

Sale and Supply of Alcohol (Rugby World Cup 2019 Extended Trading Hours) Amendment Bill

Government Bill

Explanatory note

General policy statement

This is a Bill to amend the Sale and Supply of Alcohol Act 2012 (the **Act**). The amendments in the Bill relate to licensees that hold an on-licence or a club licence under the Act and that wish to trade outside of their licensed trading hours for the purpose of televising a game of the Rugby World Cup 2019.

The Bill amends the law to allow eligible licensees to extend trading hours for the purposes of televising games played as part of the Rugby World Cup 2019.

Background

The Act provides the regulatory framework for the sale and supply of alcohol in New Zealand. It aims to ensure that the sale, supply, and consumption of alcohol are undertaken responsibly, and to minimise the harm caused by excessive or inappropriate consumption.

The Act includes several measures to restrict alcohol trading hours. Premises licensed under the Act are only permitted to operate within the trading hours on their licence. Special licences can be issued by District Licensing Committees (**DLCs**), which may impose licence conditions to ensure that alcohol is supplied safely and responsibly. Special licences can also be issued to amend a licensee's trading hours.

The 2019 Rugby World Cup will take place from 20 September 2019 to 2 November 2019. As the games will be played in Japan, time zone differences mean some games will be broadcast in New Zealand outside the permitted trading hours for some licensed premises. It is common for DLCs, when considering a special licence application, to require a special event to take place on the premises—for example, a guest speaker, a band, or a fundraising event. Televising the Rugby World Cup does not

align well with these types of events, which is making it difficult for some licensees to extend their trading hours for the tournament.

The Bill amends the Act so that eligible licensees will not have to apply for a special licence to televise games that fall outside their usual trading hours. This will ease the administrative burden and cost to licensees and DLCs during this time. Similar amendments were made to the Act in preparation for the 2015 Rugby World Cup.

The amendments in this Bill will only be in force until the end of the Rugby World Cup 2019.

Summary of key changes

Eligible licensees will be able to extend their permitted trading hours to televise Rugby World Cup 2019 games

The key changes are—

- the primary or sole purpose of the premises being open during extended hours must be to allow customers to watch a live televised game;
- the amendments apply to on-licence and club-licence holders;
- licensed premises that have had their licences varied or suspended in the previous 12 months under section 280 of the Act will be ineligible to extend their trading hours.

There are restrictions on extended trading hours

The key changes are—

- premises will be able to open 1 hour before the start of each game to be televised;
- if a televised game is to start within 2 hours after the end of the permitted trading hours for the premises, the premises can remain open until the game starts and during the game;
- premises will be required to close for the sale of alcohol 30 minutes after the end of the game;
- one-way door policies will not apply within 1 hour before the extension starts, during the extension, or within 1 hour and 30 minutes after the premises are required to close for the sale of alcohol.¹

¹ A one-way door policy prevents customers from re-entering the premises after they have exited.

There are provisions to enhance public safety and minimise disruptions

The key changes are—

- premises need to notify Police and their territorial authority if they intend to extend their trading hours:
- premises need to have a noise management plan or other arrangement in place to avoid additional noise disruption:
- Police retain the power under section 266 of the Act to immediately shut down premises in the circumstances specified in that section.

Departmental disclosure statement

The Ministry of Justice is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2019&no=168>

Regulatory impact assessment

No regulatory impact assessment has been prepared for this Bill.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill is to come into force on the day after the date on which it receives the Royal assent.

Clause 3 states that the Bill amends the Sale and Supply of Alcohol Act 2012 (the **principal Act**).

Part 1

Main amendments

Clause 4 sets out the provisions that extend trading hours during the Rugby World Cup 2019, namely *new sections 45A to 45G*.

New section 45A states the purpose of *new sections 45B to 45G*, which is to facilitate extended trading hours for some premises.

New section 45B defines some of the terms used in *new sections 45A to 45G*.

New section 45C applies *new section 45D to 45F* to certain licensed premises.

New section 45D provides for extended trading hours.

New section 45E sets out the effect of the extensions.

New section 45F requires the display of certain information about the extensions.

New section 45G provides that *new sections 45A to 45G* do not limit or affect an application for, or the operation of, a special licence.

Clause 5 inserts *new Schedule 4* into the principal Act. *New Schedule 4*, which is set out in the *Schedule* of the Bill, sets out game details relevant to the extensions.

Clause 6 provides for the repeal of the extended training hours provisions set out in the Bill on **4 November 2019**.

Part 2

Related amendments

Clause 7 amends section 44 of the principal Act, which concerns permitted trading hours for premises without a relevant local alcohol policy. The amendment provides that *new sections 45A to 45G* override section 44.

Clause 8 amends section 45 of the principal Act, which concerns permitted trading hours for premises with a relevant local alcohol policy. The amendment provides that *new sections 45A to 45G* override section 45.

Clause 9 amends section 50 of the principal Act, which concerns compliance with one-way door restrictions in local alcohol policies. The amendment provides that *new sections 45A to 45G* override section 50.

Hon Andrew Little

Sale and Supply of Alcohol (Rugby World Cup 2019 Extended Trading Hours) Amendment Bill 2019

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Part 2 Related amendments

7	Section 44 amended (Permitted trading hours for premises without relevant local alcohol policy)	7
8	Section 45 amended (Permitted trading hours for premises with relevant local alcohol policy)	7

9	Section 50 amended (One-way door restrictions in local alcohol policies to be complied with)	7
	Schedule	8
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The Parliament of New Zealand enacts as follows:

- | | | |
|----------|--|---|
| 1 | Title | |
| | This Act is the Sale and Supply of Alcohol (Rugby World Cup 2019 Extended Trading Hours) Amendment Act 2019 . | |
| 2 | Commencement | 5 |
| | This Act comes into force on the day after the date on which it receives the Royal assent. | |
| 3 | Principal Act | |
| | This Act amends the Sale and Supply of Alcohol Act 2012 (the principal Act). | |

Part 1	10
Main amendments	

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| 4 | New sections 45A to 45G and cross-heading inserted | |
| | After section 45, insert: | |

<i>Rugby World Cup 2019 extended trading hours</i>		
45A	Purpose	15
	The purpose of sections 45B to 45G is to facilitate extended trading hours (and related adjustments to one-way door restrictions) for some premises—	
	(a) for which an on-licence or a club licence is held; and	
	(b) in which the licensee intends to televise, and televises, on a particular night, a notified game or games.	20
45B	Game, and other terms, defined	
(1)	In section 45A , this section, and sections 45C to 45G ,—	
	game means a game of the Rugby World Cup 2019 tournament (the ninth quadrennial international rugby world championship, to be held in Japan, from 20 September 2019 (Japanese standard time) to 2 November 2019 (Japanese standard time), game details for which are set out, for public information and reference purposes only, in Schedule 4)	25
	night , for licensed premises, means a period all or some of which is outside the permitted trading hours	

televis , for a game, means to show customers the game via a live audiovisual communication—	
(a) in any form, on any basis (for example, subscription to a television channel or service, or on-demand), and using any medium or media (for example, satellite television broadcast, or Internet video streaming); and	5
(b) to or for, or to or for a class of, the public.	
(2) Permitted trading hours , and other terms defined in section 5(1), have, in section 45A , this section, and sections 45C to 45G , the same meanings given to them by section 5(1).	
45C Eligible premises	10
(1) Sections 45D to 45F apply to any licensed premises for which an on-licence or a club licence—	
(a) is held, and not suspended or cancelled, immediately before a night—	
(i) on or after 20 September 2019 (New Zealand standard time); and	15
(ii) before or on 2 November 2019 (New Zealand daylight time); and	
(b) has not been varied or suspended under section 280 within 12 months before the date on which the licensee gives notice under this section.	
(2) However, sections 45D to 45F apply to the premises only if the licensee has given the territorial authority and the Police at least 7 days' written notice—	20
(a) that the licensee intends to televise in the premises on the night the game, all games, or any 1 or more stated games, on the night; and	
(b) of the details of the noise management plan that is, or the other arrangements for managing noise levels that are, appropriate to the locality, and that the licensee is to have in place during every proposed extension under section 45D to the permitted trading hours.	25
(3) The details under subsection (2)(b) must state how the licensee will comply with the noise level management conditions in section 45E(1)(c) .	
(4) The notification to the Police must be sent to the constable in charge of the police station nearest to the premises for which the licence is held.	30
(5) Sections 45D to 45F cease to apply to the premises if—	
(a) an application for an order under section 280 suspending or cancelling the licence is made on the grounds, expressly stated in the application, that the premises have clearly been conducted in breach, without reasonable excuse, of any of sections 45D to 45F ; and	35
(b) a copy of the application is sent to, and received by, the licensee.	

45D Trading hours extended

- (1) The licensee has the extension provided in this section to the permitted trading hours, but only if the primary or sole purpose of the premises being open on the night is to allow customers to watch the televised game or games notified by the licensee under **section 45C**. 5
- (2) The premises can open 1 hour before the start of each game to be televised.
- (3) However, if the first or only game to be televised is to start no more than 2 hours after the end of the last period of permitted trading hours for the premises, the premises can stay open after that period, and until that game starts.
- (4) The premises can be open during each game televised. 10
- (5) The premises are required to close for the sale of alcohol 30 minutes after the end of each game televised (unless that 30-minute period ends after the start of the 1-hour period under **subsection (2)** for the next game to be televised).
- (6) Sections 255 and 256 make it an offence for a person to whom section 255(1) applies to be found in (and for the licensee or a manager of the premises to allow the person to be on) any part of the premises, if they are on-licence premises used principally or exclusively for the sale, supply, or consumption of alcohol, at any time that— 15
- (a) is not a time when a special licence applies to the premises; and
- (b) is not between 6 am and the time when the next period of permitted trading hours for the premises begins; and 20
- (c) is—
- (i) more than 30 minutes after the premises are required to close for the sale of alcohol; or
- (ii) a time when the premises are required to be closed for the sale of alcohol. 25

Example 1: game starts during and finishes outside permitted trading hours

The licensee notifies the Wales v Georgia game on 23 September at 22.15 NZST.

The last period of permitted trading hours for the premises ends at 23.30 NZST.

The premises can be open during the game televised, which ends at 00.00 NZST. 30

The premises are required to be closed for the sale of alcohol at 0.30 NZST.

The premises are on-licence premises used mainly or only for the sale, supply, or consumption of alcohol, so no customer can be found in, or allowed to be on, the premises after 1.00 NZST and before 6.00 NZST and until the next period of permitted trading hours for the premises begins. 35

Example 2: game starts no more than 2 hours outside permitted trading hours

The licensee notifies the quarter-final game on 20 October at 23.15 NZST.

The last period of permitted trading hours for the premises ends at 22.00 NZST.

The premises can open 1 hour before the game (at 12.15 NZDT).
However, as the game is to start no more than 2 hours after 22.00 NZDT, the premises can stay open after 22.00 NZDT until the game starts at or about 23.15 NZDT.

The premises can be open during the game televised, which ends at 1.00 NZDT. 5

The premises are required to be closed for the sale of alcohol at 1.30 NZDT.

The premises are on-licence premises used mainly or only for the sale, supply, or consumption of alcohol, so no customer can be found in, or allowed to be on, the premises after 2.00 NZDT and before 6.00 NZDT and until the next period of permitted trading hours for the premises begins. 10

Example 3: game starts more than 2 hours outside permitted trading hours

The licensee notifies the Australia v Georgia game on Friday 11 October at 23.15 NZDT.

The last period of permitted trading hours for the premises ends at 17.00 NZDT.

The premises can open at 22.15 NZDT (1 hour before the start of the game). 15

The game ends at 1.00 NZDT.

The premises are required to be closed for the sale of alcohol at 1.30 NZDT.

The premises are on-licence premises used mainly or only for the sale, supply, or consumption of alcohol, so no customers can be found in, or allowed on, the premises after 2.00 NZDT and before 6.00 NZDT and until the next period of permitted trading hours for the premises begins. 20

45E Effect of extensions (on one-way door restrictions, etc)

(1) While the premises are open under an extension under **section 45D**,—

(a) the licensee has, for the purposes of section 247(1), the authority of this Act to do any of the following things: 25

- (i) sell or supply alcohol on the premises for consumption there; or
- (ii) let people consume alcohol on the premises; and

(b) sections 46 to 63 and 259(1) require the licensee to comply with all applicable requirements and restrictions imposed by or under this Act, and with every (and, in particular, with the most restrictive relevant applicable) condition subject to which the licence has been issued or renewed, except so far as those requirements, restrictions, or conditions are overridden under **subsection (4)(a)**; and 30

(c) the licensee must comply with the following conditions:

- (i) outside areas cannot be used for any purpose (despite section 12 of the Smoke-free Environments Act 1990): 35
- (ii) outside audio equipment (for example, loudspeakers, amplifiers, or audio relay equipment) cannot be used:
- (iii) bottles, or other rubbish, cannot be disposed of, or left for collection. 40

- (2) An extension under **section 45D**—
- (a) must be treated as if it were part of the permitted trading hours (for example, under sections 46(1) and 259(1)(a)) on a day on which alcohol may be sold and supplied; and
 - (b) is not (for example, under sections 255(1)(c)(i) and (ii) and 256), while it operates, a time when the premises are required to close, or to be closed, for the sale of alcohol. 5
- (3) Any one-way door restriction (whether imposed on the licence, or in a relevant local alcohol policy) applicable to the premises during the permitted trading hours does not operate— 10
- (a) within 1 hour before an extension starts under **section 45D(3)**; or
 - (b) during an extension under **section 45D** to the permitted trading hours; or
 - (c) within 1 hour and 30 minutes after the premises are required under **section 45D(5)** to close for the sale of alcohol. 15
- (4) **Section 45D** and this section—
- (a) override any contrary provisions of this Act, of a relevant local alcohol policy, or of a condition of the licence; and
 - (b) do not affect closure under section 265 or 266 of the premises, or the operation of subpart 9 of Part 2 (other enforcement provisions) in respect of the premises. 20
- (5) A person's use of land must be treated as not contravening section 9 of the Resource Management Act 1991 if—
- (a) it complies with **section 45D** and the rest of this section; and
 - (b) it would comply with section 9 of the Resource Management Act 1991 if it occurred only during permitted trading hours. 25
- 45F Display of information about extensions**
- (1) If **sections 45D and 45E** apply, under **section 45C**, to licensed premises, the licensee must display promptly a general statement about how **sections 45D and 45E** may be, and are to be, used in respect of the premises. 30
- (2) The statement must be displayed in the way section 57(1) or (2) requires display of a statement of all conditions subject to which the licence is issued.
- 45G Special licences unaffected, and not limiting, but do not apply if notice given**
- (1) **Sections 45A to 45F** and this section do not limit or affect— 35
- (a) an application for a special licence issued in respect of an event related to a game or games; or
 - (b) the operation of a special licence of that kind.

- (2) **Section 45C(1)** applies to premises even if a special licence is also held for the premises, and has been issued in respect of an event related to all or any games that the licensee intends to televise in those premises in reliance instead on **sections 45D and 45E**.
- (3) However, if the holder of the special licence gives notice under **section 45C(2)** that the licensee intends to televise 1 or more games in reliance on **sections 45D and 45E**,—
- (a) **sections 45D to 45F** apply to the premises; and
 - (b) for the period of the extension provided by **section 45D**, the special licence does not apply to the premises.
- 5 **New Schedule 4 inserted**
After Schedule 3, insert the **Schedule 4** set out in the **Schedule** of this Act.
- 6 **Repeal of extended trading hours provisions**
Sections 44(3), 45(3), 45A to 45G, and 50(3), the cross-heading above **section 45A**, and **Schedule 4** are repealed on **4 November 2019**.

Part 2 Related amendments

- 7 **Section 44 amended (Permitted trading hours for premises without relevant local alcohol policy)**
After section 44(2), insert:
- (3) This section is overridden by **sections 45A to 45G** (Rugby World Cup 2019 extended trading hours).
- 8 **Section 45 amended (Permitted trading hours for premises with relevant local alcohol policy)**
After section 45(2), insert:
- (3) This section is overridden by **sections 45A to 45G** (Rugby World Cup 2019 extended trading hours).
- 9 **Section 50 amended (One-way door restrictions in local alcohol policies to be complied with)**
After section 50(2), insert:
- (3) This section is overridden by **sections 45A to 45G** (Rugby World Cup 2019 extended trading hours).

Schedule

New Schedule 4 inserted

s 5

Schedule 4

Rugby World Cup 2019 extended trading hours: game details

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s 45B(1)

Notes

NZST means New Zealand standard time, and NZDT means New Zealand daylight time.

JST means Japanese standard time.

Pool games involving New Zealand, and playoff games, are in **bold**.

New Zealand time	Japan time	Game
<i>Pool games</i>		
Fri 20 Sep, 22.45 NZST	Fri 20 Sep, 19.45 JST	Japan v Russia
Sat 21 Sep, 16.45 NZST	Sat 21 Sep, 13.45 JST	Australia v Fiji
Sat 21 Sep, 19.15 NZST	Sat 21 Sep, 16.15 JST	France v Argentina
Sat 21 Sep, 21.45 NZST	Sat 21 Sep, 18.45 JST	New Zealand v South Africa
Sun 22 Sep, 17.15 NZST	Sun 22 Sep, 14.15 JST	Italy v Namibia
Sun 22 Sep, 19.45 NZST	Sun 22 Sep, 16.45 JST	Ireland v Scotland
Sun 22 Sep, 22.15 NZST	Sun 22 Sep, 19.15 JST	England v Tonga
Mon 23 Sep, 22.15 NZST	Mon 23 Sep, 19.15 JST	Wales v Georgia
Tues 24 Sep, 22.15 NZST	Tues 24 Sep, 19.15 JST	Russia v Samoa
Wed 25 Sep, 17.15 NZST	Wed 25 Sep, 14.15 JST	Fiji v Uruguay
Thurs 26 Sep, 19.45 NZST	Thurs 26 Sep, 16.45 JST	Italy v Canada
Thurs 26 Sep, 22.45 NZST	Thurs 26 Sep, 19.45 JST	England v USA
Sat 28 Sep, 16.45 NZST	Sat 28 Sep, 13.45 JST	Argentina v Tonga
Sat 28 Sep, 19.15 NZST	Sat 28 Sep, 16.15 JST	Japan v Ireland
Sat 28 Sep, 21.45 NZST	Sat 28 Sep, 18.45 JST	South Africa v Namibia
<i>(New Zealand transitions from NZST to NZDT on Sun 29 Sep at 2.00 NZST)</i>		
Sun 29 Sep, 18.15 NZDT	Sun 29 Sep, 14.15 JST	Georgia v Uruguay
Sun 29 Sep, 20.45 NZDT	Sun 29 Sep, 16.45 JST	Australia v Wales
Mon 30 Sep, 23.15 NZDT	Mon 30 Sep, 19.15 JST	Scotland v Samoa

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New Zealand time	Japan time	Game
Wed 2 Oct, 20.45 NZDT	Wed 2 Oct, 16.45 JST	France v USA
Wed 2 Oct, 23.15 NZDT	Wed 2 Oct, 19.15 JST	New Zealand v Canada
Thurs 3 Oct, 18.15 NZDT	Thurs 3 Oct, 14.15 JST	Georgia v Fiji
Thurs 3 Oct, 23.15 NZDT	Thurs 3 Oct, 19.15 JST	Ireland v Russia
Fri 4 Oct, 22.45 NZDT	Fri 4 Oct, 18.45 JST	South Africa v Italy
Sat 5 Oct, 18.15 NZDT	Sat 5 Oct, 14.15 JST	Australia v Uruguay
Sat 5 Oct, 21.00 NZDT	Sat 5 Oct, 17.00 JST	England v Argentina
Sat 5 Oct, 23.30 NZDT	Sat 5 Oct, 19.30 JST	Japan v Samoa
Sun 6 Oct, 17.45 NZDT	Sun 6 Oct, 13.45 JST	New Zealand v Namibia
Sun 6 Oct, 20.45 NZDT	Sun 6 Oct, 16.45 JST	France v Tonga
Tues 8 Oct, 23.15 NZDT	Tues 8 Oct, 19.15 JST	South Africa v Canada
Wed 9 Oct, 17.45 NZDT	Wed 9 Oct, 13.45 JST	Argentina v USA
Wed 9 Oct, 20.15 NZDT	Wed 9 Oct, 16.15 JST	Scotland v Russia
Wed 9 Oct, 22.45 NZDT	Wed 9 Oct, 18.45 JST	Wales v Fiji
Fri 11 Oct, 23.15 NZDT	Fri 11 Oct, 19.15 JST	Australia v Georgia
Sat 12 Oct, 17.45 NZDT	Sat 12 Oct, 13.45 JST	New Zealand v Italy
Sat 12 Oct, 21.15 NZDT	Sat 12 Oct, 17.15 JST	England v France
Sat 12 Oct, 23.45 NZDT	Sat 12 Oct, 19.45 JST	Ireland v Samoa
Sun 13 Oct, 16.15 NZDT	Sun 13 Oct, 12.15 JST	Namibia v Canada
Sun 13 Oct, 18.45 NZDT	Sun 13 Oct, 14.45 JST	USA v Tonga
Sun 13 Oct, 21.15 NZDT	Sun 13 Oct, 17.15 JST	Wales v Uruguay
Sun 13 Oct, 23.45 NZDT	Sun 13 Oct, 19.45 JST	Japan v Scotland
<i>Quarter-finals</i>		
Sat 19 Oct, 20.15 NZDT	Sat 19 Oct, 16.15 JST	Winner Pool C v Runner-up Pool D
Sat 19 Oct, 23.15 NZDT	Sat 19 Oct, 19.15 JST	Winner Pool B v Runner-up Pool A
Sun 20 Oct, 20.15 NZDT	Sun 20 Oct, 16.15 JST	Winner Pool D v Runner-up Pool C
Sun 20 Oct, 23.15 NZDT	Sun 20 Oct, 19.15 JST	Winner Pool A v Runner-up Pool B
<i>Semi-finals</i>		
Sat 26 Oct, 21.00 NZDT	Sat 26 Oct, 17.00 JST	Winner QF1 v Winner QF2
Sun 27 Oct, 22.00 NZDT	Sun 27 Oct, 18.00 JST	Winner QF3 v Winner QF4
<i>Finals</i>		
Fri 1 Nov, 22.00 NZDT	Fri 1 Nov, 18.00 JST	Bronze Medal Match

Schedule

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New Zealand time	Japan time	Game
Sat 2 Nov, 22.00 NZDT	Sat 2 Nov, 18.00 JST	Final