

Legislative Statement: Sale and Supply of Alcohol (Community Participation) Amendment Bill – Second Reading

Presented to the House of Representatives in accordance with Standing Order 272

Introduction

1. The Sale and Supply of Alcohol (Community Participation) Amendment Bill (the Bill) makes a number of changes to the Sale and Supply of Alcohol Act (the principal Act) to improve communities' ability to influence alcohol regulation in their areas, and thereby, ensure that—
 - the sale, supply, and consumption of alcohol is undertaken safely and responsibly, and
 - the harm caused by excessive or inappropriate consumption of alcohol is minimised.

Provisions of the Bill

2. The Bill amends the alcohol licensing process provided for in the principal Act by:
 - removing the ability to appeal provisional local alcohol policies (LAPs) to the Alcohol Regulatory and Licensing Authority (ARLA);
 - giving district licensing committees (DLCs) and ARLA discretion to decline to renew a licence if the licence would be inconsistent with conditions on location or licence density in the relevant LAP;
 - requiring territorial authorities who recommence development of a discontinued LAP to consult as if it were developing a new LAP, unless consultation was completed in the last six years;
 - allowing any person to object to an application for a licence, variation of licence conditions, renewal of licence application or special licence, whether as an individual or representative of a group or organisation, except for a trade competitor or surrogate of a trade competitor, who may only object if they are directly affected by the application in a way that does not relate to trade competition or the effects of trade competition;
 - extending the timeframe for submitting an objection to an application from 15 to 25 working days;
 - clarifying that DLCs and ARLA may conduct hearings by telephone, audio-visual link, or other remote access facility where this is appropriate, and the facilities are available, and requiring DLCs and ARLA to consider any reasonable request made by a person to participate in a hearing remotely;
 - enabling DLCs to establish appropriate procedures to consider licensing applications, ensuring those procedures:
 - avoid unnecessary formality, including by making appropriate provisions about:
 - the location and timing of the hearing;
 - the layout of the venue of the hearing;
 - the timetable for the hearing;

- the language and terminology to be used at the hearing; and
 - do not permit those who appear at hearings to question other parties or witnesses of other parties; and
 - do not permit cross-examination; and
 - allow for tikanga Māori to be incorporated into proceedings; and
 - allow for persons to be heard, and to make submissions, in te reo Māori.
- 3. The Bill makes minor and consequential amendments to the Sale and Supply of Alcohol Regulations 2013.
- 4. The Bill contains transitional provisions in respect of certain LAPs in existence, and applications for licences underway at the time the changes come into force.
- 5. These changes come into force on the day after Royal Assent, except those relating to DLC hearing procedures which will commence nine months after Royal Assent.