

## AUCKLAND DISTRICT LICENSING COMMITTEE

### PRACTICE NOTE

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#### CONFIDENTIALITY OF OBJECTORS

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May 2021

At times objectors seek to have their details kept confidential. An objector is a party to the hearing of the application and has the ability to appear and be heard, to call, examine and cross-examine witnesses.

Section 203 of the Act relates to proceedings of the Committee. Section 203(5) permits the Committee to make an order prohibiting the publication of any report or description of any part of the proceedings. However, section 203(5) further provides that no such order may be made prohibiting the publication of the names and descriptions of the parties to the matter.

There is no ability for the Committee to suppress the names and descriptions of objectors (or any other parties).

If objectors seek to have their details kept confidential then the inspector needs to advise them that this is prohibited by the Act. They should be advised that either they will need to withdraw their objection or their details will be disclosed to the other parties to the matter.

If the objectors withdraw their objections, the inspectors may choose to call them as anonymous witnesses and the appropriate application will need to be made to the Committee under the Evidence Act.

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- *this document sets out general principles which may be used as guidance for matters relating to the interpretation and application of 'the Act' and other statutory instruments; it is not intended to interfere with, or fetter, the professional views and opinions of council officers when they are performing any function or exercising any power under 'the Act'. Each consent application will be considered on a case-by-case basis and on its own merits*
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