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SUBMISSION TO JUSTICE COMMITTEE ON SALE AND SUPPLY OF ALCOHOL (SALES ON ANZAC DAY MORNING, GOOD FRIDAY, EASTER SUNDAY, AND CHRISTMAS DAY) AMENDMENT BILL

Thank you for the opportunity to present this submission on the Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill (the Bill).

The Queenstown Lakes District Council (QLDC) is supportive of the proposed amendment in the Bill to reduce some of the restrictions for on-licence premises. This would allow local businesses a level playing field under the current Sale and Supply of Alcohol Act 2012, while maintaining the necessary controls to prevent alcohol harm (on-licensed premises including trained bar staff, security staff, licence conditions, security cameras, food options, water and non-alcoholic provisions, and a further set of rules under the Act which must be complied with).

QLDC **does not support** the removal of restrictions for Good Friday, Easter Sunday, Christmas Day, or Anzac Day provisions for all off-licence premises on the basis that there are fewer controls in place to prevent alcohol related harm.

QLDC recommends that:

- Transitional matters be included in the Bill, to provide for clarity and consistency of process for all licensees, alcohol licensing inspectors, police, Medical Officers of Health (and their delegates), and District Licensing Committees.
- Consideration be given to the impacts the amendments will have to other legislation (i.e., Shop Trading Hours Act 1990) or policies that territorial authorities may have to restrict trading.
- Clarification is needed for club premises which are not Royal New Zealand Returned and Services Association's (RNZRSA) but hold Anzac Day services, as they fall outside section 47A of the current Sale and Supply of Alcohol Act.
- Clubs would still be required to have a special licence to sell and supply alcohol to public (non-members) who wish to visit a club on Anzac Day, as per section 60 of the Sale and Supply of Alcohol Act 2012.

QLDC would not like to be heard at any hearings that result from this consultation process.

Thank you again for the opportunity to comment.

Yours sincerely,



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1.0 Context of the Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill.

- 1.1 Queenstown-Lakes District (QLD) is a district with an average daily population of 70,205 (visitors and residents) and a peak daily population of 99,220. By 2053 this is forecast to increase to 150,082 and 217,462 respectively¹.
- 1.2 Alongside this unprecedented growth, the QLD is one of Aotearoa, New Zealand's premier visitor destinations, drawing people from all over the world. The QLD plays a paramount role in NZ's international reputation and sees a larger proportion of international guest nights compared to other centres. The Queenstown Regional Tourism Operator (RTO) area accounted for 17% of all international guest nights². Tourism remains a foundation of the local economy, accounting 62.58% of all employment in the region in 2023³. The tourism industry in the district extends to local hotels, restaurants, bars, cellar doors, brewery and entertainment venues.
- 1.3 The Queenstown Lakes is reliant on international and domestic tourists and as such has the "Easter Sunday Shop Trading Policy 2025" in place to allow all shops in the Queenstown Lakes District the opportunity to open on Easter Sunday.

2.0 QLDC does not support the repeal of section 48, for off-licence premises on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day restricted.

- 2.1 QLDC does not support the removal of restrictions for Good Friday, Easter Sunday, Christmas Day, or Anzac Day provisions for all off-licence premises on the basis that the removal does not have the same controls to prevent alcohol harm as on-licensed premises.
- 2.2 Repealing section 48 of the current Sale and Supply Act of Alcohol 2012 in its entirety and maintaining the wording in the Bill would have the effect of allowing alcohol would not only be sold by supermarkets, but it would also be sold by grocery stores, auctioneers, bottle stores, and by online retailers on Easter Friday, Good Sunday, Christmas Day and Anzac Day. Additionally, repeal of the current off-licence restrictions would also allow supermarkets to deliver alcohol the same day to customers, as well as allow "e-locker" collections of alcohol to occur.
- 2.3 Those customers who purchase alcohol from off-licence premises such as bottle stores, supermarkets, grocery stores, or online instant delivery services, can, and do consume alcohol in areas where there are little to no controls in place. These instances have been previously outlined to the Government in the Law Commission's Issues Paper⁴, and the "Alcohol in our live; Curbing the harm" report.⁵
- 2.4 The estimated total societal cost of alcohol harms in 2023 was approximately \$9.1 billion dollars.⁶ The under-pinning sections of the Sale and Supply of Alcohol Act 2012 of section 3 (the purpose of the Act) and section 4 (the object of the Act) should be the basis for any decisions made when reviewing alcohol

¹ <https://www.qldc.govt.nz/community/population-and-demand>

² MBIE accommodation programme and Statistics NZ.

³ QLDC Economic Diversification Plan https://www.qldc.govt.nz/media/hmvpntis/queenstown-lakes-economic-diversification-plan_final.pdf

⁴ July 2009 Law Commission Issues Paper "Alcohol In Our Lives" (Retrieved 28 April 2025).

⁵ April 2010 Law Commission Report "Alcohol In Our Lives: Curbing The Harm" (Retrieved 28 April 2025).

⁶ Ministry of Health March 2024 report "Cost of alcohol harms in New Zealand" (March 2024), (Retrieved 28 April 2025).

legislation. It is relevant to note that alcohol is a legalised drug and remains the most harmful drug in this country.⁷

- 2.5 The Law Commission Issues Paper commented on people purchasing alcohol from off-licence premises and “pre-loading” before heading onto bars *“is believed to be linked to high levels of intoxication in public places and anti-social behaviour”*⁸.
- 2.6 The Law Commission report “Alcohol In Our Lives” provided at Chapter 6 at page 125 a section on *“Why the availability of alcohol matters”* where they looked at why availability is important, why it needs to be regulated, research associated with outlet density, harm and neighbourhood degradation. The Law Commission in the full report, commented further regarding public concerns expressed and suggested limiting off-licence hours as a way to contribute to harm reduction from “pre-loading.”⁹
- 2.7 Additionally, there is no evidence to suggest that members of the public stockpile alcohol before Easter as stated in the general policy statement in the Bill, given that the Saturday between Good Friday and Easter Sunday, as well as Easter Monday are not restricted days.

3.0 Areas of the Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill that should be considered.

Transitional matters should be considered

- 3.1 QLDC recommends that transitional matters must be addressed within the Bill to aid licensees, reporting agencies, and District Licensing Committees on applications that would be being processed during implementation of the Bill. Guidance on transitional matters is imperative to reduce the administrative burden on territorial authorities whilst ensuring clear avenues for compliance from licence holders.
- 3.2 All current on and off-licences contain conditions specifically relating to sale and supply of alcohol over the prohibited days. Currently the Bill is silent on the intended transitional provisions and any timeframes for applications lodged during any transitional period, and any applications which may be set down for hearings with either a District Licensing Committee or the Alcohol Regulatory and Licensing Authority.
- 3.3 Further, there is no guidance or indication of how licences should be dealt with if they are not under renewal and are mid-way through their current three-year licence. Territorial authorities will need guidance to ensure licensing inspectors and licensees are all fully informed as to what processes must be followed once Royal assent occurs.
- 3.4 Failure to provide guidance on transitional matters will lead to incorrect practices, frustration around lack of guidance, and inconsistencies around the country.

Impacts on other legislation

- 3.5 It is strongly recommended that further consideration be given the other legislation which will be directly impacted by the Bill, and that alignment between the Bill and other statutes is sought. The Shop Trading Hours Act 1990¹⁰ is an example of a statute that is linked directly with section 47, 47A and 48 of the Sale and Supply of Alcohol Act 2012. Sections 3, 4, and 4B of the Shop Trading Hours Act 1990 specifically set out what types of shops are able to be open on the prohibited days, and what activities they must be principally undertaking at the time they are open.

⁷ Crossin R, Ponton R, et al. (2023) The New Zealand drug harms ranking study: A multi-criteria decision analysis: University of Otago. Available at [National Library of Medicine](#), (Retrieved 28 April 2025).

⁸ Ibid, at 7.

⁹ Ibid, at 7.

¹⁰ [Shop Trading Hours Act 1990](#) – New Zealand Legislation website

- 3.6 An unintended consequence and inconsistency of the current Act is that those premises which hold on-licences (that are not hotels, taverns or restaurants) such as cellar doors, entertainment venues (including bowling alleys, adult venues, cinemas, or theatre premises), are unable to open due to the inability to have customers reside at, or dine at their premises (s.47(2)).
- 3.7 Since 2016, local councils have had the power under the Shop Trading Hours Act 1990 to adopt policies that allow shops within their district (or part of a district) to trade on Easter Sunday. Currently within New Zealand there are 42 councils with policies allowing trading on Easter Sunday.¹¹
- 3.8 The existing Shop Trading Area Exemption Order¹² which allows shops within certain districts covered under the exemption to open on all the prohibited trading days also should be taken into consideration. These exemptions are historic and were in place prior to the Shop Trading Hours Act 1990 coming into force. The QLD has an Easter Sunday Shop Trading Policy that allows shops to open on Easter Sunday if they wish to, and parts of the district are also subject an exemption order for Good Friday.
- 3.9 By not aligning these statutes and their accompanying regulatory frameworks, the Bill has the potential to exacerbate the already confusing context for businesses and consumers alike.

Anzac Day and RNZRSA's

- 3.10 Comments provided in the "General Policy Statement" of the Bill are misleading when it is stated that the proposed changes "*... will prevent the need to apply for a special licence to serve alcohol to veterans after ANZAC Day services...*".¹³
- 3.11 In April 2016 Parliament passed the Sale and Supply of Alcohol (Anzac Day Trading Hours for Licensed RNZRSA Clubs) Amendment Act 2016.¹⁴ Section 47A was inserted into the current Sale and Supply of Alcohol Act 2012 allowing those premises that are RSA's and hold a club licence, to open from 4 am to 1 pm on Anzac Day without having to apply for a special licence.
- 3.12 Under the current Act, and under the Bill, the requirement is still in place for all clubs to obtain a special licence if they wish to allow the general public, who are not members of any club, to be within club premises and purchase alcohol. Under the Sale and Supply of Alcohol Act 2012, section 60 relating to the sale and supply in clubs to members and guests only¹⁵ sets out who is able to be in a club premises and purchase alcohol. This section does not allow ordinary members of the public who are not an "authorised customer", "authorised visitor", or a "member", to purchase alcohol at a club.
- 3.13 It is also considered that if section 47 is repealed, section 47A would, as an unintended consequence, also be repealed meaning that the Sale and Supply of Alcohol (Exemption for RNZRSA Clubs from Special Licencing Requirements for Anzac Day) Amendment Act 2016¹⁶ to allow RSAs to open for Anzac Day without the need for a special licence, would also be repealed.
- 3.14 This would then place RSAs in a position where they would be again required to apply for and obtain special licences to open their doors earlier than their ordinary club-licensed hours each year, and at a financial and administrative cost to the RSAs.

Recommendations:

¹¹ [Easter Sunday Trading Advice - Retail New Zealand](#) website. Retrieved 16 May 2025.

¹² [Shop Trading Exemption Orders](#) – Employment New Zealand website (Public Holidays - Restricted trading days for shops) (Retrieved 15 May 2025).

¹³ [Explanatory Note – General Policy Statement; Sale and Supply of Alcohol \(Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day\) Amendment Bill](#) – New Zealand Legislation website.

¹⁴ [Sale and Supply of Alcohol \(Anzac Day trading Hours for Licensed RNZRSA Clubs\) Amendment Act 2016](#) – New Zealand Legislation website.

¹⁵ [Sale and Supply of Alcohol Act 2012 - Section 60 – Sale and supply in clubs to members and guests only](#) – New Zealand Legislation website.

¹⁶ Ibid, at 20.

- R.1. QLDC **supports** the proposed repeal aspects relating to Anzac Day, Good Friday, Easter Sunday and Christmas Day restrictions for on-licence premises only.
- R.2. QLDC **does not support** the repeal of section 48 and recommends that off-licence premises must remain closed on Good Friday, Easter Sunday, Christmas Day and Anzac Day.
- R.3. QLDC recommends further work be carried out to provide clarification on inconsistencies regarding what premises would be able to trade on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day (i.e. would on-licence premises (such as restaurants and bars), supermarkets and grocery stores be the only premises able to open, with all other premises required to remain closed). QLDC recommends all off-licence premises remain unable to sell and supply alcohol on the prohibited days.
- R.4. QLDC recommends transitional matters be included in the Bill to provide for clarity and consistency of process for all licensees, alcohol licensing inspectors, police, Medical Officers of Health (and their delegates), and District Licensing Committees.
- R.5. QLDC recommends greater consideration be given to the impacts the amendments will have to other legislation, including the Shop Trading Hours Act 1990 and the Shop Trading Area Exemption Order.
- R.6. QLDC recommends clarification regarding special licence requirements for clubs, given RSAs would still be required to obtain special licences to allow members of the public, who are not club members, to purchase alcohol within a club.
- R.7. QLDC recommends consideration is given to the impacts of the repeal of section 47 and the effect it would have on section 47A as an unintended consequence.