.</p>

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	<p>Many supermarkets have implemented operational practices that require a supervisor to oversee the sale of alcohol by an under-18 year old. However, this is not a legal requirement.</p>	
<p>Fake ID</p>	<p>If a person is charged with selling or supplying alcohol to an under-18 year old, the seller has a defence if it can be proved that they believed on reasonable grounds that the buyer of the alcohol was 18 years or older.</p> <p>Reasonable grounds exist if the seller proves that an evidence of age document was sighted, verifying that the buyer of the alcohol was 18 years or over, but reasonable grounds may also be proved in other ways.</p> <p><i>Example: a retailer believed that the buyer of alcohol was 18 years or over because the buyer wore nice clothes and make-up and bought alcohol of a type considered to be desirable to an older age bracket. It is possible that these circumstances could constitute 'reasonable' grounds for a defence, even though an evidence of age document was not sighted.</i></p>	<p>If a person is charged with selling or supplying alcohol to an under-18 year old, or an under-20 year old in the case of off-licences, the only defence will be that the seller reasonably believed that the buyer of alcohol was over the minimum purchase age and can prove that valid evidence of age was sighted, which verified that the buyer of the alcohol was of or over the purchase age.</p> <p><i>Example: to protect themselves, sellers will generally always be required to ask for identification if they think that a person might be under the purchase age. If a person did sell alcohol to someone under the purchase age, it would be a defence if the buyer of the alcohol looks and dresses older and has a forged evidence of age document indicating that they were over the legal age, which could not reasonably be distinguished from the real thing.</i></p>
<p>Supply of alcohol (including parental consent)</p>	<p>It is illegal to buy alcohol with the intent to supply it to an under-18 year old, unless the buyer is the parent or guardian of the under-18 year old OR is a person who intends to supply the alcohol at a private social gathering.</p> <p>There are no other controls on private supply of alcohol to under-18 year olds.</p> <p><i>Example: the following situation is currently lawful. A 16-year old attends a party at a friend's house, where alcohol</i></p>	<p>No-one other than a parent or guardian will be able to supply alcohol to an under-18 year old, unless a parent or guardian has provided consent.</p> <p><i>Example: an aunt, uncle, sibling, cousin, friend, or friend's parent will not be able to supply alcohol to an under-18 year old, unless they have the consent of a parent or guardian.</i></p> <p><i>A parent will continue to be allowed to supply their child with a beer or glass of champagne at a wedding or other event.</i></p>

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	<p><i>is supplied by the friend's parents. The friend's parents have not obtained the consent of the 16-year olds parent or guardian to supply alcohol. They supply the alcohol in large quantities and do not supervise the consumption of the alcohol at the party.</i></p>	<p>The nature of consent is being left open and, where there is a prosecution, will be decided on the facts of the case. It is likely that either written or verbal consent would be acceptable.</p> <p>Where parents and other people with parental consent supply alcohol to under-18 year olds, they will need to do so in a responsible manner. The test for responsible supply will include the age of those supplied, the amount of alcohol supplied, adequacy of supervision, the length of time that alcohol is supplied, availability of food, and presence of intoxication.</p> <p>Because people cease to be under legal guardianship at the age of 18, 18 and 19 year olds could legally be supplied alcohol by any other person. That other person would not be required to supply in a responsible manner or supervise the consumption of alcohol.</p> <p><i>Example: a group of people aged 18-20 years attend a private social gathering. Alcohol supplied for consumption by all people attending the gathering could legally be bought by the 20-year olds. [status quo]</i></p>
<p>Drinking in public</p>	<p>Under-18 year olds are not allowed to drink or possess alcohol in public, unless they are accompanied by their parent or guardian and the public place is not in a liquor ban area.</p> <p>Over-18 year olds can drink alcohol in a public place, unless that place is a liquor ban area.</p>	<p>The status quo will remain.</p> <p>However, additional requirements will need to be met before a liquor ban bylaw can be created in order to target those areas that are shown to be linked to alcohol-related harm.</p> <p><i>Example: it will be less likely that liquor bans will be able to prevent low-risk public drinking, such as a family picnic in the park, at all times, because they will be more appropriately targeted to trouble areas or times.</i></p> <p>Additionally, local alcohol policies may be developed and adopted</p>

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		by territorial authorities, which will allow for the management of alcohol to suit local needs, including community input into matters relating to licensing.
<p>After-ball parties</p>	<p>If alcohol is being supplied at a private social gathering, such as an after-ball party, there are no specific controls over private supply to under-18 year olds. In this situation, Police may be able to use current offences that relate to the sale and consumption of alcohol by unlicensed persons and at unlicensed premises, to prevent an after-ball party from being held.</p> <p>Where an after-ball is held at licensed premises, depending on where the party is held, under-18 year olds may be prohibited from attending or may only be able to attend if accompanied by their parent. At licensed premises, only parents or guardians would be allowed to supply alcohol to their own child if they are under-18 years old. Sale of alcohol to people under the purchase age is illegal.</p>	<p>It will be an offence for anyone other than a parent or guardian to provide alcohol to an under-18 year old without the parent's consent.</p> <p>If alcohol was provided to an under-18 year old, the parent or guardian or a person with consent would need to ensure the alcohol was supplied in a responsible manner.</p> <p><i>Example: a private after-ball party is organised, where it is foreseeable that under-18 year olds will be drinking alcohol. Only parents or guardians may supply the alcohol to their child. Any other person who wishes to supply to children at the party must obtain consent from each child's parent or guardian. The parent or guardian or authorised person who supplied the alcohol must supply in a responsible manner, including supervising the consumption of the alcohol at the party.</i></p> <p>Police will retain the power to use current offences that relate to the sale and consumption of alcohol by unlicensed persons and at unlicensed premises, to prevent after-balls from taking place or prosecute after the fact if this is appropriate in the circumstances.</p> <p>Where an after-ball is held on licensed premises, the current law will continue to apply.</p>
<p>Off-licence eligibility</p>	<p>An off-licence may be granted in respect of a number of different types of premises, including supermarkets and grocery stores where the principal business is the sale of household foodstuff.</p>	<p>The legislation will be strengthened to make a definitional distinction between grocery stores, dairies and convenience stores. Consistent with the Liquor Licensing Authority's current approach in this area, it will focus on the type of goods sold, turnover</p>

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	<p>Dairies and service stations are explicitly prohibited from obtaining an off-licence.</p> <p><i>Example: under the current law, grocery stores that many people might consider to be a dairy have been granted a licence to sell alcohol.</i></p>	<p>percentages, and the physical nature of the store.</p> <p>This will make it harder for dairies to obtain a licence under the guise of a 'grocery store', as regulations will specify the required information and process to determine whether they are eligible to hold an off-licence.</p> <p><i>Example: grocery stores that many people would consider to be a dairy, but have previously been defined as grocery stores in order to obtain a liquor licence under the Act, will no longer be eligible to hold an off-licence because they do not meet the requirements for definition as a grocery store.</i></p>
<p>Community input into licensing decisions</p>	<p>Communities have limited ability to influence licensing decisions in their area, in particular the number and location of outlets. If a licence applicant has a resource management certificate and is deemed to be suitable to hold a licence, it is difficult to object to or decline a licence.</p> <p><i>Example: a number of community members object to a liquor licence due to concern about the number of licensed premises in the area. The objection is not upheld because it does not fall under one of the criteria for making an objection to a licence application in the current Act.</i></p>	<p>To enable communities to have a greater say on licence applications, there will be additional criteria for securing a licence. These include:</p> <ul style="list-style-type: none"> • The objective of the act; • The provisions of a relevant local alcohol policy; • Whether the amenity or good order of the locality would be lessened by the granting of the licence; and • The design and layout of the proposed premises. <p>These criteria will make it easier for communities to influence licensing decisions in their area.</p> <p><i>Example: a number of community members object to a liquor licence because they are concerned about the impact that another licensed premise will have on the level of alcohol-related harm in the area. The objection can be considered appropriately in the decision-making process, as it falls under the criteria in the Act.</i></p>