

Hon Ginny Anderson
Minister of Justice

Proactive release – Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Act

Date of issue: 3 August 2023

The following documents have been proactively released in accordance with Cabinet Office Circular CO (23) 04.

The documents have been released in full.

| No. | Document | Comments |
|-----|--|--|
| 1. | Legislative Amendments to Extend Licensed Trading Hours for the Men's Rugby World Cup 2023 <i>Cabinet Paper</i> Office of the Minister Justice 3 May 2023 | |
| 2. | Regulatory Impact Statement: Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill <i>Attachment to Cabinet Paper</i> Ministry of Justice 3 May 2023 | This document is publicly available at: https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/ and https://www.treasury.govt.nz/publications/legislation/regulatory-impact-assessments . |
| 3. | Legislative Amendments to Extend Licensed Trading Hours for the Men's Rugby World Cup 2023 <i>Cabinet Minute SWC-23-MIN-0039</i> Cabinet Office 3 May 2023 | |
| 4. | Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill 2023: Approval for Introduction <i>Cabinet Paper</i> Office of the Minister of Justice | |

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| | 1 June 2023 | |
| 5. | Departmental Disclosure Statement: Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill <i>Attachment to Cabinet Paper</i> Ministry of Justice 1 June 2023 | This document is publicly available at: https://disclosure.legislation.govt.nz/ |
| 6. | Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill <i>Attachment to Cabinet Paper</i> Parliamentary Counsel Office 1 June 2023 | Copies of the Bill provided to Ministers with this paper have been withheld in accordance with section 131 of the Legislation Act 2019 and section 9(2)(h) of the Official Information Act 1982 to maintain legal professional privilege. The final copy of the Bill for introduction is publicly available at: www.legislation.govt.nz |
| 7. | Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill 2023: Approval for Introduction <i>Cabinet Minute LEG-23-MIN-0078</i> Cabinet Office 1 June 2023 | |

In Confidence

Office of the Minister of Justice

Social Wellbeing Committee

Legislative amendments to extend licensed trading hours for the men's Rugby World Cup 2023

Proposal

1. This paper seeks agreement to amend the Sale and Supply of Alcohol Act 2012 (the Act) to temporarily extend licensed trading hours for the duration of the men's Rugby World Cup 2023.

Executive Summary

2. The men's Rugby World Cup will be hosted by France from 8 September to 28 October 2023. The event is the most significant event in the rugby calendar. Many New Zealanders enjoy watching rugby together at licensed premises.
3. Differences in time zones mean that many of the live broadcasts will fall outside the default maximum trading hours for on-licensed and club-licensed premises. In 2015 and 2019, Parliament enacted temporary legislation to enable licensees to extend their licensed trading hours.
4. I seek Cabinet's agreement to introduce temporary amendments to the Act, like those introduced in 2015 and 2019, to create a notification system to facilitate extended licensed trading hours for the men's Rugby World Cup 2023. In the longer term, I have asked officials to develop options to resolve this issue on a permanent basis.

Background

5. France is hosting the men's Rugby World Cup from 8 September to 28 October 2023. There are 48 matches across 51 days in total. Matches will be broadcast live between 11pm and 10am NZST, reflecting time zone differences. Sky TV have secured rights to broadcast the tournament and live matches will be available via subscription, with free-to-air rights yet to be confirmed.
6. Licensed premises have good infrastructure in place to host televised sporting events, improving access to live broadcasts that are otherwise locked behind subscription fees, and increasing a sense of community and excitement among patrons. However, the differences in time zones for the Rugby World Cup 2023 mean that many of the live broadcasts will fall outside the default maximum trading hours for on-licensed and club-licensed premises.
7. Parliament made temporary amendments to the Act for the men's Rugby World Cup in 2015 and 2019. These amendments provided an expedient avenue for licensees to extend their licensed trading hours without the need for a special licence. The amendments required licensees to notify their local Police and District Licensing

Committee, or territorial authority, seven days in advance if they intended to extend their licensed trading hours.

8. There is an expectation amongst stakeholders in the hospitality sector, as well as the wider public, that similar plans will be in place to support the live coverage of the men's Rugby World Cup 2023. At my direction, officials have developed an approach for extending licensed trading hours for this purpose.

Analysis

The Sale and Supply of Alcohol Act 2012 restricts licensed trading hours

9. The object of the Act is that the sale, supply, and consumption of alcohol should be undertaken safely and responsibly, and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
10. Trading hours can have a direct impact on alcohol-related harm. Ministry of Justice data shows the rate of alcohol-attributable crime near licensed premises is 8.9 times higher when the premises close between 3am and 5am, compared with premises that close at 12am.¹ The immediate alcohol-related harms lead to downstream negative public health consequences for individuals, their whānau and the community.
11. Given the risk of harm, the Act currently regulates licensed trading hours with four regulatory mechanisms:
 - 11.1. Default maximum trading hours: Section 43 of the Act creates default maximum trading hours of 8:00am – 4:00am for on-licensed and club-licensed premises.
 - 11.2. Local alcohol policies: Territorial authorities may develop local alcohol policies to allow communities to have a say in how alcohol is sold and supplied in their community. A local alcohol policy may impose different maximum trading hours for that territory.
 - 11.3. Licensing conditions: District Licensing Committees can impose licensing conditions when issuing or renewing individual licences, including licensed trading hours. Licensed trading hours must be within the default maximum trading hours, or the hours set by a relevant local alcohol policy.
 - 11.4. Special licences: Licensees may apply to a District Licensing Committee for a special licence to extend their trading hours for a specified event, where an event is defined as an occasion and a gathering, and any of a series of events.

Licensees can find it difficult to extend their trading hours for televised events

12. The current framework allows licensees to apply for special licences to extend their trading hours. However, the application process requires at least 20 working days to complete. In the case of the men's Rugby World Cup 2023, uncertainty about the outcomes of the later stages of the tournament means that licensees may decide to

¹ Ministry of Justice. (2013). *Risk-based licensing fees. Identifying risk factors for the New Zealand context*. Wellington: Ministry of Justice.

host matches at short notice – when they have a better indication of public interest in a particular match. The special licence application process is not well suited to these circumstances, where licensees require quick decision-making.

13. Licensees may also find the special licence criteria difficult to meet due to case law that holds there must be additional measures of control for a licensee to extend their trading hours for a televised event. In some cases, the case law may be applied inconsistently, making it difficult to have certainty that a particular special licence application will be successful.

Temporary legislative amendments were put in place in 2015 and 2019

14. As noted, Parliament made temporary amendments to the Act for the men's Rugby World Cup 2015 hosted by England, and the men's Rugby World Cup 2019 hosted by Japan – effectively removing the requirement for licensees to apply for a special licence.
15. The 2015 amendments created an expedient avenue for licensees to extend their trading hours to televise live matches. Licensees were required to give the relevant District Licensing Committee and Police at least seven days written notice of their intention to televise matches, including specifying the matches and details of a noise management plan.
16. The 2019 amendments were similar, with the exception that licensees were required to give the relevant territorial authority at least seven days written notice (as opposed to the relevant District Licensing Committee).
17. The hospitality sector has indicated that they found these processes expedient and administratively straightforward. There was no formal process of recording the number of notifications in 2015 and 2019. However, the Auckland Council did keep a record for 2019, which showed there were 64 notifications for the most popular match and at least 20 notifications per match of the tournament.
18. Key concerns from the experiences in 2015 and 2019 relate to anti-social behaviour and left-over debris spilling out onto the streets.
19. Police also reported there were notifications that did not eventuate in licensed premises extending their hours, indicating some licensees were notifying just in case a match turned out to be of high interest and therefore commercially viable. This had the unintended consequence of spreading Police resources inefficiently.
20. Police have advised these concerns can be mitigated by improved notification requirements, premises management, and enforcement coverage.

Facilitating extended licensed trading hours for the men's Rugby World Cup 2023

21. There is strong public interest in the men's Rugby World Cup 2023. The tournament also presents a significant commercial opportunity for on-licensed and club-licensed premises. This is particularly pertinent given the challenges the hospitality sector has faced in recent years.

22. Officials have advised me on a range of options for facilitating extended licensed trading hours. I have considered non-legislative options that would require licensees to apply for a special licence, supported by operational guidance. However, I do not think this is the most effective approach, particularly given the inherently last-minute nature of public interest levels for matches toward the end of the tournament.
23. I consider temporary legislative changes provide a more practical, administratively straightforward, and appropriate solution to the issue, ultimately providing businesses with the flexibility they need to plan to host televised games. Representatives of the hospitality sector have been consulted and are supportive of an expedient and uncomplicated process to extend licensed trading hours – this is an approach they are familiar with.

Proposed legislative amendments

24. I seek Cabinet's agreement to make temporary amendments to the Act to create a notification system to enable licensees to extend their licensed trading hours to host televised matches of the men's Rugby World Cup 2023.
25. Specifically, I propose temporary amendments in line with those from the men's Rugby World Cup 2019, to:
 - 25.1. require licensees to provide Police and local councils at least seven days' written notice of their intention to televise matches, including which matches and the details of a noise management plan,
 - 25.2. permit licensees to open one hour before the start of a match and require that they close the sale of alcohol 30 minutes after the end of a match. (Where a match begins within two hours of the licensed premise's usual closing time, I propose they be permitted to stay open in the interim), and
 - 25.3. ensure that Police retain the power under section 266 of the Act to immediately shut down premises in circumstances specified in that section (for example, if certain offences are committed on the premises).
26. In light of feedback from Police that some notifications did not eventuate in extended licensed trading hours, resulting in Police resources spread inefficiently, I propose an additional amendment to:
 - 26.1. require licensees to notify Police and local councils as soon as practicable if they change their plans and decide not to open after having notified otherwise.
27. I am mindful of the need to ensure that licensees operate in a safe and responsible way, managing the potential harms associated with longer opening hours. Police have existing powers under the Act to shut down licensed premises that breach the law.
28. This proposal ensures Police have improved information as to which licensed premises are extending trading hours and when, so they can deploy appropriate resources to mitigate any additional harm that may arise.

29. It is likely that the number of licensees looking to extend their trading hours will be higher in 2023 than 2019, due to a greater difference in time zones resulting in more matches falling outside the default maximum trading hours. Given the paucity of data available on the use of the 2015 and 2019 changes, officials will require local councils to measure the scale and demand for these provisions more accurately in 2023 to inform future work.

Longer term, permanent amendments to the Act

30. This is the third time Parliament will consider temporary amendments to extend licensed trading hours for a men's Rugby World Cup. I have directed officials to consider permanent legislative options to resolve this issue. Officials have identified several possible approaches. However, none of them could be implemented in time to provide a solution for the men's Rugby World Cup 2023, and I do not consider that permanent legislative changes to the licensing regime should be considered hastily and in isolation.
31. Instead, I propose including options to resolve this issue when I report back to Cabinet in April 2024 as part of wider alcohol reform.

Financial Implications

32. There is a potential for the proposal to have greater financial implications for Police if last minute shift changes occur on a regular basis, as this will incur additional costs. However, Police will seek to mitigate the impacts of this through careful planning and encouragement of earlier notifications from licensees. Police expects that the cost can likely be met from baseline.
33. There may also be minor financial implications for local councils at implementation.
34. There are no other financial implications associated with the proposals in this paper.

Legislative Implications

35. The proposals will require a temporary amendment to the Sale and Supply of Alcohol Act 2012. I intend to introduce a Bill in June 2023, followed by a truncated four-week Select Committee. The Bill would need to be enacted by the start of August 2023 in order to have the proposals implemented for the September 2023 kick off of the men's Rugby World Cup 2023.
36. The proposed amendments are similar to the previous amendments in 2015 and 2019 and will not require extensive development or drafting.
37. I have submitted a legislative bid for this Bill with category 2 priority, as part of the Cabinet reassessment process. Category 2 priority reflects the urgency of these changes in the lead up to the men's Rugby World Cup 2023, kicking off in September 2023.

Regulatory Impact Statement

38. The Regulatory Impact Analysis requirements apply to the proposal in this paper and a Regulatory Impact Statement has been prepared and is attached. The Regulatory Impact Analysis team at the Ministry of Justice has reviewed the Regulatory Impact Statement prepared and considers that the the information and analysis summarised in the Regulatory Impact Statement meets the quality assurance criteria.
39. In reaching this conclusion, the team considers the analysis accurate and balanced. Despite time constraints, there was targeted consultation with most key stakeholders and the range of views are reflected in the analysis. Because the legislation is temporary, and temporary amendments have been made twice in the past to accommodate the men's Rugby World Cup, the risks associated with the limited consultation are adequately mitigated.

Population Implications

40. Hazardous drinking and alcohol-related harm disproportionately affects men, Māori, Pacific people, young people, people living in poorer neighbourhoods, people with disabilities, people with mental health and addiction issues, people who are pregnant or breastfeeding, and people who identify as gay or lesbian.
41. There is no specific evidence attributing alcohol-related harm to the previous amendments in 2015 and 2019. However, given the increase in risk as trading hours get later and the widespread public interest in the Rugby World Cup 2023, it is reasonable to assume the population impacts of these changes will reflect typical patterns of alcohol-related harm across New Zealand.

Human Rights

42. The proposals are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Consultation

43. The following departments were consulted during the development of this paper: New Zealand Police, Ministry of Health, Te Whatu Ora – Health New Zealand, Ministry of Culture and Heritage, Sport New Zealand, Ministry of Business, Innovation and Employment and Parliamentary Counsel Office.
44. In addition to government departments, officials also consulted with local councils, District Licensing Committees, the Alcohol Regulatory and Licensing Authority, licensing inspectors, and Hospitality New Zealand.

Communications and proactive release

45. Subject to Cabinet agreement, I intend to issue a media statement on the proposals in this paper. I also intend to proactively release this paper (and the accompanying Regulatory Impact Statement) in accordance with proactive release requirements and guidelines.

Recommendations

The Minister of Justice recommends that the Committee:

- 1 **Note** the interest from the public and hospitality sector in extending licensed trading hours to facilitate New Zealanders watching live televised men's Rugby World Cup 2023 matches at on-licensed and club-licensed venues.
- 2 **Note** under current legislative provisions, licensees can apply for special licences to extend their trading hours, but the application process is not well suited to the Rugby World Cup, where licensees require quick decision-making.
- 3 **Agree** to amend the Sale and Supply of Alcohol Act 2012 to create a temporary notification system to extend licensed trading hours to host televised matches in the upcoming men's Rugby World Cup 2023, to:
 - 3.1. require licensees to provide Police and local councils with at least seven days' written notice of their intention to televise matches, including specifying the matches and details of a noise management plan,
 - 3.2. require licensees to notify Police and local councils as soon as practicable if they change their mind and decide not to open after they have notified,
 - 3.3. permit licensees to open one hour before the start of a match and require that they close the sale of alcohol 30 minutes after the end of a match. (Where a match begins within two hours of the licensed premise's usual closing time, I propose they be permitted to stay open until the match starts), and
 - 3.4. ensure that Police retain the power under section 266 of the Act to immediately shut down premises in circumstances specified in that section (for example, if certain offences are committed on the premises).
- 4 **Note** I have submitted a legislative bid with category 2 priority as part of the Cabinet reassessment process due to the urgency of this legislation ahead of the men's Rugby World Cup 2023.
- 5 **Invite** the Minister of Justice to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above decisions, including any consequential amendments.
- 6 **Note** that the Minister of Justice has directed officials to develop options to resolve this issue on a permanent basis, to be reported to Cabinet in April 2024 as part of advice on wider alcohol reform.

Authorised for lodgement

Hon Kiri Allan

Minister of Justice



Cabinet Social Wellbeing Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Legislative Amendments to Extend Licensed Trading Hours for the Men's Rugby World Cup 2023

Portfolio Justice

On 3 May 2023, the Cabinet Social Wellbeing Committee:

- 1 **noted** the interest from the public and hospitality sector in extending licensed trading hours to facilitate New Zealanders watching live televised men's Rugby World Cup 2023 matches at on-licensed and club-licensed venues;
- 2 **noted** that under current legislative provisions, licensees can apply for special licences to extend their trading hours, but the application process is not well suited to the Rugby World Cup, where licensees require quick decision-making;
- 3 **agreed** to amend the Sale and Supply of Alcohol Act 2012 to create a temporary notification system to extend licensed trading hours to host televised matches in the upcoming men's Rugby World Cup 2023, to:
 - 3.1 require licensees to provide Police and local councils with at least seven days' written notice of their intention to televise matches, including specifying the matches and details of a noise management plan;
 - 3.2 require licensees to notify Police and local councils as soon as practicable if they change their mind and decide not to open after they have notified;
 - 3.3 permit licensees to open one hour before the start of a match and require that they close the sale of alcohol 30 minutes after the end of a match, and that where a match begins within two hours of the licensed premise's usual closing time, they be permitted to stay open until the match starts;
 - 3.4 ensure that Police retain the power under section 266 of the Act to immediately shut down premises in circumstances specified in that section (for example, if certain offences are committed on the premises).
- 4 **noted** that a category 2 priority has been sought on the 2023 Legislation Programme due to the urgency of this legislation ahead of the men's Rugby World Cup 2023;
- 5 **invited** the Minister of Justice to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above decisions, including any consequential amendments;

6 **noted** that the Minister of Justice:

- 6.1 has directed officials to develop options to resolve this issue on a permanent basis;
- 6.2 intends to report back to Cabinet with options in April 2024 as part of advice on wider alcohol reform.

Rachel Clarke
Committee Secretary

Present:

Hon Kelvin Davis
Hon Grant Robertson
Hon Dr Megan Woods
Hon Jan Tinetti (Chair)
Hon Dr Ayesha Verrall
Hon Peeni Henare
Hon Priyanka Radhakrishnan
Hon Ginny Andersen
Hon Barbara Edmonds
Hon Willow-Jean Prime
Jo Luxton, MP

Officials present from:

Office of the Prime Minister
Office of the Chair
Officials' Committee for SWC

In Confidence

Office of the Minister of Justice
Chair, Cabinet Legislation Committee

Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill 2023: Approval for Introduction

Proposal

- 1 This paper seeks approval for the introduction of the Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill 2023 (the Bill).

Policy

The Bill permits temporarily extended trading hours for the upcoming men's Rugby World Cup

- 2 On 3 May 2023, the Cabinet Social Wellbeing Committee agreed to amend the Sale and Supply of Alcohol Act 2012 (the Act) to permit temporarily extended licensed trading hours for eligible on-licensed and club-licensed premises for the duration of the men's Rugby World Cup 2023 [SWC-23-MIN-0039 refers]. This was confirmed by Cabinet on 8 May 2023 [CAB-23-MIN-0164 refers].
- 3 The amendments are in line with legislative amendments enacted for the men's Rugby World Cups in 2015 and 2019 and create a notification system to extend licensed trading hours to host televised matches from the Rugby World Cup 2023.
- 4 The amendments allow on-licensed and club-licensed premises to remain open to televise a game of the Rugby World Cup and sell and supply alcohol for consumption on the premises outside their licensed trading hours, without applying for a special licence.

The Sale and Supply of Alcohol Act restricts licensed trading hours to minimise harm

- 5 The object of the Act is that the sale, supply, and consumption of alcohol should be undertaken safely and responsibly, and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

- 6 Trading hours can have a direct impact on alcohol-related harm. Ministry of Justice data shows that the rate of alcohol-attributable crime near licensed premises is 8.9 times higher when the premises close between 3am and 5am, compared with premises that close at 12am.¹ The immediate alcohol-related harms lead to downstream negative public health consequences for individuals, their whānau, and the community.
- 7 Given the risk of harm, the Act sets the default maximum trading hours of 8am – 4 am for on-licensed and club-licensed premises. Trading hours can also be restricted by local alcohol policies or licensing conditions set by district licensing committees.
- 8 Although licensees are bound by these restrictions, anyone can apply to district licensing committees for a special licence to allow them to trade at any time for specific events, or a series of events.

Televised coverage of men's Rugby World Cup 2023 falls outside of maximum licensed trading hours

- 9 France is hosting the Rugby World Cup 2023 from 8 September to 28 October 2023 (9 September to 29 October in New Zealand). This is a significant event in the rugby calendar and many New Zealanders enjoy watching rugby together at licensed premises.
- 10 However, differences in time zones mean that many of the live broadcasts will fall outside the default maximum trading hours for on-licensed and club-licensed premises in New Zealand.

Licensees can find it difficult to extend their trading hours for televised events

- 11 The legislation allows licensees to apply for special licences to extend their trading hours. However, licensees can find it difficult to use the special licence process to extend their trading hours to televise the Rugby World Cup.
- 12 For example, it can be challenging to comply with a 20-day application process when the draw of a tournament is evolving, and demand is unpredictable. The special licence application process is not well suited to these circumstances, where licensees require quick decision-making.
- 13 Licensees may also find the special licence criteria difficult to meet due to case law that holds there must be additional measures of control for a licensee to extend their trading hours for a televised event. This is to ensure that the event is demarcated from business as usual - to encourage patrons who are interested in the event to attend while excluding casual patrons.

¹ Ministry of Justice. (2013). *Risk-based licensing fees. Identifying risk factors for the New Zealand context*. Wellington: Ministry of Justice.

- 14 In some cases, case law may be applied inconsistently, making it difficult to have certainty that a particular special licence application will be successful.

Facilitating extended licensed trading hours for the men's Rugby World Cup 2023

- 15 Temporary legislative changes provide a practical and administratively straightforward solution to this issue, providing businesses with certainty and flexibility to plan to host televised games of the men's Rugby World Cup 2023.
- 16 It is important that the amendments are workable, and that there are mechanisms in place to enhance public safety and minimise the risk of increased alcohol-related harm from the extended trading hours. The extended hours in the Bill are therefore subject to the following conditions:
- 16.1 licensed premises that have had their licences cancelled or suspended in the previous 12 months under section 280 of the Act would be ineligible to extend their trading hours
 - 16.2 the primary or sole purpose of the premise being open during extended hours must be to allow customers to watch a live televised game of the men's Rugby World Cup 2023
 - 16.3 licensees are required to provide Police and territorial authorities at least seven days' written notice of their intention to televise matches, including which matches and the details of a noise management plan
 - 16.4 licensees are required to notify Police and territorial authorities as soon as practicable if they change their plans and decide not to open after having notified that they will
 - 16.5 licensees are permitted to open one hour before the start of a match and required to close the sale of alcohol 30 minutes after the end of a match. Where a match begins within two hours of the licensed premise's usual closing time, the premise is permitted to stay open in the interim
 - 16.6 one-way door policies do not apply within one hour before the extension starts,² during the extension, or within one hour after the premise closes for the sale of alcohol
 - 16.7 Police retains the power under section 266 of the Act to immediately shut down premises in circumstances specified in that section (for example, if certain offences are committed on the premises), and
 - 16.8 the general offence for breaching restrictions and requirements under section 259 of the Act applies to the extended trading hours in the Bill.

² A one-way door policy prevents customers from re-entering the premise after they have already exited. On-licensed and club-licensed premises may be subject to one-way door restrictions set out in licensing conditions or local alcohol policies.

IN CONFIDENCE

- 17 In addition, the Bill requires Police to keep a record of the scale and demand for extended trading hours resulting from these amendments. This will help inform future work in this area.
- 18 While these amendments are temporary and will only be in force during the men's Rugby World Cup 2023, I have directed my officials to consider permanent legislative options for this issue as part of wider alcohol reform in April 2024.

Impact analysis

- 19 A regulatory impact statement (RIS) was prepared to accompany the Cabinet paper outlining this proposal.
- 20 A Quality Assurance Panel within the Ministry of Justice reviewed the RIS and considers that the information and analysis summarised in the RIS meets the Quality Assurance criteria.
- 21 In reaching this conclusion, the panel noted that the analysis was accurate and balanced. Despite time constraints, there was targeted consultation with most key stakeholders and the range of views is reflected in the analysis. Because the legislation is temporary, and temporary amendments have been made twice in the past to accommodate the men's Rugby World Cup, the risks associated with the limited consultation are adequately mitigated.

Compliance

- 22 The Bill complies with:
- 22.1 the principles of the Treaty of Waitangi
 - 22.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
 - 22.3 the disclosure statement requirements (a disclosure statement prepared by the Ministry of Justice is attached)
 - 22.4 the principles and guidelines set out in the Privacy Act 2020
 - 22.5 relevant international standards and obligations, and
 - 22.6 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

Consultation

- 23 The following agencies were consulted: New Zealand Police, Ministry of Health, Te Whatu Ora – Health New Zealand, Ministry of Culture and Heritage, Sport New Zealand, Ministry of Business, Innovation and Employment, Department of Internal Affairs.

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IN C O N F I D E N C E

- 24 Officials consulted with most key stakeholders when developing advice on options to extend licensed trading hours for the men's Rugby World Cup 2023.
- 25 The Ministry of Justice maintains active relationships with stakeholders that have an interest in alcohol regulation, including organisations delivering the licensing regime, public health professionals, academics, businesses, and professional bodies.
- 26 There will be the opportunity for stakeholders and the wider public to provide feedback and recommendations through the truncated Select Committee stage.
- 27 The government caucus will be consulted prior to the Bill being introduced.

Binding on the Crown

- 28 Cabinet Office Circular CO (02) 4: Acts Binding the Crown: Procedures for Cabinet Decision notes that bills that are amending existing Acts will generally follow the position of the principal Act on whether the Act is binding on the Crown. The Act binds the Crown and it is proposed that this Bill will follow that position. The Bill will therefore bind the Crown.

Creating new agencies or amending law relating to existing agencies

- 29 The Bill does not create any new agencies.

Allocation of decision-making powers

- 30 The Bill does not allocate decision-making powers between the executive and judiciary.

Associated regulations

- 31 No regulations are needed to bring the Bill into operation.

Other instruments

- 32 The Bill does not include any provision empowering the making of other instruments deemed to be legislative instruments or disallowable instruments.

Definition of Minister/department

- 33 The Bill does not contain a definition of Minister, department or Chief Executive of a department.

Commencement of legislation

- 34 The Bill will come into force on the day after the date of Royal assent.

Parliamentary stages

- 35 The Bill should be introduced after 6 June 2023 and passed by 28 July 2023.

IN C O N F I D E N C E

- 36 I propose that the Bill be referred to the Justice Committee for consideration, and that the Committee be asked to report back by 13 July 2023.

Publicity

- 37 On 10 May 2023, I issued a media release to announce this proposal.
- 38 I will issue an additional media release following Cabinet approvals to announce the first reading of the Bill.

Proactive Release

- 39 I propose proactively releasing this paper and any relevant materials following the introduction of the Bill, with any appropriate redactions in accordance with Cabinet Office Circular CO (18) 4.

Recommendations

The Minister of Justice recommends that the Cabinet Legislation Committee:

- 1 **note** that the Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill 2023 holds a category 2 priority on the 2023 Legislation Programme
- 2 **note** that the Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill 2023 will allow on-licensed and club-licensed premises to extend their licensed trading hours to televise games of the men's Rugby World Cup 2023, without applying for a special licence
- 3 **approve** the Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives
- 4 **agree** that the Bill will be introduced after 6 June 2023, following confirmation by Cabinet
- 5 **agree** that the government propose that the Bill be:
 - 5.1 referred to the Justice Committee for consideration
 - 5.2 reported back by 13 July 2023, and
 - 5.3 enacted by 28 July 2023.

Authorised for lodgement

Hon Kiri Allan

Minister of Justice

Attached:

- Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill 2023
- Departmental Disclosure Statement prepared by the Ministry of Justice



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill 2023: Approval for Introduction

Portfolio Justice

On 1 June 2023, the Cabinet Legislation Committee:

- 1 **noted** that the Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill 2023 holds a category 2 priority (Must be passed before the 2023 General Election) on the 2023 Legislation Programme;
- 2 **noted** that on 3 May 2023, the Cabinet Social Wellbeing Committee agreed to amend the Sale and Supply of Alcohol Act 2012 to permit temporarily extended licensed trading hours for eligible on-licensed and club-licensed premises for the duration of the men's Rugby World Cup 2023 [SWC-23-MIN-0039].
- 3 **noted** that the Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill 2023 gives effect to the decision above, allowing on-licensed and club-licensed premises to extend their licensed trading hours to televise games of the men's Rugby World Cup 2023, without applying for a special licence;
- 4 **approved** the Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Bill [PCO 25425/8.0] for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 5 **agreed** that the Bill will be introduced after 6 June 2023, following confirmation by Cabinet;
- 6 **agreed** that the government propose that the Bill be:
 - 6.1 referred to the Justice Committee for consideration
 - 6.2 reported back by 13 July 2023,
 - 6.3 enacted by 28 July 2023.

Rebecca Davies
Committee Secretary

Attendance: see over

Present:

Hon Kiri Allan
Hon David Parker
Hon Kieran McAnulty (Chair)
Tangi Utikere, MP (Chief Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG