

Paul McMahon

CAYAD Ōtautahi

paul.mcmahon@sjog.org.nz

0211841072

Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill



Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill 'The Bill'

Removes the 'Special Appeals Process' for Local Alcohol Policies.

Allows District Licensing Committees (DLCs) and the Alcohol Regulatory and Licensing Authority (ARLA) to apply the LAP to renewals.

Includes new criteria for new and renewed licenses.

Prohibits alcohol advertising in broadcast sports.

Current state of play

Entered into the ballot by Chloe Swarbrick MP

Drawn from the ballot (biscuit tin), now on Order Paper

First Reading needs 61 votes to pass:

- National (33) and ACT (10) whipping against
- Greens (10) in favour
- Māori (2) in favour
- Labour (64) allowing a free/ 'conscience' vote – needs 49 to pass

Complicating factor is Justice Minister Allan has said there will be a Government Bill...

The Headline from the Bill

Prohibitions on alcohol advertising and sponsorship

Prohibitions on alcohol advertising and sponsorship

Defines terms

Broadly prohibits alcohol advertising during the broadcast (including streaming) of sports; and

At the venue of a sport being broadcast

Naming rights of a venue

Sponsorship of a team/player

Exemptions – by Ministerial discretion



NON-NZ RESIDENTS PARTICIPATING
IN INTERNATIONAL EVENTS



MULTINATIONAL EVENTS THAT
INCLUDE NZ

The big change

LAPs



LAPs in NZ

As at May 2022, 41 of the 67 Councils have an adopted Local Alcohol Policy. Of all the draft policies, the two supermarket chains have appealed 86% of them and bottle stores have appealed 72%. There is currently no LAP in many of New Zealand's largest cities – Auckland, Hamilton, Wellington and Christchurch.

- Alcohol Health Watch

Local Alcohol Policies (ss 77-97)

By having a LAP, communities “can”:

- limit the location of licences in particular areas or near certain types of facilities such as in specific neighbourhoods or near schools or churches.
- limit the density of licences by specifying whether new licences or types of licences should be issued in a particular area.

Local Alcohol Policies (ss 77-97)

By having a LAP, communities “can”:

- impose conditions on groups of licences, such as a 'one-way door' condition that would allow patrons to leave premises but not enter or re-enter after a certain time
- restrict or extend the maximum opening hours set in the new Act.

A LAP can have *different conditions for different areas* within the council's district.

Current LAP Process

Council prepares a Draft Local Alcohol Policy (DLAP) and notifies

```
graph TD; A[Council prepares a Draft Local Alcohol Policy (DLAP) and notifies] --> B[Consults using the Local Govt Act Special Consultative Procedure]; B --> C[Considers submissions and amends]; C --> D[Changes and then notifies the Provisional Local Alcohol Policy (PLAP) which anyone who made a submission on DLAP can appeal to ARLA.];
```

Consults using the Local Govt Act Special Consultative Procedure

Considers submissions and amends

Changes and then notifies the Provisional Local Alcohol Policy (PLAP) which anyone who made a submission on DLAP can appeal to ARLA.

Current situation - LAPs

Hospitality industry and supermarkets have used appeals process to delay, dismember, disembowel, and deny communities LAPs.

Even if LAPs exist, renewals cannot be denied due to inconsistency with them.

Auckland LAP process so far...

DLAP undergoes Special Consultative Procedure



```
graph TD; A[DLAP undergoes Special Consultative Procedure] --> B[PLAP notified and Supermarkets (and brothel) appeal to ARLA, mostly upheld]; B --> C[Supermarkets appeal to High Court on Judicial Review, sent back to ARLA]; C --> D[Council appeals to Court of Appeal, JR overturned]; D --> E[Supermarkets appeal to Supreme Court...];
```

PLAP notified and Supermarkets (and brothel) appeal to ARLA, mostly upheld

Supermarkets appeal to High Court on Judicial Review, sent back to ARLA

Council appeals to Court of Appeal, JR overturned

Supermarkets appeal to Supreme Court...

New LAP Process

Abuse of process no more?

Proposed new LAP process (ss 7-10)

DLAP must be consulted on using Special Consultative Procedure.



Then, Council can adopt as a Final LAP



NO appeal to ARLA available

- That means appeal can only be brought by Judicial Review at the High Court.

LAPs also apply to renewals (ss 133 & 135)

DLC/ARLA may decline a renewal if it would be inconsistent with the LAP

May also impose a condition to render consistent with LAP

This achieves what Louisa Wall's bill set out to do.

Stealth clauses



New and renewal criteria

Adds criteria for issuing licenses



(ga) whether (in its opinion) the current availability of alcohol for sale and supply in the locality is inadequate or insufficient:



(gb) whether (in its opinion) the issue of the licence will benefit the community and not contribute to alcohol-related harm:

License renewal/new criteria would be the same

(h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:

(i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—

(i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but

(ii) it is nevertheless desirable not to issue any further licences:

Without LAPs this would still amount to a huge change...

But without LAPs it is license by license, applicant by applicant, and community by community...

Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill 'The Bill'

Removes the 'Special Appeals Process' for Local Alcohol Policies.

Allows District Licensing Committees (DLCs) and the Alcohol Regulatory and Licensing Authority (ARLA) to apply the LAP to renewals.

Includes new criteria for new and renewed licenses.

Prohibits alcohol advertising in broadcast sports.

Getting to 61

With thanks to Common Cause...

Tips for lobbying MPs

- Keep it short (never more than a page)
- Always be unfailingly polite
- Personalise to the MP (avoid looking like a template)
 - Handwritten, if legible, will be read by the MP.
- Ask to meet your local MP
- Ground arguments in real examples from your life/community
- Make it personal and values-led

Key values and frames

- Juxtapose:
 - Health v Profits; local democracy/community v big business (i.e. LAPs)
- Reference to specific groups of people at risk and evoke empathy and values of care:
 - Māori, Pasifika, women, children.
- Engage “social justice values” of MPs.

- Stick to your story (don't repeat industry myths/lies).
- Be sure to be accurate and truthful, point to evidence if you can.
- Talk about the good things that will result from change.
- Frame increased regulation as: **higher standards/stronger safeguards.**

On advertising

- Frame marketing as an attack from the industry that children and others should be protected from.
- “...protect the community from the harm the alcohol industry causes, and to provide balance to the industry’s aggressive marketing and normalisation of alcoholic products.”
- “The alcohol industry advertises relentlessly through media and in places where children and young people can see it, and this in turn means that young people are more likely to start using alcohol products at a younger age and to drink more if they are already using alcohol.”

Vision-Barrier-Action

What do
you want?

What is the
problem?

You need
their VOTE!