

House of Representatives

Supplementary Order Paper

Tuesday, 24 July 2012

Alcohol Reform Bill

Proposed amendments

Iain Lees-Galloway, in Committee, to move the following amendments:

New Part 2A

After *clause 11* (after line 7 on page 35), insert:

Part 2A

Advertising of alcohol

11A Advertising of alcohol

- (1) No person may publish, or arrange for any other person to publish, any alcohol product advertisement on a poster or an outside billboard displayed within 300 metres of any school or early childhood centre.
- (2) No person may broadcast, or arrange for any other person to broadcast, any alcohol product advertisement before 9 pm in any television transmission in New Zealand.
- (3) No person may screen, or arrange for any other person to screen, any alcohol product advertisement at a public screening, unless all films being screened have been classified by the Office of Film and Literature Classification as restricted to audiences of 18 years or over.
- (4) Nothing in **subsections (2) and (3)** applies to any advertisement included in any television transmission originating outside New Zealand, or in any film or video recording made outside New Zealand, unless—
 - (a) the principal purpose of the transmission, film, or video recording is the promotion of the use of alcohol products; or
 - (b) the advertisement is targeted primarily at a New Zealand audience.

- (5) Nothing in **subsections (1) to (3)** applies to—
- (a) the exhibition, in any museum or art gallery, of any work or artefact:
 - (b) the dissemination, broadcasting, or exhibition of any film or video recording, where—
 - (i) that film or video recording was made before the commencement of **this Part**; and
 - (ii) the alcohol product advertisement included in that film or video recording is in the form of a reference to, or a depiction of, an alcohol product trade mark that is only an incidental part of that film or video recording.

11B Offences in respect of advertising of alcohol

- (1) Every person who, without reasonable excuse, publishes any advertisement for an alcohol product in contravention of **section 11A(1)** commits an offence and is liable,—
- (a) in the case of a manufacturer, an importer, or a distributor, to a fine not exceeding \$50,000; or
 - (b) in any other case, to a fine not exceeding \$10,000.
- (2) Every person who, without reasonable excuse, disseminates, broadcasts, or transmits an alcohol advertisement in contravention of **subsection 11A(2)** commits an offence and is liable to a fine not exceeding \$50,000.
- (3) Every person who, without reasonable excuse, disseminates, broadcasts, or transmits an alcohol advertisement in contravention of **subsection 11A(3)** commits an offence and is liable to a fine not exceeding \$20,000.

Clause 220

In *clause 220(1)* replace *paragraphs (b) and (ba)* (lines 16 to 31 on page 154), with:

- (b) promotes or advertises the price of alcohol otherwise than—
 - (i) on an alcohol product or package; or
 - (ii) in the catalogue or similar price-list of the holder of an on-licence or an off-licence; or
- (ba) promotes or advertises discounts on alcohol.

New Part 7

After *clause 399* (after line 1 on page 246), insert:

Part 7

Alcohol advertising reform committee

399A Alcohol advertising reform committee

- (1) The Ministry of Health must, within 3 months of the commencement of this Act, set up an alcohol advertising reform committee.
- (2) The function of the committee is to plan the minimisation of alcohol advertising, promotion, and sponsorship.
- (3) The committee must report annually to the Minister of Health and the Minister of Justice for a period of 5 years from the commencement of this Act.

399B Membership of alcohol advertising reform committee

The alcohol advertising reform committee must comprise, but is not limited to, representatives from the following bodies:

- (a) the Ministry of Health:
- (b) the Ministry of Justice:
- (c) the Ministry of Culture and Heritage:
- (d) the Health Promotion Agency.

399C Consultation

The alcohol advertising reform committee, in developing its plan and implementing its programme, must consult with interested parties, including, but not limited to, the following:

- (a) the New Zealand Police:
- (b) representative advertisers and their agencies:
- (c) representative broadcasters:
- (d) the Advertising Standards Authority:
- (e) the Broadcasting Standards Authority:
- (f) the Alcohol Regulatory and Licensing Authority:
- (g) relevant non-government organisations.

Explanatory note

This Supplementary Order Paper amends the Alcohol Reform Bill by inserting *new Part 2A* to ensure that exposure of young people to alcohol advertising is reduced by banning billboard and poster advertising within 300 metres of all schools, creating a 9 pm watershed for alcohol advertising, and restricting alcohol advertising in cinemas, and at public screenings of films, to those films with an R18 rating.

Clause 220 is amended to ban discount and price promotion and advertising for alcohol.

New Part 7 is inserted into the Bill to set up an interdepartmental committee to plan and implement the introduction of greater restrictions on all forms of alcohol promotion as recommended by the Law Commission in its report *Alcohol in our lives: Curbing the harm*.
