

Submission to the Justice Committee

Sale and Supply of Alcohol (Community Participation) Amendment Bill



10 February 2023

Introduction

The Timaru District Council (the Council) thanks the Justice Committee for the opportunity to submit on the Sale and Supply of Alcohol (Community Participation) Amendment Bill (the Bill).

This submission is made by the Timaru District Council, 2 King George Place, Timaru. The submission has been endorsed by the Chair of the Environmental Services Committee. The contact person regarding the submission content is Debbie Fortuin, Environmental Compliance Manager, who can be contacted via debbie.fortuin@timdc.govt.nz.

We do not wish to speak to this submission.

Alcohol in Timaru District

The Timaru District Council is a local authority in the South Island serving over 48,000 people in South Canterbury. The main settlement is Timaru, with other smaller settlements including Geraldine, Pleasant Point and Temuka.

The Timaru District shares a Joint Local Alcohol Policy with the Mackenzie and Waimate Districts, which has been in effect since 2016. As of February 2023, there are 140 licenced premises in the Timaru District. Of these, 61 are on-licenced, 33 are off licenced, 39 are club licenced, and seven are endorsed remote sellers or caterers.

Timaru District's alcohol profile is similar to the New Zealand average, though it is possible that we experience a slightly higher incidence of problem drinking than average.

General comments

Council supports the Bill. Council believes that it is important that changes are made to the Sale and Supply of Alcohol Act 2012 (the Act) to:

- 1) ensure that the sale and supply of alcohol more closely matches the intentions of the immediate community in which it is located or in which harm occurs;
- 2) make the licence or renewal appeals process more assessable and less legalistic; and
- 3) more broadly, balance the current power imbalance between well-resourced parties and less-resourced parties.

Council wants to ensure that the legislation empowers communities to have a voice, and assists the right balance to be struck between the right to sell and supply alcohol, and acknowledging community concerns where they exist. The Bill is a positive development towards these outcomes.

Appealing provisional local alcohol policy

Council supports the revoking of the ability for parties to appeal provisional local alcohol policies. The current provision delays, and in some cases stops, democratically-made policies from being enacted. The local alcohol policy already incorporates sufficient opportunities for consultation. Further, we regard this step as a logical realignment as similar social issues legislation, such as gambling policies, do not provide for appeals against provisional policies.

Appeals against license applications and renewals

Council supports the expansion of whom can appeal against licence applications. The current wording in section 102(1) of the Act has set too high a bar and therefore meant that the views of some sections of the community who oppose the application or renewal cannot be heard.

Council is concerned that the new process may become slow and expensive to administer if the number of appeals significantly increases from current rates. The legislation states that District Licencing Committees (DLCs) and Alcohol Regulatory and Licencing Authority (ARLA) have provisions available to manage such increases; we question whether this is the case. Whilst clause 16 of the Bill allows DLCs to strike out vexatious appeals, it is silent on how a large increase in legitimate appeals may be managed. We request that the government consider how the appeals process might be adequately resourced in such an instance.

Further, Council supports changes to how the appeals process is conducted. The current process can be too legalistic, which means that professional entities can obfuscate and, in practice if not intention, intimidate non-professionals. The proposed changes are welcome. However, we note that the Bill does not amend the evidence threshold for an appellant. The evidence currently required is specific, local and, in many cases, difficult to gather or does not yet clearly exist. Non-professionals often do not have the resources to gather this currently and are thus disadvantaged; this will remain the case under the current proposal. We encourage the government to consider how to address this issue.

Conclusion

Thank you again for the opportunity to submit on this Bill. Please do not hesitate to contact us via debbie.fortuin@timdc.govt.nz if you have any questions.

Ngā mihi

Michelle Pye

Chair of the Environmental Services Committee, and Timaru District Councillor