

Sale of Liquor (Objections to Applications) Amendment Bill

24 June 2008

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

SALE OF LIQUOR (OBJECTIONS TO APPLICATIONS) AMENDMENT BILL 2008

1. We have considered whether the Sale of Liquor (Objections to Applications) Amendment Bill (the Bill) is consistent with the New Zealand Bill of Rights Act 1990 (Bill of Rights Act). The Bill is a member's Bill in the name of Hon George Hawkins. We understand that the next member's day is 2 July 2008.
2. The Bill seeks to amend the Sale of Liquor Act 1989 to:
 - require applicants for an on-licence or off-licence to carry out an evaluation of the social impacts on the community if the licence were to be granted;
 - enable any person to object to the application; and
 - require the Licensing Authority to take into account any of the matters contained in the evaluation, and any matter relating to the impact of alcohol consumption on the wider community.
3. Clauses 7 and 11 of the Bill empower the Licensing Authority to request further information from any objector, in order to establish whether the objector is an affected party. The Licensing Authority cannot require an individual to provide any information. We therefore conclude that this does not constitute interference with the right to freedom of expression affirmed by section 14 of the Bill of Rights Act.
4. We have concluded that the Bill does not appear to be inconsistent with the rights and freedoms affirmed by the Bill of Rights Act.

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