



Statement of Proposal

under Special Consultative Procedure as per
Section 83 of Local Government Act 2002

PROPOSED ALCOHOL RESTRICTION BYLAW 2026

This proposal is now open for public consultation 24 December 2025 to 30 January 2026

Submit online at www.westlanddc.govt.nz

**PLEASE ENSURE YOUR SUBMISSION IS WITH COUNCIL BY 5.00PM ON 30
JANUARY 2026**

Reason for the Proposal

The Alcohol Control Bylaw 2018 was adopted by Westland District Council on 2 July 2018 and was due to be reviewed by July 2023.

Section 158 of the Local Government Act 2002 (**the Act**), requires a bylaw to be reviewed within five years of being adopted.

Following s.160A of the Act, if a bylaw is not reviewed within two years following the expiry of the five-year review period, the bylaw is revoked.

A review of the Alcohol Control Bylaw 2018 was not undertaken within the specified time and was consequently revoked on 2 July 2025.

A proposed new Alcohol Restriction Bylaw 2026 is attached to this Statement of Proposal and available at www.westlanddc.govt.nz.

Appropriateness of the bylaw approach

Council is required to determine if the adoption of a bylaw (including the review of any bylaw) is the most appropriate way of addressing what Section 155 of the Local Government Act 2002 refers to as a perceived problem.

In relation to alcohol restriction bylaws, Section 147A of the Act also says that Council must be satisfied that:

(a) the bylaw can be justified as a reasonable limitation on people's rights and freedoms; and

(b) a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and

(c) the bylaw is appropriate and proportionate in the light of that likely crime or disorder.

There has been an alcohol control bylaw or liquor ban bylaw in place in Westland since 2002.

In most cases the bylaw has been previously reviewed and assessed by Council as being an appropriate way of addressing real or perceived problems, and Council assessed it as appropriate when initially implementing these bylaws.

In the case of the proposed Alcohol Restriction Bylaw, the previous Alcohol Control Bylaw has been utilised with minor amendments for clarity.

The Council is satisfied that the proposed Alcohol Restriction Bylaw meets the tests of Section 147 and 174A of the Act, limiting people's rights and freedoms in a reasonable way to ensure that a high level of crime and disorder does not arise as a result of alcohol consumption in certain areas at certain times.

In general, the proposed bylaw provides Council a useful tool to raise awareness and foster communications on various issues, regardless of whether enforcement action is taken in any given case.

In the event that education is unsuccessful and enforcement action is required in a particular case, the bylaw is the only method of providing Council with the necessary powers to take such action i.e. infringements.

Is the bylaw the most appropriate form of bylaw?

Section 155(2) of the Act requires Council to determine that each proposed or reviewed bylaw is the most appropriate form of bylaw, essentially whether the bylaw contains the appropriate content.

Council has considered, in forming this proposal, the need for a new alcohol restriction bylaw to ensure that high levels of crime or disorder do not eventuate as a result of alcohol consumption in public places. Council is satisfied that the bylaw is the most appropriate form of bylaw for Westland at this time.

Options Considered by Council

In developing the current proposal, the Council considered two options:

- **A new bylaw:** This option allows the proposed alcohol restriction bylaw to reflect best practice in local government and to incorporate minor amendments for clarity. It will also allow for further amendments to be made (or proposed amendments to be altered or deleted), following consideration of submissions received in response to this proposal.
- **No bylaw:** This option would mean that Council has determined that there is no longer a need for an alcohol restriction bylaw, in which case no further action would be taken as the bylaw has been revoked. The Council considers that an alcohol restriction bylaw is required for reasons explained above.

How will the bylaw be monitored and enforced?

The proposed bylaw will continue to be monitored and enforced as required by council officers and, in particular instances, police officers. The existence of any bylaw or any particular provisions within a bylaw does not mean that an intensive monitoring regime will occur; however, if a matter comes to Council's attention that requires enforcement action, the proposed bylaw allows this action to occur. In some cases, a discussion regarding the potential penalties (i.e. a warning) will resolve the situation and remove the bylaw breach.

New Zealand Bill of Rights Act 1990

The Council must determine whether this proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990. The proposed bylaw has come under different forms of scrutiny in the past and is very similar to bylaws used by other territorial local authorities, and there is no legislative commentary reviewed that would suggest any Bill of Rights implications.

The proposed bylaw content is considered to reflect a suitable balance between personal freedoms and community protection and is not considered to have discriminatory effects.

What amendments have been proposed?

The following is a summary of the key changes proposed to this bylaw as part of this review.
Alcohol Control Bylaw 2018 (proposed to be retitled Alcohol Restriction Bylaw 2026)

- Minor changes to formatting and the addition of a “purpose” of the bylaw as well as a “contents section”
- Dates amended
- Addition of the definition of “vehicle” under the Land Transport Act 1998
- There are no changes to specified places or periods
- References to the Wildfoods Festival remain unchanged
- Map B remains unchanged showing the correct legal extent of the alcohol ban over Wildfoods weekend
- Map C remains unchanged to show the controlled campground areas that are exempt from the alcohol ban over Wildfoods weekend

How to make a submission

Any interested person or body is invited to make a submission or comments on the proposed bylaw, the other options that have been considered, and on any aspect of, or omission from, this bylaw.

Council will take into account all of the submissions made when making decisions on the proposed bylaw. There will be a Council hearing in February 2026 for those submitters who indicate they wish to speak in support of their submission.

Please submit your feedback to Council by:

- (1) Delivery to the Customer Service desk, 36 Weld Street, Hokitika
- (2) Post to General Manager Regulatory and Compliance (Attn: Proposed Alcohol Restriction Bylaw), Private Bag 704, Hokitika
- (3) Email to bylaws@westlanddc.govt.nz
- (4) You can also complete submissions at www.westlanddc.govt.nz

All submissions, including the name and contact details of the submitter, will be made available to the public and media on Council's website, unless you specifically request that your contact details are kept private.

All enquiries (not submissions) should be directed to the Compliance Team Leader - Regulatory at 0800 474 834.

Timetable

Submissions open:	24 December 2025
Submissions close:	30 January 2026
Hearing of submissions:	19 February 2026
Extraordinary Council meeting:	5 March 2026

Don't forget, get your submission to Council by 5:00pm on 30 January 2026