



**National Council of
Women of New Zealand**

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Wahine O Aotearoa

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S08.22

Submission to the Social Services Committee on the Sale of Liquor (Objections to Applications) Amendment Bill (230)

1. The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 46 nationally organised societies and national members. It has 26 branches throughout the country attended by representatives of these societies and 150 other organisations and individual members. The function of NCWNZ is to work for the well-being of women, the family and the community at local, national and international levels through research, study, discussion and action.
2. Unfortunately, we did not have the time to fully canvas our members on this Bill because of the tight time frame. However, for over 112 years the National Council of Women of New Zealand has been very concerned at the availability of alcohol in the community. We have always argued for strong controls on those who are given licences to sell alcohol whether it be from on-licence or off-licence premises. As an example a resolution passed in 1898 (19.1.6.1) states: 'That the Council (NCWNZ) urge upon the Government the necessity for better legislation in regard to the enforcement of the Liquor Laws.' This is still very pertinent today and remains a mainstay for our submission on this Bill.

Part 1 On-licences

3. **Clause 4, new Section 9A of the Sale of Liquor Act. Application for an on-licence to include evaluation of benefits and costs.**
 - (1) NCWNZ supports this section which requires (a) the applicant to carry out an evaluation of the likely social impact, including monetary and non-monetary costs, and reasons, on the area to which the application relates, and (b) the reasons given for the costs and impact of liquor consumption.
 - (2) As this evaluation has to be published at the same time as the application is made it will give clarity to the process.
4. We do have some concern regarding the way this clause may be carried out. Is the applicant required to employ an independent evaluator, or, as the wording implies, can the applicant complete the evaluation, which could allow for a definite bias? We would want to see an evaluation such as this carried out by an independent person who is qualified in analysing this type of information.



5. **Clause 5, (2). Objections.**

NCWNZ agrees that 20 working days is needed so that the persons objecting have time to carry out their own inquiry before they submit their objection.

6. **Clause 6 Criteria for on-licenses. Amendment to Section 13 (1)**

NCWNZ supports this clause and agrees that the material from the evaluation, and any new material that has arisen from objections relating to the impact of alcohol consumption on the wider community, needs to be taken into full consideration before the granting of an on-licence.

7. **Clause 7, New section 13A inserted.**

New section of the Act 13A (1) (a) and (b)

NCWNZ agrees that it is very important that when an application is opposed, that the Licensing Authority take into account whether there are reasonable grounds to justify an objector's claim.

13A (2) We support the proposal that the Authority may request further information to establish whether the objector is an affected party.

13A (3) We agree that anyone who tries to submit an objection without foundation or is not an affected party should have the application rejected without further consultation.

Part 2 Off-licences

8. Where the clauses for off-licences are the same as for on-licences NCWNZ would reply to these in the same way.

9. In addition we would see an even greater importance in **clause 8 new section 31A of the Sale of Liquor Act**. The need for an extensive evaluation should not be restricted to the physical and location requirements, (such as schools, churches etc) but also include the proximity to other off-licence premises. This could reduce the proliferation of off-licence establishments in low socio-economic areas. Since these small, independent, establishments have recently seen an increase in criminal activity, becoming the victims of fatal armed hold-ups, it is of even greater importance that all applications for such a licence be considered very carefully.

10. The members of NCWNZ would also like to know if this Bill applies to both new and renewal applications.

11. NCWNZ sees these amendments as a positive step in the granting of licences. We have throughout our long history supported strong legislation to control the sale and use of alcohol and would hope that this Bill might be another step toward that aim.

Christine Low
National President

Christine Rattray
Convener, Social Issues Standing Committee



Oral submission on the Sale of Liquor (Objections to Applications) Amendment Bill made to the Government Social Services Select Committee on Wednesday August 27th 2008 by Jean Fuller and Helen Bruce. [S08.22]

Select Committee: Chairperson: Russell Fairbrother (L), Chris Auchinvole (N) Judith Collins (N), Ross Robertson (L), George Hawkins (L), Lynne Pillay (L), Heather Roy (ACT), Katrina Shanks (N), Judy Turner (United Future), Sue Bradford (G).

Good morning. My name is Jean Fuller and my colleague is Helen Bruce. We are both members of the Parliamentary Watch Committee of the National Council of Women of New Zealand. This submission has been prepared from a background of policy decisions. Unfortunately due to the short time between receipt of the Bill and closing date for submissions we have been unable to canvass our members for any update in their views.

However, concern about the sale and promotion of alcohol has been an on-going issue for the National Council of Women throughout its 112 years of existence. As you will have noted from our submission, our earliest resolution was passed in 1898. We feel that it still has relevance today.

As recently as 2004 we passed a resolution urging our “Branches to consult their territorial authorities regarding the development and implementation of a comprehensive policy on the control of alcohol in their community.”

Members felt that “there should be consultation with local authorities including the Police, the Regional Public Health Team of the local District Health Board, the District Licensing Authority and other relevant agencies, focussing particularly on the conditions attached to the issuing of licenses and the enforcement of these conditions.” Our concern has not lessened in the intervening years and we would support legislation which empowers licensing authorities to take a broad view of the needs and the responsibilities of the community.

However, we have some anxiety about the **mechanism which this Bill** proposes for establishing the benefits and costs of an application. We understand from Clause 4 of the Bill - paragraph 4 of our submission – that the evaluation is to be carried out by the applicant. If the license applicant is the person responsible for carrying out the social impact report we believe that it is not likely to be an unbiased document. Our preference would be for the applicant to be obliged to pay for an independent evaluator with established skills in this area.

Clauses 4 and 8 -Paragraph 9 of our submission. We would also suggest that a social impact report should consider not only land uses such as schools and churches, but also whether there are other liquor outlets in the same area.

With reference to Paragraph 10 of our submission. We would suggest that the proposals in this Bill should apply to both *new* applications and *renewals*. Since, in some cases, the licensing authority may face the need to control a poor situation which has arisen from earlier decisions. This issue needs to be clarified.



Thank you for this opportunity to present our ideas.

Jean Fuller, Helen Bruce.

27/8/08

COMMENTS AND QUESTIONS

This Member's Bill was introduced by George Hawkins (L) following a number of serious incidents in his electorate. Subsequently the Government has introduced a more far-reaching Liquor Bill and the Chairman of the Select Committee advised us that our submission on this Bill would be attached to that Bill also. This would not preclude us from making a further submission on the Government Bill, if it survives the election. Given the interest from both Labour and National representatives it seems that we should be working towards a further submission, as it is likely to come up for discussion early in 2009.

It was clear that members of the Committee were thinking as much in terms of the Government Bill as the particulars of the present Bill. This caused some problems when questions were posed which went beyond the current topic. On several occasions we had to refuse to speculate and tried instead to focus on the Member's Bill.

Judith Collins posed a question relating to the previous submitter's views that social impact evaluations were ineffective and too costly. Since we had had no access to this submission it was impossible for us to comment. She arranged for us to be given a copy of his submission and this is attached. [Print copy only, supplied to National Office].

In summary Dr Christoffel¹ cited the NSW government which had trialed an impact evaluation and had since withdrawn it on the basis that the expense of obtaining these reports meant that only large establishments could afford to apply. He saw it as anti-competitive since this prevented the development of small, neighbourhood, establishments, and because the proposed New Zealand law also related to cafes, restaurants, etc it would be unduly restrictive and could lead to a return to the large booze barns. He also had statistics that seemed to indicate that the increase in alcohol consumption was due to the lowering of the drinking age and the introduction of Alco pops. He was questioned on the age restrictions and several Select Committee members suggested that drinking to excess was not the prerogative of the young. His ideas are of interest and would be worth considering when we make a further submission on the Government Bill. It would be useful to find out more about the NSW experience to see whether Dr Christoffel has interpreted it accurately.

Katrina Shanks noted that we concluded our submission with the words, "another step toward that aim", and wanted to know what we saw as the *next step*. This question took us beyond the scope of the submission. We pointed out that our submission was directed toward the Bill under discussion, but that we felt it was an on-going process to find and enact a law which would provide appropriate control.

¹ Dr Paul Christoffel made a private submission based on his PhD thesis on the history of alcohol restriction in New Zealand. "This dealt with a range of theoretical and practical issues concerning public health approaches to limiting the harm caused by alcohol."



George Hawkins took up the issue of requiring an impact report from those who were *renewing* a license. He wanted to know how we would cope with the issue of a person who had bought a business, obtained a license and then found that on renewal the license was withdrawn. This question was also beyond the scope of our submission but it tied in neatly with an earlier comment made by Judy Turner. She had given details of a community which wanted to oppose a liquor outlet but found that the only way to do it was to attack the character of the applicant. This was not possible since the person was of good character. We pointed out that this was exactly the situation we sought to redress so that the community could have some positive course of action even if the applicant had been successful under the existing law.

This looks like a subject that will come up again and it would be good to act now to get opinions and, if possible, examples from our members. To some degree we were limited by having to rely on resolutions and earlier expressions of opinion. The Government Bill will give us an opportunity to add to this submission and ensure that we are presenting current views.

Jean Fuller