

Community Law Centres o Aotearoa
Submission on Sale and Supply of Alcohol
(Community Participation) Bill
February 2023

Introduction



CLCA's expertise and experience gathered through the Alcohol Harm Reduction Project funded by the alcohol levy administered by Te Whatu Ora



We have compiled new evidence on the statistics of alcohol in Aotearoa, which has not been made public before



Our support for this Bill is based on this evidence, which is consistent with our lived experience



Our submissions provide comprehensive arguments behind our key recommendations

Support for the Bill



CLCA supports the Bill's intentions. We believe it needs to go further.



Support removal of LAP appeals



Support removal of unnecessary formality



Support removal of standing requirements



We recommend LAPs must be given effect to, this should extend to renewals too



Objector evidence needs to be viewed within the context of resource limitations and not limit the weight given to their evidence.

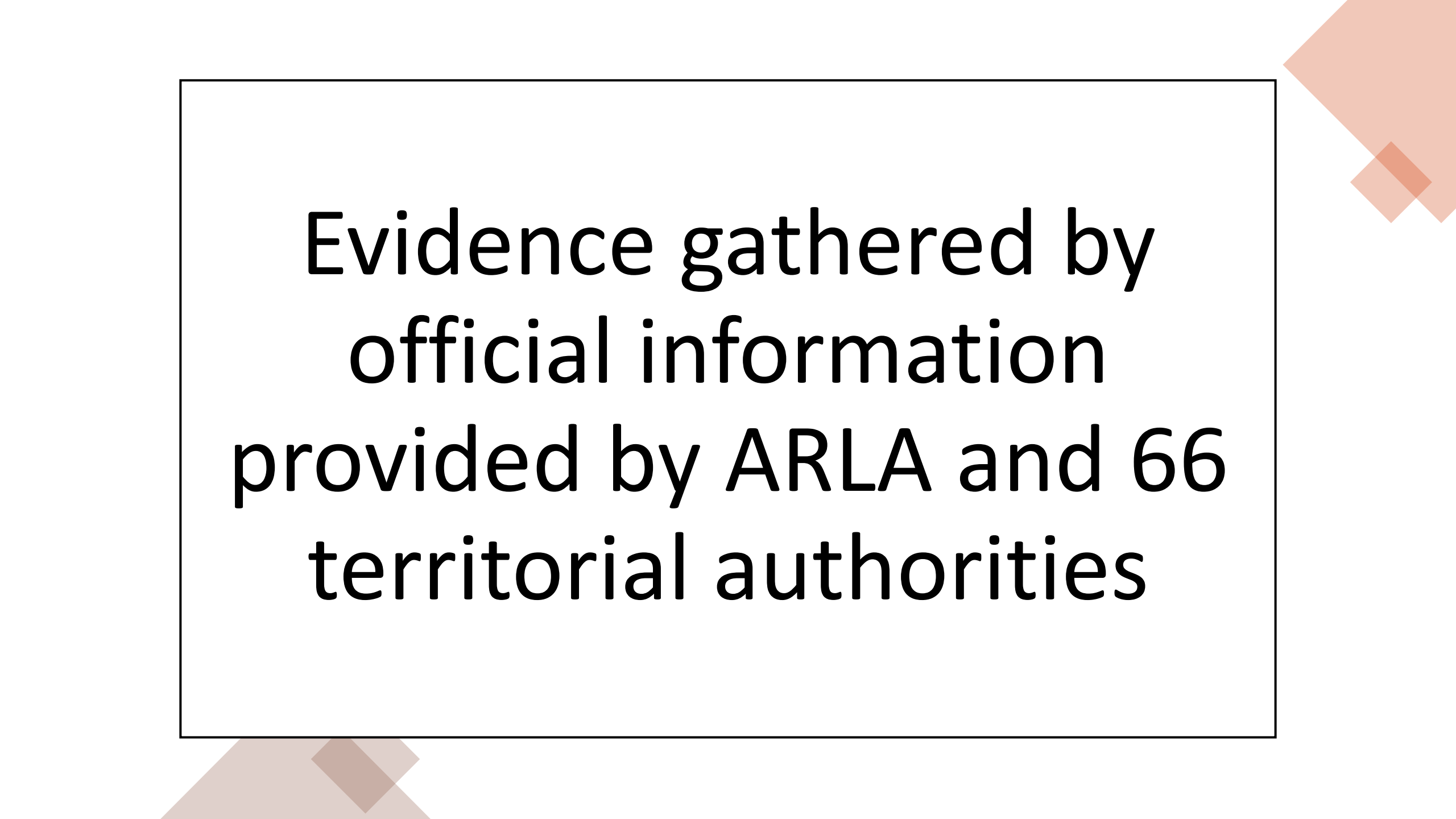
The current Act has failed to meet its original intention

“Accessing alcohol is easier when there are more licences, and communities have been telling us that they are concerned about the proliferation of stores selling alcohol in their areas...**It is very important that we allow communities to decide what it is best for them**, especially given the aim of increasing community input and control over licensing.”

*Judith Collins (Minister of Justice) 11
December 2012, Hansard vol 686, pg 7348*

“The [Sale and Supply of Alcohol Bill] also aims to **empower local communities** to determine where and how alcohol is sold...”

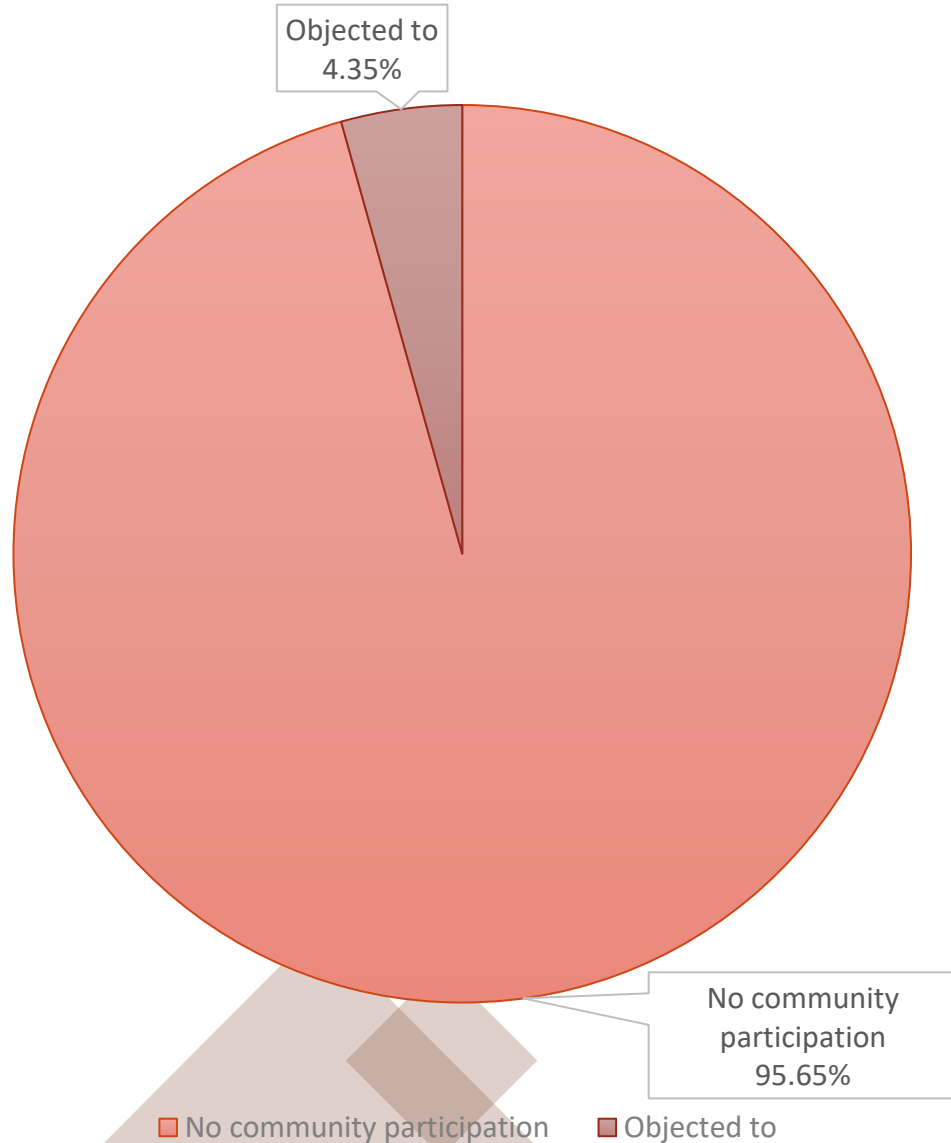
Peter Dunne (from a speech entitled “Alcohol Law Reform – the changes and the reasons behind them” 8 September 2012)



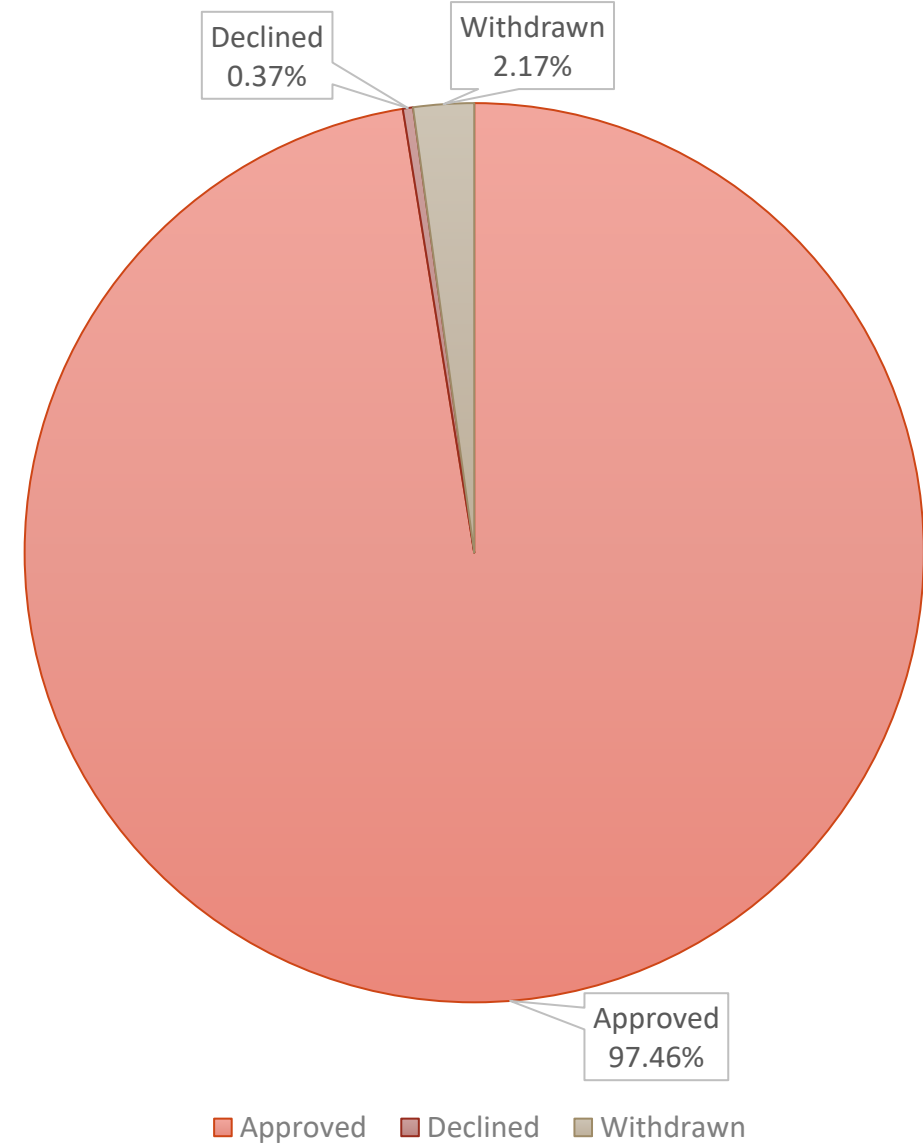
Evidence gathered by
official information
provided by ARLA and 66
territorial authorities

2022 Licence Application Outcomes (on and off licences, new and renewals)

Community Participation



Outcomes



Key Recommendation: Te Tiriti o Waitangi



Te Tiriti partnership should be incorporated throughout the Act, within the Object of the Act at section 4, at sections 105 and 131 criteria for licences, incorporation of tikanga Māori principles throughout DLC procedures, and tāngata whenua representation for each rohe on every DLC.



Disproportionate and systemic harm to Māori from alcohol.



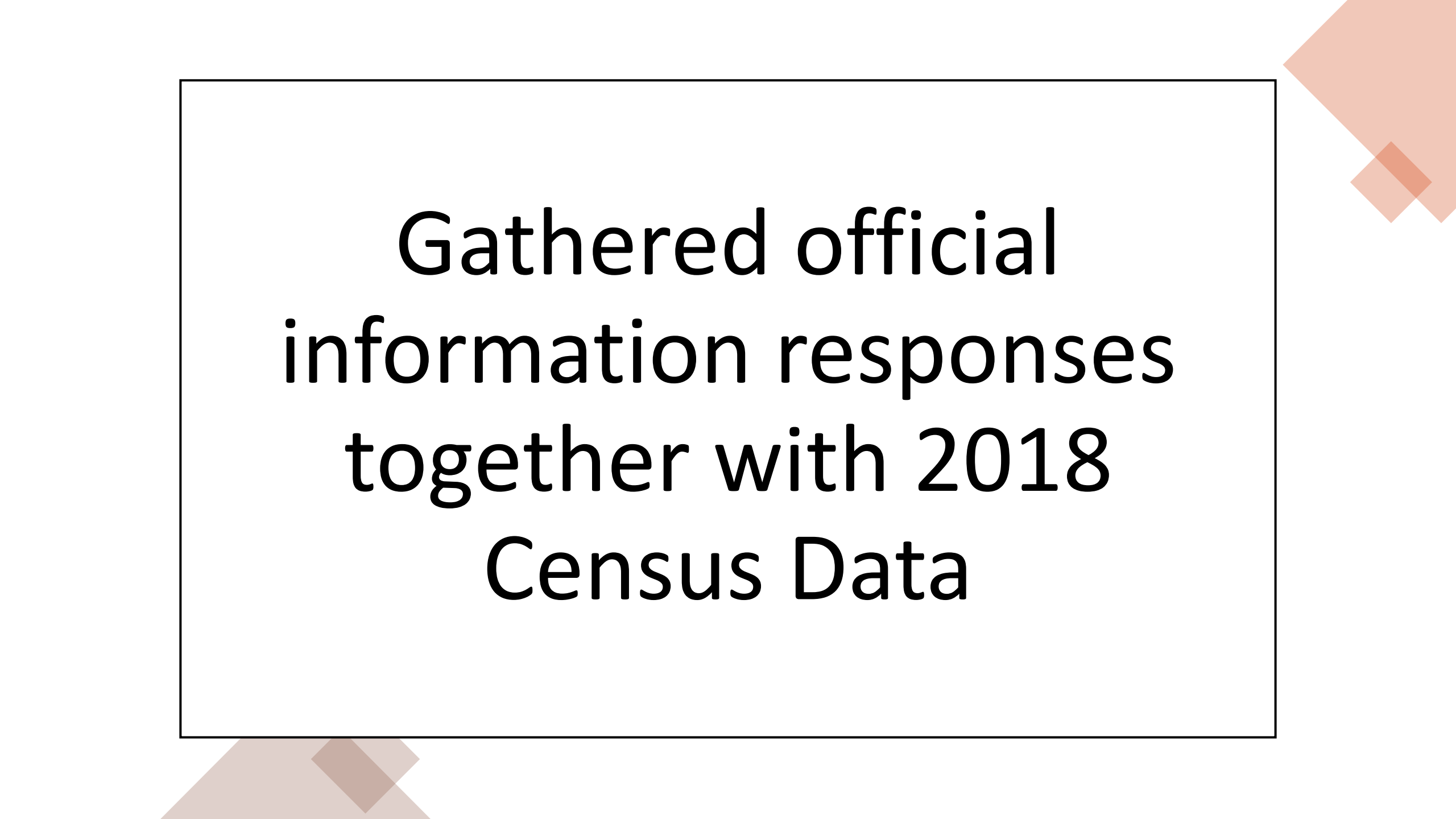
All legislation should include Te Tiriti o Waitangi partnership and incorporation of Tikanga principles, this is even more vital within this Act.



2022 Supreme Court decision in *Ellis* – the exclusion of Tikanga within a statute can only be made by unambiguous statutory provision and without such a provision, statutes are to be interpreted consistently with Te Tiriti o Waitangi as far as possible.



2021 Legislation Design Advisory Committee guidelines - legislation should, as far as practicable, be consistent with fundamental common law principles and tikanga (which may require appropriate consideration of Māori language, customs, beliefs and the importance of community, whānau, hapū and iwi).



Gathered official
information responses
together with 2018
Census Data

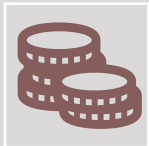
Correlations



Most applications in at-risk communities are approved and unopposed by community objectors or reporting agencies.



Territories with populations of Māori above the national average have a 41% greater likelihood of a proliferation of off-licences.



Territories with disproportionate levels of deprivation (9 or 10 on the deprivation index) are 25% more likely to have a proliferation of off-licences.

At-Risk Populations

Chatham Islands	63% 9/10 DI	69% Māori	Off-licence per 165 people	No obj or opp
Wairoa	76% 9/10 DI	63% Māori	Off-licence per 835 people	No obj or opp
Buller	42% 9/10 DI	11% Māori	Off-licence per 532 people	No obj or opp
Far North	58% 9/10 DI	47% Māori	Off-licence per 806 people	1 obj 1 opp
Gisborne	49% 9/10 DI	52% Māori	Off-licence per 731 people	No obj or opp
Ruapehu	46% 9/10 DI	45% Māori	Off-licence per 684 people	No obj 1 opp
Waitomo	48% 9/10 DI	44% Māori	Off-licence per 775 people	1 obj no opp
Ōpōtiki	69% 9/10 DI	62% Māori	Off-licence per 1,160 people	No obj no opp
Kawerau	89% 9/10 DI	60% Māori	Off-licence per 1,785 people	No response

Other Findings

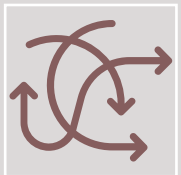
Reporting disparity
of 1,167 off-licences
between territorial
authorities and ARLA

1 off-licence per
1,153 people
(including children)

Further Recommendations



Composition of DLCs – decision-making members should include tāngata whenua, Police, Medical Officer of Health, a qualified and experienced lawyer, and a qualified council appointed member. This should be nationally supported with training and resourcing.



National Alcohol Policy –national inconsistencies around reporting, notification processes, standing of objectors, DLC procedures, and support for objectors. Such inconsistencies increase confusion and reduce community participation. National direction is needed across these factors and more.



Questions?