

Reference number:

49/15/78

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of general procedure
for the pre-hearing
disclosure of documents

**DIRECTION OF THE WELLINGTON DISTRICT LICENSING COMMITTEE
REGARDING PRE-HEARING DISCLOSURE OF DOCUMENTS**

1. This Direction of the Wellington District Licensing Committee sets out the expectations of the Committee, in general terms, regarding the prior disclosure of evidence and submissions by parties to any matter that has been set down for a public hearing.
2. The Direction is intended to assist in the smooth and efficient running of public hearings and also to ensure that the parties, in particular the applicant, are afforded a reasonable and fair opportunity to prepare.
3. The following are the Committee's general requirements for the disclosure of documents prior to a public hearing. In the absence of any more particular directions from the Committee on any application, the parties will be expected to comply with the following:
 - a. The applicant must provide any written evidence¹ that they, or their witnesses, intend to present at the hearing to the Secretary (secretarydlc@wcc.govt.nz) by 5.00pm on the day that is 12 working days before the hearing.
 - b. Where the Police, Medical Officer of Health, and Licensing Inspector will appear at the public hearing, either in opposition or in the exercise of their right to appear in proceedings (s204), they

¹ For example, written briefs of evidence and supporting documents such as photographs, maps, policy documents etc.

must provide any written evidence that they, or their witnesses, intend to present at the hearing to the Secretary (secretarydlc@wcc.govt.nz) by 5.00pm on the day that is 7 working days before the hearing.

- c. Where any public objector will be appearing at a hearing they must provide any written evidence that they, or their witnesses, intend to present at the hearing to the Secretary (secretarydlc@wcc.govt.nz) by 5.00pm on the day that is 7 working days before the hearing.
 - d. If the applicant wishes to provide any written evidence in response to what has been provided by the other parties, the applicant must do so by email to the Secretary (secretarydlc@wcc.govt.nz) by 5.00pm on the day that is 2 working days before the hearing.
4. The Secretary will email all documents to all parties as soon as possible after they have been received.
 5. If a party intends only to rely on written materials already provided as part of their application, opposition or objection, they are requested to notify the DLC Secretary of this by the relevant deadline set out in paragraph 3.
 6. The Committee does not require that parties file written submissions in advance, as submissions may be provided orally at the hearing. The Committee notes, however, that it is good practice to file written submissions in advance, even though it is not mandatory.
 7. The Committee must conduct the hearing observing the principles of natural justice, which require that all parties to the hearing have a reasonable opportunity to prepare for it. Failure to provide written evidence in advance may result in the Committee adjourning proceedings to a later date or even declining to consider any written evidence that is filed late, unless extraordinary circumstances apply. The Committee notes, however, that oral evidence may be presented during a public hearing to supplement written materials that have already been circulated.
 8. The parties should be aware that, if an unexpected matter is raised during the hearing, either by way of oral evidence or submissions, the

hearing may, in any case, need to be adjourned to allow the other parties to consider and respond to that matter.

9. In addition to disclosure of evidence by email, every person must bring ten printed copies of every document they will present during the hearing.

DATED this 13th day of November 2015

Three handwritten signatures in black ink are displayed horizontally. The first signature on the left is a cursive signature that appears to be 'Murray Clearwater'. The middle signature is 'Douglas Kidd' written in a cursive style. The signature on the right is a more complex, scribbled cursive signature that appears to be 'Rex Woodhouse'.

Murray Clearwater, Hon Sir Douglas Kidd and Rex Woodhouse
Commissioners of the Wellington District Licensing Committee