

MEDIA RELEASE:

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Community Voice Absent From Alcohol Licensing

Community views are virtually absent from alcohol licensing processes under the current law and fewer than 0.4% of licence applications are declined according to new data released today.

Community Law Centres o Aotearoa (CLCA) spoke at the Justice Committee today in support of their submission on the Sale and Supply of Alcohol (Community Participation) Bill, making the data it collected from the Alcohol Regulatory and Licensing Authority (ARLA) and 66 territorial authorities public for the first time.

“CLCA has been operating a demonstration project for five years in six Community Law Centres that give free legal advice to communities wanting to object to alcohol licences,” says CEO Sue Moroney. “It provides some balance into these processes where the applicant often has legal advice but those opposing the licence do not.”

“It was an eye-opener to see how hard it is for people to participate and have their say – from the short window of having just 15 days to find out about the application, get informed and then file an objection, through to facing legalistic hearings where their right to be heard is contested and they face cross-examination over what they have to say,” says Sue.

“Just 4.35% of on-licence and off-licence applications had any community participation in 2022, and only 19 of the 5,197 applications made, were declined,” says Sue. “The data backs up what we have experienced through the demonstration project.”

“We were also concerned about failings in the reporting of licences, with 1,197 off-licences operating but not being recorded by ARLA.”

However, CLCA’s most alarming finding, was the fact that territories with populations of Māori above the national average have a 41% greater likelihood of having a proliferation of off-licences. Highlighting this fact, was Wairoa where 76% of the population have such low incomes that they are placed in deprivation level 9 or 10 and 63% are Māori, there is an off-licence for every 835 people including children. Last year the Wairoa DLC received no objections or opposition to licence applications.

CLCA supported the Bill removing standing limitations, LAP appeals and unnecessary formality, but said the Bill needed to go further to properly ensure community participation. It should insist LAPs must be given effect to, including by renewals, and objector evidence needs to be listened to and given weight, regardless of informality.

CLCA called for the need to extend the time communities have in which to object to licence applications and reiterated the need to incorporate tikanga and Te Tiriti o Waitangi throughout the Act, as well as by including tāngata whenua from each affected rohe as a decision-making member on every District Licensing Committee.

CLCA also suggested Police and the Medical Officer of Health should be elevated from reporting agencies to decision-making members, council appointed members must have completed relevant training, and a qualified and experienced lawyer should be included on each DLC, along with national resourcing and training to support this.

“We further proposed establishing a National Alcohol Policy to address national inconsistencies around reporting, notification processes, standing, DLC procedures, proliferation and more, and that there should be further funded support for objectors,” says Sue.

Media contacts:

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Jessica Durham, National Coordinator Alcohol Harm Reduction Demonstration Project

Background: Twenty-four Community Law Centres work out of over 140 locations across New Zealand to provide free legal help and advice to those who are unable to pay for a private lawyer or who do not have access to legal aid. This advice covers all aspects of New Zealand’s legal system, including family law, employment issues, housing problems, consumer advice and criminal law. As well as around 200 staff, Community Law’s services are boosted by over 1,200 volunteer lawyers who run clinics and deliver free advice and assistance.