

Submission to the Justice and Electoral Committee on the

**Sale and Supply of Liquor and Liquor
Enforcement Bill**

Date Prepared
April 2009
The closing date for submissions

Thursday 23 April 2009



PO BOX 13496
Armagh
Christchurch
Telephone 03 3798 626
www.adanz.org.nz

Submission to the Justice and Electoral Committee on the Sale and Supply of Liquor and Liquor Enforcement Bill

1. This Submission is from the Alcohol Drug Association New Zealand (ADANZ).
2. Cate Kearney, Chief Executive Officer, Alcohol Drug Association New Zealand is the contact person. ADANZ requests that Ms Kearney have the opportunity to present the submission in person. She may be contacted at ADANZ, PO Box 13-496 Armagh, Christchurch, telephone 03 3798626, fax 03 3775600, email cate.kearney@adanz.org.nz .
3. ADANZ is a not-for-profit organisation, and has been operating in the South Island since 1982. ADANZ recognises and is committed to the principles of the Treaty of Waitangi and will work in partnership with the Tangata Whenua of Aotearoa.

ADANZ's statement of purpose is:

"Improving the health of the people of Aotearoa New Zealand by minimising harm associated with alcohol and other drugs".

4. ADANZ role is providing information, challenging thinking and stimulating action on alcohol and drug issues through:
 - Coordination - bringing people together to help services work together.
 - Advocacy- identifying issues and actions to raise awareness or influence decision making at a policy level through submissions and direct lobbying that will lead to the reduction in the harms associated with alcohol and other drugs in Aotearoa, New Zealand.
 - Information - providing excellence in alcohol, other drug and addiction information to the people of Aotearoa, New Zealand.
 - Early Intervention - encouraging and supporting people to access interventions and addiction treatment services.
5. ADANZ is governed by the ADANZ Board, a voluntary board, drawn from the ADANZ membership.

General Position

ADANZ Strongly supports

1. Evidenced based alcohol policy which particularly focuses on:
 - a) taxation of alcohol, restrictions on access and availability
 - b) limitations on alcohol promotions and marketing in all its forms
 - c) strong drink drive laws/enforcement

2. Restriction of density and numbers of off-licenses granted, in particular smaller outlets that research has shown are more likely to sell to minors and stores within stores.
 - The hours during which liquor may be sold
 - Where outlets may be located
 - A maximum density for outlets
 - A minimum distance outlets must be from community premises and schools etc
 - Responsible business practices and event management

3. Broadening of the purpose of the Act so that the social and health concerns of communities can be taken into account, especially with regard to hearings of the Liquor Licensing Authority.

4. Strengthening of the age verification practices, as proposed, as well as the section relating to presentation of false age verification documents

5. A social supply clause that does NOT allow an exemption on the basis that the social supplier had the implied or explicit consent of the minor's parents

6. Police to refer minors convicted of alcohol related offences to early intervention, community service and restorative justice

7. Cancelling a manager's certificate for 5 years if he/she is found to have sold liquor to a minor three times within a two-year period

8. Zero blood alcohol level for drivers who do not have full licenses, and for all drivers under the age of 20

9. Restrictions on alcohol marketing and advertisements in all media and restricting internet and text promotions and sponsorship by alcohol producers and retailers and alcohol brand exposure in movies, videos, programmes and similar entertainment media generally but most specifically available to people under the alcohol purchase age.

ADANZ recommends:

- the supply of alcohol to those under 20 years is prohibited at private social gatherings by anyone other than parents or guardians
 - all off license premises to be restricted or supervised areas
 - to remove the need to prove liquor was purchased with the 'intention' of supply to minors while retaining the exemption that allows supply by parents or guardians
 - the first option for advertising - is to prohibit broadcast liquor advertising programmes on any day
 - the second is - to place the responsibility for regulating broadcast liquor advertising programmes with the Broadcasting Standards Authority and
 - remove jurisdiction for broadcast liquor advertising programmes from the Advertising Standards Authority
 - that as mandatory social impact assessments may not be necessary for every license application a basic template to be created that will increase national consistency making the process more cost effective, efficient including the task of analysis and less arduous.
 - Control price of products containing alcohol by increased tax to raise cost at counter; prohibit loss-leader discounting.
6. This submission has started with ADANZ's general position and recommendations, it will go on to comment on New Zealand's drinking culture, the harm that results from using alcohol in unsafe ways, and comments on why the suggested changes are likely to reduce those harms.

Comment

7. Research carried out by the Alcohol Advisory Council of New Zealand shows we have a drinking culture that accepts binge drinking as normal social behaviour, that about one third of adult New Zealanders consider drunkenness to be socially acceptable¹.

Harm

8. The World Health Organisation estimates that alcohol contributes to around 9.2 percent of the burden of disease in developed countries, making it the third-ranked risk factor for disease. Most of the burden is a result of injuries.

¹ Alcohol Advisory Council of New Zealand. (2005). *The way we drink 2005: executive summary*. Wellington: ALAC.

9. In New Zealand alcohol-related harm, particularly acute harm through accident and injury, continues to climb and alcohol remains:
 - second only to tobacco as a preventable cause of death and hospitalisation
 - a significant contributor to public disorder, violence and crime
 - the most common drug of concern for which treatment is sought²
10. Harmful alcohol use in 2005/06 cost New Zealand an estimated \$4,794 million of diverted resources and lost welfare³. Although many drink sensibly, alcohol misuse is particularly harmful to young people with more than a third of deaths between the ages of 15 and 29 years attributable to alcohol use.⁴

Māori and Pacific Peoples

11. For Māori, almost 1 in 3 will develop a substance use disorder over their lifetimes, of these alcohol disorders were the most common (24.5%).⁵ The figures suggest high levels of co-morbidity within and between alcohol and drug disorders. Māori do not drink more over all than other groups but do drink hazardously.
12. Concern for these figures is amplified when the youthfulness of this population is considered. The health burden of alcohol falls inequitably on Māori. The combination of more harmful drinking patterns and a smaller proportion of the population in the older age groups where benefits accrue, means that the Māori population is more adversely affected by alcohol than non- Māori population⁶.
13. Pacific peoples are less likely to be drinkers than the general population and are either non-drinkers or relatively heavier drinkers. Those who do drink are more likely to drink to harmful levels.

Policy and Intervention

14. The Police have been noted as saying in the Christchurch Press (2008) that "availability, convenience and price of alcohol increase the likely outcome of harm." To reduce some of the harms from the consumption of alcohol, various policy interventions have been used such as pricing (through excise tax), limiting access to and the availability of alcohol in

² Slack A., Nana G., Webster M., and Wu J. (2009) Costs of Harmful Alcohol and Other Drug Use Ministry of Health and ACC March

³ Ibid

⁴ Huckle T, Huakau J, Sweetsur P, Huisman O, Casswell S, (2008) Density of alcohol outlets and teenage drinking: living in an alcogenic environment is associated with higher consumption in a metropolitan setting. *Addiction* June 2008

⁵ Baxter, J. (2008). Māori Mental Health Needs Profile. Summary. A Review of the Evidence. Palmerston North: Te Rau Matatini New Zealand.

⁶ Ibid

communities and the enforcement of alcohol blood levels when driving through compulsory breath testing, and the setting a minimum legal purchase age. Such interventions have been evaluated as being the most effective in reducing alcohol-related harm.⁷

15. ADANZ supports the new part 4 and new sections 84a, b, and c. It is important that policy changes be based on appropriate and robust evidence where possible. All potential outcomes must be considered through constant consultation with communities and because of the impact alcohol has on these groups, this is particularly apt in Māori communities and where there are high numbers of Māori and Pacific peoples in an area.
16. Issues such as hours, outlet density and location, poor management practices are directly linked with alcohol-related harm^{8, 9, 10}. Local Alcohol Plans must be aimed at reducing the impact of these harms on communities i.e. actually reducing the hours of operation and outlet numbers/density through "sinking lid" type policies. Also barriers to preparing effective Local Alcohol Plans, such as costs of full consultation processes and increased capacity of TAs must be addressed. Costs could be covered through alcohol taxation or increased licensing costs. A national template could be made available to make the process more cost effective, less arduous and more consistent nationally.
17. All aspects and possible outcomes of changes must be considered as illustrated by the reduction of the purchase age in 1999 where there had been minimal investigation of the impact of the change on communities. For example, the increased numbers of intoxicated young people in the town and city centres; the lack of clear planning and resources to enforce regulations surrounding the control of sales and age verification; the supply of alcohol to young people who were not 18 by parents, friends, and siblings and the limited resources for treatment of addiction issues for this age group and their families and whanau.

Young People Marketing and Advertising

18. In the mid 1990s, 24 – 36 months before the purchase age was reduced from 20 to 18 years, there had been a number of commercial products, in particular sweet, brightly coloured designer 'ready to drink' drinks (RTDs) released along with targeted marketing that saw young, newly

⁷ Babor et al 2003 *Alcohol No Ordinary Commodity*: Research and Public Policy Oxford Uni Press U.K. Restricting availability of alcohol is an effective way to reduce alcohol related violent crime.

⁸ ibid

⁹ Huckle T, et. al. (2008)

¹⁰ Kypri, K et al 2008 *Alcohol outlet density and university student drinking: a national study* School of Medicine and Public Health, University of Newcastle, Australia,

legal drinkers, becoming easily convinced consumers of these new alcoholic products. This pattern has continued with RTDs still proving to be the most attractive to the 18-20 year old age group in 2004¹¹.

19. Increased control (through regulation) for advertising and the level of exposure to marketing and alcohol product placement is recommended because of the influence it has on reinforcing the image that alcohol is harmless and is essential to having fun and being happy.
20. Self regulation or voluntary industry codes for advertising alcohol brands is not working. The New Zealand culture to drink alcohol to relax, celebrate and be successful is constantly reinforced in the media. Young people depicted drinking attractively branded alcohol in large groups and connecting the consumption of alcohol to social success, many popular activities, such as sports, risk taking, competitiveness and romantic/sexual success and popularity.
21. Much of the exposure to the alcohol is less overt than straight forward advertising. Films, music, video clips and programmes on various medium often have alcoholic products being consumed or displayed in a way to enhance the branding and target the product to specific audiences through various genre and medium types. The most effective way to stop the advertisements influencing young people is that alcohol brand sponsorship, and advertising and product placement of alcohol be completely prohibited. At the very least that independent monitoring of alcohol marketing by a body whose members are free from commercial interests replace the voluntary regulation that is in place at present.

Pricing and Discounting

22. As stated earlier the combination of convenience, access and pricing of alcohol increases the likelihood of harm to individuals and the community. Many outlets and supermarkets send out weekly special flyers and advertising that includes wine and beer at discounted rates. Although not necessarily lose leading (that is, advertising and selling goods at less than cost, in order not only to attract customers to the store, but in the process sell more products) and discounted prices add to the combination of *convenience, access and pricing* that is problematic and leads to higher consumption and harm. ADANZ recommends that discounting of alcohol in any way be prohibited.

¹¹ Stefanogiannis, N., Mason, K., & Yeah, L.-C. (2007). *Alcohol use in New Zealand: analysis of the 2004 New*

Health Warnings

23. The country's coroners have recommended warning labels to be fixed to alcohol bottles in the same way health warnings are printed on tobacco packets and for greater efforts to be made to educate the public through campaigns about the danger of death from drinking too much alcohol. ADANZ recommends that this is added to the Bill and a time lined process be put in place that all products must have health warning information on all alcohol products.

Conscience Vote comment

24. Finally, because of the increased risk and harmful consequences from the sale and consumption of alcohol voting on alcohol issues should reflect parties' policies on health and not be a conscience vote in the House.

Close

25. ADANZ sees this Bill is an important part of addressing the harms that result from alcohol in our country. This Select Committee should recommend changes to strengthen it and should make further recommendations to highlight to the Law Commission areas that were not within the scope of the Bill.

26. ADANZ is pleased to have had the opportunity to comment on the Submission to the Justice and Electoral Committee on the Sale and Supply of Liquor and Liquor Enforcement Bill and thanks the Justice and Electoral Committee for considering this submission.