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Submission to the Law Commission on the Issues Paper 'Alcohol in Our Lives' on the Reform of New Zealand's Liquor Laws

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 50 nationally organised societies and national members. It has 26 branches throughout the country attended by representatives of those societies and some 150 other societies as well as individual members. The Council's function is to serve women, the family and the community at local, national and international level through research, study, discussion and action.

This submission has been prepared by the Public Issues Standing Committee and is the collated responses of seven nationally organised societies, fifteen branches and twenty-seven individual members.

Introduction

Ever since its founding in 1896 NCWNZ has had policy on the use and abuse of alcohol. True to its Christian Temperance Union Founders, the National Council of Women pledged itself in 1898, on humanitarian grounds, to do all in its power to discountenance the importation, manufacture, and sale of alcoholic liquors. This was reiterated each year until 1902. In 1922 the National Conference recorded its opinion that National Prohibition of the liquor trade is desirable in the best interests of the community. There has been a gradual change in the attitude to alcohol over the history of the organisation which is reflected in policy regarding the drinking age. In 1924 NCWNZ created policy debarring children under the age of 16 years from hotel bars. In 1960 policy urged restricting the sale of liquor to minors under 20 years of age and in 2000 policy supported the minimum drinking age of 18 years.

In addition 11 policies have been adopted and much lobbying undertaken to restrict the advertising of liquor which promotes consumption. The most recent submission was in 2008 urging that the labelling of alcoholic beverages should include a pregnancy health advisory label. Also in 2008, a submission was made to the Social Services Select Committee on the Sale of Liquor Amendment Bill, expressing concern at the availability of alcohol in the community and urging that there should be strong controls on those who are given licenses to sell alcohol.

Between 1897 and 1995, NCWNZ passed 13 resolutions urging the relevant Government Departments and the Alcoholic Advisory Council to promote education in the use and abuse of alcohol including comprehensive education in schools. In 1994 NCWNZ asked the Public Health Commission to acknowledge the association between alcohol and unsafe sexual behaviour by establishing, promoting and disseminating a coordinated programme to address the effects of alcohol consumption on sexual behaviour.

In 1995 NCWNZ resolved that foetal alcohol syndrome is an important public health issue and requested the Minister of Health to a) ensure that up-to-date public health information is available and widely disseminated to the public and health professionals and b) make it mandatory for all alcoholic beverages to carry appropriate warning messages.

In 2004 branches were asked to consult their territorial authorities regarding the development of a comprehensive policy on the control of alcohol in their community.

In 2009 NCWNZ members responded to the Issues Paper as follows.

Responses to Questions

1. Does the level of alcohol related harm we are experiencing justify a new approach to the law?

All but two responses agreed and the following comments were made. One Youth Court Judge said that 80% of the people who passed before him had committed alcohol related offences; he supported and applauded the overall direction of the Law Commission's proposals. One very important area that has been ignored is New Zealand's heavy drinking culture which is being driven by aggressive marketing of alcohol, including the constant deluge of clever advertising and strategic sponsorship. Just as with tobacco, a crucial and effective part of reducing harmful drinking is stopping the alcohol marketing machine. Younger people are drinking more and having greater access to alcohol and this problem has been increasing for about 20 years. Even when the police have the powers they do not have the resources to control the drinking.

The legislative and advertising controls on alcohol need to be rebalanced in favour of the health and well-being of children and young people even if it results in some inconvenience to the adult community and places constraints on the alcohol and related industries. Children and young people are a vulnerable and powerless group who need protection from the harm that alcohol can do. Unless the drinking habits of children and young people who abuse alcohol are brought under control there is little hope of bringing an end to New Zealand's heavy drinking culture in the future. Young people become hooked on alcohol while their brains are still developing and before they have the ability to weigh up the risks rationally.

Two responses did not support a new approach but argued that there should be better enforcement of the law and an educational and cultural approach to the drinking problem.

2. Do you agree that getting drunk is considered acceptable drinking behaviour in New Zealand?

More than half of those who responded agreed, noting that with certain groups of people it has been historically acceptable. Recent propaganda is educating all age groups that getting drunk is not acceptable. Being seen drunk in public should not be socially acceptable. It is increasingly accepted as part of professional and business after hours socialising. Being drunk is often used as a mitigating circumstance when an offence is committed.

3. Do you think the risks associated with heavy drinking are well known? If not what more could be done to make people aware of them?

Half of the responses felt the risks are not well known partly because some, especially young people, do not want to acknowledge the risks. Those who felt the risks are well known think, for example, that the carnage, injury and violence caused by alcohol and seen every day make it obvious.

There is an attitude of “it won’t happen to me” about the dangers of heavy drinking. There needs to be a lot more education on the dangers and the health problems and risks caused by over-consumption of alcohol. There need to be advertising campaigns on television, radio and newspapers, on Facebook and on other internet outlets, especially for young women, on the risk of rape and contracting sexually transmitted infections when they are vulnerable.

More education of parents and their responsibilities in encouraging socially acceptable drinking habits is suggested.

All alcoholic drinks should have clearly visible warning labels about the dangers of alcohol, especially the risk of foetal alcohol syndrome.

4. Do you think the cumulative lifetime risks associated with drinking are well known? If not, what more could be done to make people more aware of them?

Two thirds of responses stated that the risks are not well known; one third that they are but are often ignored.

As well as the suggestions for 3 above, there is strong support for more education in schools, especially in health education and also a human rights approach to education and the way schools are run, so that student learn to take more responsibility for caring for each other. Schools should prohibit alcohol at social events.

Sponsorship connected with alcohol should be removed.

Compulsory notices about the risks associated with alcohol consumption should be placed strategically in all licensed premises and where ever alcohol is sold.

Greater prominence needs to be given to the information provided by the medical fraternity, social workers, alcohol abuse personnel about all the adverse health and societal effects of alcohol abuse.

5. Is the management of intoxicated people an acceptable use of a large part of the NZ Police resources? If not what are the alternatives?

Three quarters of responses said it is not acceptable for the following reasons:

- There should be more personal responsibility.
- People should be accountable for their own behaviour.
- Parents, guardians and hosts should take a larger part in controlling drinking and should be penalised if not doing so.
- Instead of relying on police, clubs and drinking areas should be encouraged to have their own security.
- Hosts, parents and guardians should be penalised for supplying alcohol to minors.
- More detox places should be available and if a person has had to be treated several times they should pay a hefty fine.
- There should be people trained especially to work/cope with intoxicated people and encourage them to stop drinking and attend stiff counselling.
- The rights of those arrested for drunken behaviour should be set aside until they have been processed.
- Access to alcohol needs to be reduced and should be in controlled areas such as clubs, bars and restaurants.

The third of responders who think it is the job of the police agreed that it is not acceptable from an economic point of view but there is no alternative while things remain as they are. Police are the best people to deal with the situation and are needed to prevent more serious crime. Fear of being breathalised by the police is a strong deterrent. There needs to be better enforcement of closing bars and clubs that disregard the licensing laws and closing should be no later than 3am.

There should be more Maori wardens and possibly a Pakeha equivalent and more use of the Street Van as used in Palmerston North.

The cost of policing and use of hospital emergency departments could be charged to the manufacturers and suppliers of alcohol.

It should be an offence to be drunk in public.

6. Is the balance in the current law between individual responsibility and providing an environment that is conducive to moderate drinking the correct one? If not what changes could be made?

Two thirds of the responses said no. It is not working. The environment actively and aggressively encourages drinking for profit. Too many people are not responsible in their behaviour. There needs to be a cultural change in drinking habits and attitudes. Changes could include; strengthening the law, providing young people with somewhere to gather socially where they are safe and can have fun, having on-the-spot fines that parents are liable to pay if the young people can't, increasing the legal age for drinking to 20 years, instituting zero tolerance of driving a car after even one drink, closing clubs and bars earlier, insisting that managers and coaches see that the excessive drinking behaviour of sports teams and at sporting fixtures is unacceptable.

Those who agreed that the balance is right believe that individuals are responsible for their own behaviour and there should be stiffer penalties for those who behave irresponsibly.

More food should be served at bars and subsidised, free non-alcoholic drinks supplied for drivers. We do not have a moderate drinking environment.

There is a need for better supply control measures to address the availability of alcohol and cover outlet density days and hours of sale, minimum purchase age and licensing controls.

7. Do you agree with the current system of four types of liquor licence?

Just over half of those who responded do not agree:

- The hours of operating should be restricted.
- A condition of licensing should be that vendors should be more vigilant about the purchasers of alcohol.
- Sponsorship of sport by liquor manufacturers should not be allowed.
- There should be much stricter enforcement and harsher penalties for infringements.
- The current system is not well understood by many.

8. Should the criteria for licences change and if so what should the changes be?

Several supported no change.

Those who wanted change gave the following suggestions; no licences for supermarkets and dairies, only one type of licence, a limit to the hours of sale, tighter controls and change the purchase age to 20 years. Supermarkets promote the sale price of alcohol very

aggressively. The Liquor Licensing Authority should be more rigorous in approving liquor sale outlets and the number of outlets should be reduced.

Perhaps club licences, where there are fewer controls than in on-licences could have more restrictions, especially with the presence of children.

9. Do you think the Liquor Licensing Authority should be retained as the regulator?

Yes – a unanimous response.

10. Do you think local views should be taken into account in respect of licences in that area?

All except 2 responses agreed with this with recommendations that the local people should be able to make submissions and have input into the number of outlets (preferably fewer), their positions and hours of opening. This seems to be a particular problem in Manukau.

Recently in Porirua the Authority has listened to and acted on the views of the local community.

One response made was that there should be a consistent approach throughout the country.

11. Do you think the hours that restaurants, bars, and clubs can be open should be restricted? If so what should the hours be?

Most responses agreed that opening hours should be restricted with a number of different suggested times from 10pm to 4am the greatest number being for closing at 1am, with variations such as allowances for the time of year such as Christmas and New Year, and location such as holiday spots. Bars and clubs could be open longer – 2.00 to 4.00am or that licensed premises could close at 10pm during the week and up to 2am on Friday and Saturday. There should be a 'one way door policy' with no one being allowed to enter after a certain time.

Restrictions send a message that alcohol is a dangerous substance and there should be restrictions on hours and age.

Another suggestion was that more research is needed, funded by the liquor industry.

One response that there should not be restrictions stated that it is better that alcohol is consumed in a controlled environment rather than on the street.

It should be the responsibility of the owner/manager not to allow sales to intoxicated persons.

12. Do you think the hours that off-licence premises (including supermarkets and liquor stores) can sell alcohol should be restricted? If so what should the hours be?

Most responses agree that hours should be restricted, with various times suggested.

They should be closed from 11.00pm – 8.00am or closed earlier 6.00 -10.00pm and open at noon.

Other said that the hours should be the same as grocery shopping hours or the same as restaurants and bars and no supermarket sales.

13. Should we continue to have specific days on which alcohol cannot be sold?

Nearly all agreed, especially for Sundays, Good Friday, Easter Day and Christmas day.

14. At what age should a person be able to purchase alcohol?

Three quarters of the responses named 20 years, the remainder 18 or 21 years, or 18 at licensed premises and 20 at off-licences.

15. At what age should a person be able to drink at a pub, club, bar or restaurant?

Half responded 20 years, a quarter 18 years and the remainder 18 in a restaurant, 20 everywhere else. One said 21 and one said 25 years.

16. Should it be an offence for anyone other than a parent or guardian to supply alcohol to someone under purchase age?

Yes, unanimous agreement. One stated unless that person has the written permission of the parent or guardian and the alcohol is being consumed in moderation.

17. Do you think there are any alcohol products that should be banned?

Yes, particularly alcopops and ready to drink products especially those with more than 5% alcohol. They are aimed at the young and people do not know how much alcohol they are consuming. Kegs of spirits were also mentioned.

18. Do you think the rules about supermarkets and grocers selling liquor should continue as now?

Just over half responses said no, especially for supermarkets, groceries and dairies. There is too much advertising. Some thought that the problem is not the rules but the way they are enforced.

19. Do you think the availability of cheap alcohol is contributing to alcohol-related harms?

Unanimous agreement. Especially RTDs.

Perhaps raising the price, partly with a tax increase should be considered to reduce consumption.

20. Does the difference in price between alcohol bought from retailers such as supermarkets and liquor stores, and alcohol bought in a bar or restaurant influence where you drink?

Slightly more than half responses said no. It does influence people who have less money.

21. Do you think there is a case for increasing tax or setting a minimum price for alcohol in order to help reduce the amount of alcohol consumed by young people and heavy drinkers?

Two thirds of responses agree. Evidence is strong that demand for cigarettes and alcohol decreases when the price goes up. The tax should be tagged for rehabilitation centres and ACC and to cover all the damage that alcohol does.

Responses from those who disagree focused on the need for societal change of attitude and more education. The price won't stop the heaviest drinkers and young people who can afford to pay.

22. Should the way alcohol is marketed (including advertising, promotions and sponsorship) have greater restrictions? If so, what restrictions are appropriate?

Yes, unanimous agreement. A lot of responses were that there should be no advertising at all - the same as for tobacco. There should be no sponsorship for sport and anything aimed at young people. It was noted that there has been increased advertising in women's magazines. The way alcohol is displayed in supermarkets - large amounts near main walkways is a form of advertising. The "Yeah Right" advertisements for Tui beer are very clever and successful at promoting Tui beer - they need to go! Ban happy hours when cheap alcohol is offered. No photos of people with glasses of drinks in their hands should be printed in newspapers. Restrict the discounting of alcohol products.

23. Do you think there is a need for greater emphasis on treatment for people using alcohol in a risky manner?

Yes, all agreed, with following suggestions- that treatment should be funded by the alcohol industry and more treatment needs to be available; the Hanmer Springs Centre should be reopened; people who are convicted to prison for offences committed as a result of alcohol should receive treatment; more treatment should be available for youth; there needs to be more encouragement to seek help; more publicity on the hereditary aspects of addiction; more education on dangers of alcohol abuse; clear information about the dangers for women during pregnancy.

It was suggested that the ALAC levy should be increased to use for treatment.

24. Should there be increased penalties for serious breaches of the liquor laws?

All but one response agreed, with following comments - penalties should be for both sellers and buyers; licences should be suspended; there should be greater focus on the person imbibing; and greater use of community service programmes.

25. Should there be greater use of infringement offences for minor breaches of the liquor law?

Yes- all responses but one who commented that it could be too hard to follow through.

26. Should the police have greater powers to close bars where there are breaches of law occurring?

Yes -all responses but one.

27. Should liquor bans be retained?

Yes- unanimous. Especially in the Central Business Districts and on beaches.

28. If so, how can the liquor ban provisions be improved?

The ban could be increased and should be the same throughout the country. The ban must be policed. Councils have powers to impose bans and the police have powers to fine/arrest people with alcohol who are within a banned area. There should be one standard sign throughout the country. The present signs are too small and too high to read, larger signs are needed. Liquor outlets should have notices on display that relate to the area they are in. There should be more publicity for offenders, cooperation between police and councils and more cameras.

29. Do you think an offence of drinking in a public place, rather than the liquor ban system, is preferable?

A few agreed, but more disagreed - it could imply that having a glass of wine at a picnic is an offence. Surely disorderly behaviour is the issue.

Some supported both. A liquor ban can be controlled by the Council. Making drunkenness in a public place an offence, gives police more powers.

30. Do you think it should be an infringement offence to be drunk in a public place?

Yes – unanimous. It might be difficult to police.

31. Further comments

There should be a significant reduction in the acceptable limits for driving and zero for under 20s.

Has there been any research started on the long term effects and costs of the binge drinking that young women are participating in? In trying to keep up with the young men, are they aware that a woman can only process half the amount of a man without dire consequences? The costs and risks of alcohol related diseases in the working population need to be considered.

Anyone who is repeatedly caught drinking and driving should have their licence removed and be made to re-sit their test following a safe driving course and/or alcohol counselling. Lowering the age limit to 18 seems to have caused problems in many areas and the huge increase in liquor outlets.

Councils need to be more vigilant about the number and location of liquor outlets in their regions.

More education is needed on the damage to the developing brain of teenagers and the damage to the foetus.

At least 50% of the tax take on alcohol should be used for programmes to treat excessive consumption, especially in young people.

ACC payments and costs should not be made to those who have caused harm to themselves (eg through an accident) while they are under the influence of alcohol. Any changes to the law need to have the appropriate support systems in place to ensure that they can be policed.

Public places should also mean outside a building i.e. in the street. This often occurs with people drinking in their cars or on roadside verges-leaving their bottles and cartons for the local residents to clear up.

More could be done for young people in the way of managed and controlled social events and sports clubs that cater for their needs such as the Police Blue Light dances.

There is a failure by the Advertising Standards Authority to promote responsible advertising. If there was not so much alcohol so readily and cheaply available and its purchase and consumption were not so aggressively encouraged, then we would not have the problem we do today.

NCWNZ thanks the Law Commission for producing the Issues Paper and for providing the country with an opportunity to express deeply held concerns.

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