



Tuesday, January 24, 2023

# Submission for the Sale and Supply of Alcohol (Community Participation) Amendment Bill

Email

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## Removing the appeals process

**I support removing the appeals process from Local Alcohol Policies (LAPs). I support for the following reasons:**

It will make it easier for Councils to enact LAPs, which will reduce alcohol-related harm.

Community wishes will no longer be undermined by the threat of costly appeals.

More LAPs will relieve communities, particularly low-income communities, from holding the burden of proof of harm in licencing hearings.

More LAPs will make it easier for licences to be declined.

Communities (through local councils), should be able to have a say in decisions about the sale and supply of alcohol in their area.

The appeals process for alcohol is inconsistent as it does not exist in other council policy processes. There is no rationale for these appeals being provided only for LAPs.

It is important to check in the future that the Judicial Review process isn't used by the alcohol industry to continue to stall community wishes.

I back local council requests to abolish the appeals process. A 2018 vote of all the Councils in New Zealand had 95% in support of this.

## Allowing anyone to object to an alcohol licence

**I support allowing anyone to object to an alcohol licence. I support for the following reasons:**

I am concerned about the difficulties that community members and organisations have faced obtaining 'standing' in hearings, even if living within a 2km radius of the site or being experts in health.

Individuals or groups may not live or be based near a licenced premise, but they may have other genuine

connections to the area and should have the opportunity to object to a licence application if they want to.

Allowing anyone to object is particularly important for off-licence applications, as the alcohol is taken and consumed off-site. This means the harm can be felt further away.

The alcohol industry use eligibility to object as a way to stop people objecting.

When deciding who can object, Māori cultural elements and tikanga are not considered currently. This is discriminatory and in denial of Te Tiriti o Waitangi rights.

With restrictions on who can object to a licence, there is less community input into licencing decision-making. I believe that this discourages future community participation and results in decisions that do not reflect community wishes.

Allowing anyone to object to a licence is equitable and supports community participation.

I do not believe that applications will be overrun with objections, as committees already have the power to exclude objections, and many countries overseas already allow anyone to object.

## Removing cross-examinations

**I support removing cross-examinations from District Licencing hearings. I support for the following reasons:**

Community members have described the process as intimidating, threatening, and very technical. The fear of being cross-examined by an experienced lawyer has discouraged community participation.

Applicants often hire very experienced lawyers. This can create a power imbalance when community members have never been involved in a cross-examination before.

Intense cross-examination can reduce people's ability to make a strong case in a legalistic, and often foreign, environment.

Other hearings, such as Resource Consent Hearings and Tenancy Tribunal, do not allow cross-examination.

## Other changes proposed in the Bill

**I support the following additional proposed changes in the Bill:**

Enabling licensing decisions on renewals to reflect the relevant local alcohol policy.

Virtual attendance and Zoom for licensing hearings.

**I do NOT support the following additional proposed changes:**

Allowing evidence to be struck out if considered frivolous or vexatious. Committees can already exclude vexatious objections, and the alcohol industry might use this additional change to try to exclude valid objections.

Allowing evidence to be struck out if it discloses no reasonable or relevant case. This is vague, based on subjective opinion, and I have concerns that this would be used to strike out large amounts of community evidence. For example, to date many iwi and hapū groups, as well as community members working in close vicinity to sites, have had evidence deemed irrelevant and have not been granted the opportunity to object to a licence.

**Other things that are of concern:**

Include a specific Te Tiriti clause in the act. The crown has a legal responsibility to protect tangata whenua.

Include protections from alcohol advertising and sponsorship.

Include mechanisms around regulating or increasing the price of alcohol.

Improve the hearing process by:

- \* Increase District Licensing Committee training to ask effective questions.
- \* Hold licensing hearings at more accessible locations for the community.
- \* Provide a hearing timetable
- \* Make it easier for people to know they can object, and how.
- \* Support tikanga and access to Te Reo Maori

Make LAP's mandatory for every district throughout New Zealand.

Improve input of mana whenua into LAPs.