

Objecting to alcohol licences

Information for objectors about changes to the Sale and Supply of Alcohol Act 2012

7 September 2023

Changes to the Sale and Supply of Alcohol Act 2012

Parliament has made changes to the Sale and Supply of Alcohol Act 2012 (the Act). The changes make it easier for communities to have a say in alcohol licensing decisions.

There are two main sets of changes: A first set that came into force on 31 August 2023, and a second set that will come into force on 30 May 2024. This document has information about the changes that are now in force.

Anyone can object to alcohol licences

You now no longer have to demonstrate to a district licensing committee (DLC) that you have “greater interest than the public generally” when objecting to a licence application.

Anyone can object to an application for a licence, licence renewal, variation of licence conditions, or special licence, with narrow exceptions for trade competitors and their surrogates. You can object as an individual or as the representative of a group or organisation.

You have 25 working days to object

The time to make your objection has been increased from 15 to 25 working days.¹ This gives you more time to become aware of current applications and make an objection if you wish to do so.

You can find out about licence applications on your local council’s website or in your local newspaper. Notice of an application will also be posted in an easy-to-see place, like the entrance of the premises that the application is for.

You can object on certain grounds

Your objection still needs to be based on the criteria in the Act. Look to the following parts of the Act to see which grounds apply:

- sections 102 and 105 for applications for new licences
- section 120 for applications for variation of conditions
- sections 128 and 131 for applications for renewal, and
- sections 140 and 142 for applications for special licences.

You can find out more by reading the Act here: <https://www.legislation.govt.nz/act/public/2012/0120/1atest/DLM3339333.html>

¹ Working days are weekdays, excluding public holidays, and excluding 20 December – 15 January. Also excluded are Mondays where a public holiday falls on a weekend and is Monday-ised – e.g., Waitangi Day or ANZAC Day.

People can no longer appeal local alcohol policies to the Alcohol Regulatory and Licensing Authority

People can no longer appeal provisional local alcohol policies (LAPs) to the Alcohol Regulatory and Licensing Authority (ARLA). The process to develop a LAP is now much simpler.

The changes do not impact the ability to bring judicial review proceedings relating to LAPs or to appeal individual licensing decisions to ARLA.

LAPs are created by your local council and anybody can have their say when a LAP is being developed, through the council's special consultative procedure. Check your local council's website to see if a LAP is in place or being developed for your area.

DLCs and ARLA now also have discretion to decline renewal applications if the licence would be inconsistent with the relevant LAP. This gives LAPs greater effect in licensing decisions.

Other changes are coming in May 2024

From 30 May 2024, DLCs and ARLA will be required to consider reasonable requests from parties to attend hearings remotely.

There will also be changes to how DLC hearings are run. Those changes will require that hearings:

- avoid unnecessary formality
- do not permit cross-examination, or the ability for parties to question other parties or their witnesses – DLCs will test evidence instead
- allow for tikanga to be incorporated into proceedings, and
- allow evidence to be received in te reo Māori.

The time before the changes come into effect means people can prepare. The Ministry of Justice will provide more information about these changes next year.