

Legislative Statement: Sale and Supply of Alcohol (Community Participation) Amendment Bill – Third 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 changes to the Sale and Supply of Alcohol Act 2012 (the 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 in the Act by:
 - removing the ability for parties 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 that recommence development of a discontinued LAP to consult as if they were developing a new LAP, unless they completed consultation in the last six years;
 - allowing any person to object to an application for a new licence, a renewal of licence, or a variation of licence conditions, whether as an individual or representative of a group or organisation, except for:
 - 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, or
 - a person who receives, or is likely to receive, direct or indirect help from a trade competitor to object (a "surrogate trade competitor"), who may not object.
 - extending the timeframe for parties to submit 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, for example but without limitation, 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 existing LAPs, provisional LAPs, and licence applications underway at the time the changes come into force.
 5. The changes come into force on the day after Royal assent, except those relating to hearing procedures, which come into force nine months after Royal assent.