

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

Member's Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill and recommends by majority that it be passed. We recommend all amendments unanimously.

Overview of applicable alcohol trading rules

The Shop Trading Hours Act 1990 and the Sale and Supply of Alcohol Act 2012 specify four days as restricted trading days. They are Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day. The two Acts set out the alcohol trading rules for the restricted trading days each year. The Shop Trading Hours Act prescribes which businesses can open on these days. The Sale and Supply of Alcohol Act sets national rules for the sale and supply of alcohol for shops that are allowed to open.

A person or business may only sell or supply alcohol if they hold one of four types of alcohol licence. An on-licence allows the sale or supply of alcohol for consumption on the premises, while an off-licence allows it to be taken off the premises. An off-licence can include bottle stores, supermarkets, or by delivery. A special licence allows the sale or supply of alcohol at certain events. Under a club licence, the sale and supply of alcohol for consumption on the premises is permitted, but generally only to club members, their guests, and reciprocal club members. The Royal New Zealand Returned and Services Association (RSA) is an example of a club.

About the bill as introduced

The bill is a Member's bill in the name of Hon Kieran McAnulty MP. It would repeal sections 47 and 48 of the Sale and Supply of Alcohol Act. These sections deal with the sale and supply of alcohol on restricted trading days for holders of on-licences and off-licences. The bill would allow licensed businesses already permitted to open on the specified days to sell alcohol under their usual licence conditions. This includes removing the requirement that alcohol may only be served to people dining or lodging at on-licensed premises. In practice, it would generally mean that licensed premises that were allowed to open under the Shop Trading Hours Act could also sell alcohol.

The bill's explanatory note states that the bill would prevent the need to apply for a special licence to serve alcohol to veterans after Anzac Day services. It would also remove any incentive to stockpile alcohol before Easter and allow hospitality businesses to operate under normal conditions during some of their busiest and most profitable times.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Retaining the restrictions for off-licence premises in most circumstances

Clauses 5 and 6 would repeal sections 47 and 48 of the Sale and Supply of Alcohol Act. Their effect would be to allow premises that are open on restricted trading days to sell and supply alcohol. Clauses 5 and 6 apply respectively to on-licensed and off-licensed premises.

Submitters who were opposed to clause 6 expressed concern that the amendments proposed by the bill would result in significant alcohol-related harm. Their concerns related to alcohol-related harm generally and the substantial effects that even small changes to alcohol availability could have. Some submitters considered that allowing on-licence trading was appropriate but off-licence trading was not because alcohol consumption could not be supervised.

We received advice that the repeal of section 48 was not expected to significantly increase alcohol-related harm. However, we recognise submitters' concerns about the potential increase to alcohol-related harm. We therefore consider that the existing off-licence restrictions should be retained. We recommend that section 48 not be repealed. This would mean that off-licences are not affected by the changes, subject to the recommended further amendment to section 48 discussed below.

We also recommend deleting clause 7, which would have amended section 49. At present, off-licences can sell alcohol remotely on restricted trading days but cannot deliver it until the following day. Clause 7 would have enabled off-licences that were allowed to open on restricted trading days to deliver alcohol purchased through remote sales.

Section 48 of the Act provides an exemption for cellar door sales by producers and growers of grape wine and fruit or vegetable wine on Easter Sunday. It enables alcohol to be sold and delivered if it is wine made on the premises or from produce harvested from the land the premises are on. We consider that this exemption should be extended to the other restricted trading days. We recommend amending section 48 to this effect.

Provisions for RSAs on the morning of Anzac Day

We understand that the majority of RSAs have club licences. Section 47A of the Sale and Supply of Alcohol Act enables those RSAs to open between 4 am and 1 pm on Anzac Day. This is despite any local alcohol policy or individual licence conditions that would otherwise prevent them from doing so. However, section 60 means that club-licensed premises must generally have a special licence to sell and supply alcohol to non-authorised customers. This is consistent with any other day. Section 29 of the Sale and Supply of Alcohol Act prevents clubs (which includes RSAs) from holding on-licences.

The member in charge of the bill has indicated that he would like the bill to allow RSAs to serve to the general public from 4 am to 1 pm on Anzac Day. This would enable them to invite members of the public to join veterans for a drink. We support this approach and recommend inserting clause 5A to provide for this.

Section 214 of the Act requires a manager to be on duty at all times when alcohol is being sold or supplied to the public on any licensed premises. The manager is responsible for complying with and enforcing provisions of the Act and any licence conditions. Section 215 sets out some exceptions to the requirement, including premises for which a club licence is held. We note that enabling club-licensed premises to serve members of the public between 4 am and 1 pm on Anzac Day could result in some premises having more people to serve than they usually would over that period. We consider that not having a trained duty manager on site could increase the risk of alcohol-related harm occurring on the premises on Anzac Day. We therefore recommend inserting clause 7, which would amend section 215 to require a duty manager to be on site during the hours that members of the public are on the premises on Anzac Day.

Transitional arrangements

We note that the bill as introduced does not contain transitional arrangements for licensees or alcohol regulators. Consequently, after commencement, existing licences would continue and be progressively replaced as they came up for renewal over a three-year period. To align with the new legislation, licensees could choose to apply to their District Licensing Coordinator to vary their licence conditions.

We understand that even if section 47 was repealed, and sections 47A and 48 amended, some licences would still contain conditions that were inconsistent with the amendments. We therefore consider that the absence of transitional arrangements could be confusing for existing licence holders and customers. It would also create complexity for the Police when enforcing licence conditions. This is because licence holders would have different dates for when the changes would take effect. It could also be considered unfair as new licence applicants or licensees whose licence was due for renewal just after the bill commenced could benefit from fewer restrictions sooner.

We therefore recommend inserting clause 8, which would amend Schedule 1AA, to provide that conditions imposed before commencement that are inconsistent with the amendments would cease to have effect.

ACT New Zealand differing view

ACT supports the intent behind the bill and welcomes the move to reduce unnecessary regulatory burdens on businesses. Removing the restrictions on the trading and selling of alcohol is a positive step towards allowing greater flexibility. ACT also acknowledges and appreciates the constructive approach taken by the member in charge of the bill, and his willingness to work collaboratively across the House to refine and advance this legislation.

However, ACT is disappointed that the committee did not come to a compromise recommendation to retain restrictions on off-licences other than for wine from wineries. Maintaining these limitations would continue to impose unnecessary constraints on businesses and consumers alike. Such restrictions are incompatible with the principles of a free society.

New Zealand First differing view

New Zealand First believes that this bill is a step in the wrong direction.

Days like Good Friday, Anzac Day, Easter Sunday, and Christmas Day are days that hold great significance for New Zealand. We believe that there is no compelling reason to erode our traditions in any way.

This bill will allow licensed premises already permitted to open on those days to sell alcohol as they usually do. New Zealand First believes that Kiwis already have ample opportunity to purchase alcohol before restricted days, or with a meal on these days.

On Anzac Day in particular, many RSAs hold club licences, while section 47A of the Sale and Supply of Alcohol Act already allows them to open from 4 am to 1 pm with a special licence to serve alcohol to non-members. Our legislation already has a good balance between practicality and serving tradition.

Off-licence wineries have also been added to this bill, meaning that the original content of the legislation has been stretched even further. During the committee it was demonstrated that increased access to alcohol on these restricted days would increase alcohol-related harm.

This is an issue of conscience, and Parliament should consider the risks very carefully—over and above any perceived commercial benefits.

Appendix

Committee process

The Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill was referred to this committee on 9 April 2025. We called for submissions on the bill with a closing date of 22 May 2025. We received and considered submissions from 232 interested groups and individuals. We heard oral evidence from 25 submitters.

Advice on the bill was provided by the Ministry of Justice. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Hon Andrew Bayly (Chairperson)

Hon Ginny Andersen

Jamie Arbuckle

Carl Bates

Tākuta Ferris

Dr Tracey McLellan (until 14 May 2025)

Rima Nakhle

Tom Rutherford

Todd Stephenson

Vanushi Walters (from 14 May 2025)

Hon Dr Duncan Webb

Dr Lawrence Xu-Nan

Related resources

The documents we received as advice and evidence are available on the Parliament website.

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

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Kieran McAnulty

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

Member's Bill

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**Sale and Supply of Alcohol (Sales on Anzac Day
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Day) Amendment Bill**

Part 2

Amendments to Sale and Supply of Alcohol Regulations 2013

| | | |
|-----------|----------------------------------|----------|
| <u>9</u> | <u>Principal regulations</u> | <u>3</u> |
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| <u>12</u> | <u>Schedule, form 11 amended</u> | <u>4</u> |

Schedule

New Part 3 inserted into Schedule 1AA

5

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Act **2025**.

2 Commencement

5

This Act comes into force on the day after Royal assent.

Part 1

Amendments to Sale and Supply of Alcohol Act 2012

3 Principal Act

This ~~Act~~ Part amends the Sale and Supply of Alcohol Act 2012. 10

4 Section 43 amended (Default national maximum trading hours)

~~Repeal~~ Replace section 43(2) with:

- (2) Subsection (1) is subject to section 48 (which imposes restrictions on the sale and supply of alcohol on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day). 15

5 Section 47 repealed (Sale and supply on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day restricted: on-licences)

Repeal section 47.

5A Section 47A amended (Anzac Day trading hours for licensed RNZRSA clubs) 20

After section 47A(3), insert:

- (3A) Despite anything in section 21 or 60, the licensee of a licensed premises to which this section applies may sell and supply alcohol to persons other than authorised customers for consumption on the premises during the hours specified in subsection (2). 25

6 Section 48-repealed replaced (Sale on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day restricted: off-licences)

Repeal section 48. Replace section 48 with:

48 Sale on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day restricted: off-licences

5

The holder of an off-licence must ensure that no alcohol is sold on or delivered from the premises on Good Friday, Easter Sunday, or Christmas Day, or before 1 pm on Anzac Day, unless it is wine made—

(a) on the premises; or

(b) from produce harvested from land on which the premises are situated.

10

7 ~~Section 49 amended (Remote sales exempted from trading hours restrictions)~~

(1) ~~In section 49(2)(a), replace “sections 46 and 48” with “section 46”.~~

(2) ~~In section 49(2)(b), replace “sections 48 and 59(1)” with “section 59(1)”.~~

8 ~~Consequential amendments to Sale and Supply of Alcohol Regulations 2013~~

15

(1) ~~This section amends the Sale and Supply of Alcohol Regulations 2013 (SR 2013/459)~~

(2) ~~In the Schedule, Form 9, under the heading **Conditions**, revoke paragraph (a).~~

(3) ~~In the Schedule, Form 10, under the heading **Conditions**, revoke paragraphs (a) and (b).~~

20

7 Section 215 amended (Circumstances where section 214 does not apply)

In section 215(1)(a), after “held”, insert “, except when alcohol is being sold or supplied to persons other than authorised customers for consumption on the premises under **section 47A(3A)**”.

25

8 Schedule 1AA amended

In Schedule 1AA,—

(a) insert the Part set out in the **Schedule** of this Act as the last Part; and

(b) make all necessary consequential amendments.

Part 2

30

Amendments to Sale and Supply of Alcohol Regulations 2013

9 Principal regulations

This Part amends the Sale and Supply of Alcohol Regulations 2013.

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Day) Amendment Bill

Part 2 cl 10

10 Schedule, form 9 amended

In the Schedule, form 9, under the heading “Conditions”, revoke paragraph (a).

11 Schedule, form 10 amended

(1) In the Schedule, form 10, under the heading “Conditions”, replace paragraph (a) with: 5

(a) no alcohol is to be sold or delivered on Good Friday, Easter Sunday, or Christmas Day, or before 1 pm on Anzac Day, unless it is wine made—

(i) on the premises; or

(ii) from produce harvested from land on which the premises are situated: 10

(2) In the Schedule, form 10, under the heading “Conditions”, revoke paragraph (b).

12 Schedule, form 11 amended

In the Schedule, form 11, first paragraph, replace the third bullet point with: 15

• is a member of some other club with which the club has an arrangement for reciprocal visiting rights for members; or

• *(if section 47A applies to the premises) is on the premises at any time during the hours from 4 am to 1 pm on Anzac Day.

*Delete where not applicable.

Schedule
New Part 3 inserted into Schedule 1AA

s 8

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|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| | <u>Part 3</u> | |
| | <u>Provisions relating to Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Act 2025</u> | 5 |
| <u>3</u> | <u>Interpretation</u> | |
| | In this Part,— | |
| | <u>amendment Act</u> means the Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Act 2025 | 10 |
| | <u>commencement date</u> means the date on which the amendment Act comes into force under section 2 of that Act. | |
| <u>4</u> | <u>Transitional arrangements for on-licences</u> | 15 |
| | A condition imposed on an on-licence has no effect to the extent that it— | |
| | (a) is imposed before the commencement date; and | |
| | (b) provides that no alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, or Christmas Day, or before 1 pm on Anzac Day. | 20 |
| <u>5</u> | <u>Transitional arrangements for off-licences</u> | |
| | A condition imposed on an off-licence has no effect to the extent that it— | |
| | (a) is imposed before the commencement date; and | |
| | (b) prohibits the sale on or delivery from the premises, on Good Friday, or Christmas Day, or before 1 pm on Anzac Day, of grape wine or fruit or vegetable wine made— | 25 |
| | (i) on the premises; or | |
| | (ii) from produce harvested from land on which the premises are situated. | |
| <u>6</u> | <u>Transitional arrangements for certain club licences</u> | 30 |
| | A condition imposed on a club licence for premises to which section 47A applies has no effect to the extent that it— | |
| | (a) is imposed before the commencement date; and | |

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Schedule

(b) provides that no alcohol is to be sold or supplied to persons other than authorised persons for consumption on the premises during the hours from 4 am to 1 pm on Anzac Day.

Legislative history

20 February 2025
9 April 2025

Introduction (Bill 123–1)
First reading and referral to Justice Committee

Wellington, New Zealand:

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