

# The Sale and Supply of Alcohol Act 2012 – What's New?

*Stay Calm and Reduce the Harm  
Regional Forum, Auckland  
23 May 2013.*

# Presentation overview

- Background
- The Sale and Supply of Alcohol Act
- Timeframes
- Conclusions
- More information

# Background

- 2008 Labour Government developed *Sale of Liquor and Liquor Enforcement Bill* **and** announced the Law Commission Review headed by Sir Geoffrey Palmer.
- Later 2008 National Government parks the SLLE Bill and tightens up the Law Commission Review timeframes.

# Background

- April 2010 Law Commissions Final Report with 153 recommendations including:
  - 50% tax increase
  - A 3 phase approach to banning advertising and sponsorship
  - Raise purchase age to 20 years
  - Mandatory Local Alcohol Policies and maximum trading hours – Off-licences 9am – 10pm and On-licences 9am – 4am with mandatory one-way doors restrictions from 2am.

# Background

- **August 2010** - Government response to the Law Commission's recommendations (cabinet paper).
- **October 2010** - The ***Alcohol Reform Bill*** passed its first reading in Parliament, and referred to the Justice and Electoral Committee
- **September 2011** - second reading
- **August 2012** – Voting on the Minimum Purchase Age
- **December 2012** - rest of the legislation passed.

# The Sale and Supply of Alcohol Act 2012

- **New Act – New Object**

1) The object of this Act is that—

the sale, supply, and consumption of alcohol should be undertaken safely and responsibly;  
and

(b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

(2) For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—

any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and

(b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

# The Sale and Supply of Alcohol Act 2012

- Clarifies who can hold a licence and more importantly who can't
  - Types of licence - On-licence, off-licence, clubs, specials – all similar to existing laws
  - Supermarkets limited to wine, beer and mead (expressly prohibited from selling spirits or spirit-based drinks
  - Specifically defined grocery stores – thus making it clearer that dairies and convenience stores cannot hold a licence.

# The Sale and Supply of Alcohol Act 2012

- **Default National Trading Hours**
  - On-licence and club licences 8am – 4am next day
  - Off-licence 7am – 11pm.
- **Local Alcohol Policy provisions allow these to be extended or further restricted**



# The Sale and Supply of Alcohol Act 2012

- Enables Local Alcohol Policies
  - A Local Council **may** develop a policy
  - Content of the LAP and the process through which a policy must be developed.
  - Right of and process of appeal

# The Sale and Supply of Alcohol Act 2012

- Criteria for issue of licences
- These are broader than previously allowed including;

Object of Act, suitability of applicant, **any relevant alcohol policy**, days and hours during which alcohol can be sold, provision of food, non-alcohol and low alcohol beverages, provision of other services, **whether the amenity and good order of the locality would be likely to be reduced.**

# The Sale and Supply of Alcohol Act 2012

- One-way door restrictions
- Conditions relating to display and promotion of alcohol in single area in supermarkets/grocery stores
- Risk-based fees

# The Sale and Supply of Alcohol Act 2012

- Changes to the licensing structures
  - Alcohol Regulatory and Licensing Authority replaces the Liquor Licensing Authority.
  - District Licensing Committees replace District Licensing Agency.

These committees determine licence applications locally.

# The Sale and Supply of Alcohol Act 2012

- Creates an offence for the irresponsible promotion of alcohol - For example; encourages people to consume to an excessive extent, leads people to believe the price is 25% or more below the ordinary price, promotes free alcohol, offers goods/services or prize on the condition that alcohol is bought.
- Provides for banning and restricting alcohol products

# Sale and Supply of Alcohol Act 2012

- Supply of alcohol to minors:
  - Only parents/legal guardians can supply and must do so in a responsible manner
  - Other can supply only with “express consent”.

# Timeframes

- From 19<sup>th</sup> December 2012
  - New Alcohol Regulatory and Licensing Authority (ARLA)
  - Only interim one-year licences can be issued
  - TAs can begin drafting LAPs

# Timeframes

- From 18<sup>th</sup> June 2013
  - All licence applications must meet new expanded criteria (e.g. Increase harm or negatively impact on community)
  - All licence applications are also subject to new grounds for objection



# Timeframes

- From 18<sup>th</sup> December 2013 – the rest of the new laws come into force;
  - National maximum trading hours
  - LAPs can be implemented
  - Supply to minors
  - New offences apply for irresponsible promotions
  - District Licensing Committees replace DLAs
  - Licences and managers certificates can be cancelled for five years for some repeat offences.

# Conclusion

- The new legislation falls short of expectations
- **HOWEVER** there are opportunities for us to make it work to reduce alcohol-related harm including:
  - Taking advantage of the broader licensing criteria
  - Irresponsible promotions
  - Social Supply conditions
  - Maximising the potential of the Local Alcohol Policies
- We need to raise awareness about the provisions and encourage/support community engagement.

# For more information

- Ministry of Justice [www.justice.govt.nz](http://www.justice.govt.nz)
  - Factsheets
- Your Local Council to find out about the LAP process, liquor licensing matters.
- Alcohol Healthwatch (09) 520 7036 or [www.ahw.org.nz](http://www.ahw.org.nz)