

28 October 2009

Rt Hon Sir Geoffrey Palmer
President
Law Commission
PO Box 2590
Wellington 6140

Dear Sir Geoffrey,

Submission to issues paper 'Alcohol in our lives'

In order to make this submission, the Rangitikei District Council ran a focus group discussion involving a cross-section of the Rangitikei community. This included those who deal with alcohol in their everyday work, such as bar owners, police and health workers. This was to help the Council to determine the main issues surrounding alcohol in the Rangitikei district.

General Issues

1 Attitudes

- 1.1 There seems to be a general consensus that the New Zealand drinking culture needs to be changed. Elements of New Zealand society appear to be focussed on using alcohol in a harmful manner rather than on responsible drinking. There is concern within the District that there is an unhealthy belief that alcohol is necessary to have a good time and that people who drink large quantities are given a certain social status.
- 1.2 The current role models in New Zealand often promote drinking which is cause for concern. Often this promotion is indirect, such as the example set by sports stars and celebrities or when celebrations after a successful match take place at the local pub with copious amounts of alcohol. (Alternatively, after an unsuccessful game alcohol is consumed in order to drown everyone's sorrows.)
- 1.3 At the moment there is substantial sponsorship for sport from major alcohol brands. Alcohol sponsorship in New Zealand accounts for \$20 million, of which 72% is allocated to sporting events and organisations. Although there may not be as high a percentage of alcohol sponsorship in the Rangitikei district as there is nationally, there are still many social and sporting events which are centred on an

aspect of drinking. With the substantial proportion of events being sponsored by alcohol (whether sporting or cultural), there is concern that the attitude and culture is being embedded in our lives.

- 1.4 Although the rural environment in the Rangitikei is different to much of New Zealand, the attitude to alcohol remains the same. One major concern within a rural district is the strength of this attitude, because often people believe that there is nothing to do for relaxation except to drink.

2 Legislation or education

- 2.1 The Rangitikei community is concerned with alcohol use by our young people. It is clear from the 'Alcohol in our lives' issues paper that young people are at a higher risk of short and long term harm to their health. More funding is needed for programmes such as the "High on Life" programme that has been run in Rangitikei schools to teach youth that there are alternatives to drinking alcohol in order to have a good time.
- 2.2 In order to minimise the harm caused by alcohol, it is clear that new comprehensive legislation is needed in order to change the drinking culture in New Zealand. Legislation is definitely a step in the right direction, but a combination of education, a change in advertising standards and health promotion is required to support any statutory obligations. There needs to be a national approach taken to educating New Zealanders, in particular the youth of New Zealand, in the risks of heavy drinking and the possible harm to health.
- 2.3 The new legislation needs to have more precise objects which clearly define education as a priority and which encourages responsible attitudes to alcohol within that education structure.

3 Community and local authority input

- 3.1 It is essential for local authorities to have some discretion about licences within their district. This is considered particularly important for the Rangitikei area due to the distinctive rural setting. The largest town in the Rangitikei is Marton, which has a population of about 5000. The rest of the district is composed of several small rural towns and farm land. Although many of the problems with alcohol are similar in the Rangitikei as elsewhere, such as the high prevalence of youth drinkers, there are significant differences from those problems faced by a populous and busy urban centre.
- 3.2 Examples of some of the differences that may be most affected by any law change:
 - Any restriction of on-licence premises (whether by reducing the number of hotels/pubs or decreasing opening hours) may restrict community activities. The pub is a significant meeting place and community asset because there is a lack of other local entertainment.
 - Driving is the only transport as the population is widely dispersed and there is no public transport or taxis.

- There is a population gap, younger people (18-30 years) move away from the area while the rest of the population is aging.
 - There is no clubbing atmosphere because there are not many bars and they are spread out over a large district.
- 3.3 Compulsory local alcohol plans or policies (LAP) will help local communities to participate in licensing decisions. The Rangitikei District Council already has a 'Policy on Liquor Licensing' in place, and this is planned for review in the near future. There is public consultation with the community before any policy is accepted by Council.
- 3.4 Whether LAPs become compulsory or not, it is important that Licensing Authorities give weight to these policies as the local authority has extensive knowledge about their particular district. The local authority is well placed to analyse what is best for the community, and would have consulted with the community before implementing the policy.

4 Rurality

- 4.1 As the Rangitikei is principally a rural district, any law changes could affect access to alcohol both for moderate and problem drinkers. There are fewer than ten off-licence premises district-wide, of which four are supermarkets situated in each of the larger towns. Many people already have to travel a long way in order to purchase groceries; it would be a lot more difficult if wine and beer was not available to purchase at the same time. Regulating the ability to sell alcohol by way of supermarket floor space (e.g. a prohibition on supermarkets with a smaller than 1000m² floor-space) could be detrimental both for supermarkets in the Rangitikei and for consumers, as they are small rural shops which are often the only accessible place to purchase alcohol. Any such changes may unfairly punish consumers who buy and drink alcohol in moderation as well as store owners.

Supply Controls

5 Age

- 5.1 Raising the purchase age for alcohol may be a very difficult task and is likely to be contested by many people. The greatest problem is not necessarily with young people. There are plenty of people aged 30+ who have a bad attitude to drinking. On the other hand, there is a certain level of concern regarding young teenagers (12-16 years) easily accessing alcohol. An increase in the purchase age may address this problem, but it may also penalise sensible drinkers aged 19 or 20 years.
- 5.2 An increase in the drinking age is considered inappropriate, as more focus should be on educating both youth and their parents about drinking moderately and responsibly. Preferably more attention should be directed at enforcing parental supervision and individual responsibility.

- 5.3 The creation of a split purchase age is preferred as it could possibly increase the general age that people can access alcohol, while ensuring that 18-19 year olds can still socialise with alcohol in a controlled environment.

6 Hours

- 6.1 Restricting off-licence premises hours is not likely to pose a great problem to the Rangitikei as the supermarkets are not generally open any later than 10.00pm, although they often open at 7.00am.
- 6.2 For the Rangitikei, national controls on opening hours of on-licence premises are inappropriate because the district does not have the same issues as an inner-city clubbing area. Restrictions on selling alcohol at on-licences after a specified time and having one-way door policies may work in larger towns and cities but is not appropriate for a rural district. Within the district there are some hotels which are open until the early hours of the morning, but there is no real opportunity for customers to 'bar-hop' and there are no club atmospheres. Hotel/pub owners stated that having to close their premises earlier in the evening may harm business as all customers have to travel some distance to patronise their pub. If they had to go home at a specified time, it is likely that they will choose not to come at all (due to travel times) and to socialise at private gatherings.
- 6.3 Local authorities should have some flexibility to determine the appropriate hours for on-licence premises. It should be mandatory for the licensing decision-maker to take this into account when making a licensing decision.

7 Responsibility

- 7.1 Introducing measures to encourage greater parental responsibility for their children's consumption of alcohol is a good initiative. A legal requirement to supervise young people's consumption of alcohol is not necessary and not practicable. However making it an offence for any adult, other than a parent or legal guardian, to supply a young person with alcohol is workable. Along with, or in place of, any such law change, educating parents on how to introduce responsible drinking should be a priority.

8 Products

- 8.1 Product choice and availability of products should remain unchanged as it should be consumer choice. Access to alcohol products should definitely not be made easier than it already is through the introduction of more products to supermarkets and grocery stores. Any prohibition on "undesirable liquor products" should be carefully considered, as this could potentially cause a black-market in sought after products.

Demand Reduction

9 Tax

9.1 There is room to increase excise tax, especially for the purpose of covering costs associated with alcohol-related harm and helping initiatives to minimise harm. As a lot of alcohol related harm goes through the ACC system, the excise tax could also be used to help cover accidents caused by alcohol and decrease those costs to the system. Any increase in excise tax would have to be reasonable, so moderate drinkers are not unfairly punished.

10 Pricing

10.1 Generally when prices increase there is a reduction in the consumption of alcohol. Some price regulation is necessary in order to keep a level playing field between retailers. A minimum price per unit of alcohol would address the problem of uneven buying power and eliminate the ability of some retailers to heavily discount some products. It was suggested in the Council's focus group discussion that alcohol should be brought in line with tobacco, so that it could not be sold at a reduced price¹.

10.2 Minimum pricing would also potentially discourage people buying in bulk just because it is cheap and deter young people from buying products with a higher alcohol content (such as RTDs). A prohibition on irresponsible discounting and bulk-buying incentives would complement any minimum price.

11 Advertising

11.1 Advertising for alcohol is already controlled by a self-regulatory body (Advertising Standards Authority) but there is some room for improvement. Certain types of advertising and where and when advertisements can be displayed should be controlled more strictly. Managing when and where advertisements can be placed may reduce any harm that it is causing (such as advertising after a certain time of night on television and prohibiting the use of public billboards).

¹ **Smoke-Free Environments Act 1990: Section 28 Free distribution and rewards prohibited.**

(1) No manufacturer, distributor, importer, or retailer of tobacco products may,—

(a) Distribute any tobacco product; or
(b) Supply any tobacco product to any person for subsequent distribution; or
(c) In the case of a retailer, supply any tobacco product to any person for the purpose of that retailer's business—

free of charge, or at a reduced charge.

(1A) For the purposes of subsection (1), a tobacco product is distributed or supplied at a reduced charge—

(a) if the charge for the product itself is reduced; or
(b) if—

(i) the product is distributed or supplied at a charge that is not or purports not to be reduced; but

(ii) some other item is supplied, free or at a reduced charge, together with the product.

- 11.2 Although a total ban on advertising, like for tobacco, is a possibility there are concerns that this would punish moderate drinkers and damage the New Zealand alcohol industry. Moderate drinkers would no longer easily be able to make an informed decision on where to buy alcohol based on price. Without advertising, the New Zealand alcohol industry may not be as competitive with overseas brands, especially because overseas brands can undercut the price of New Zealand prices. (Australian wine frequently does this now.)
- 11.3 Controlling certain types of advertising, such as price, discounts, irresponsible promotions and advertising aimed at young people may address these concerns without a law change.
- 11.4 Alcohol sponsorship also needs to be considered with any further regulation as there is concern that it is contributing to the alcohol and drinking culture in New Zealand. Certain events, especially those which involve a lot of young people, should not be eligible for alcohol sponsorship. This needs to be balanced with the fact that some events would not be able to go ahead without the alcohol sponsorship.

Problem Limitation

12 Enforcement and penalties

- 12.1 At the moment there are many laws which are difficult for the police to enforce. Any additional penalties would have to be easily enforceable and useful tools for the police. A legal definition of intoxication would be helpful and local police officers stated that this would make their job easier. Coming up with a measurable and useful definition is a difficult task and would have to be developed with caution (keeping in mind any adverse consequences). Police powers to close a bar immediately is supported as is the introduction of an infringement offence for presenting a fake ID.
- 12.2 Increasing the penalties for licence breaches would be a better deterrent and would encourage greater responsibility of some bar owners.

13 Alcohol in Public Places

- 13.1 There are already measures in place for liquor bans and they are relatively successful as a local authority power. It is noted that more signage is needed around liquor ban areas (but these will come at a cost to the ratepayer) and it would be good to focus on increasing awareness of these areas. Local authorities know the problem areas and local community patterns and so are able to work with local police to determine the public areas most in need of a liquor ban (if any).
- 13.2 There would be many foreseeable unintended consequences if it was made illegal to drink or to be drunk in any public place. For example, a drunken person sensibly walking (rather than driving) home from a party, or a family having a glass of wine at a picnic could be punished under these laws.

14 Transport

- 14.1 As a rural community, the Rangitikei community has to consider the impact a zero-alcohol level would have on people driving home. For almost everyone in the District, there is some driving involved to get to any event, pub, dinner date or even to get to the neighbours house. Despite this distinction within the district, there is considerable support for a decrease in the current blood alcohol limit.
- 14.2 Although a zero-tolerance for those under 20 years and learner/restricted level drivers is a sensible idea for most of the country, more research has to be done on how this would impact young people within the Rangitikei and other rural communities. A zero-tolerance would severely limit some drivers within the district. For example, farm hands frequently have a beer at the end of a working day/week. A lot of farm hands are young and work in relatively remote areas. A zero alcohol level would mean that those farm hands could not drive home after work even if they drank only one beer.
- 14.3 It is likely that a ban on open alcoholic beverages in a vehicle would have unintended consequences and is not likely to address the issue of drunk driving. It would seem to be much stricter than what is actually needed. Ignition locking devices are supported if used for recidivist offenders but this may be a very technical and expensive solution. There are also possible loop-holes for offenders, such as driving another person's car or getting a sober person to blow in the device to start the car.
- 14.4 The introduction of a legal blood alcohol limit for those in charge of a pleasure craft is a very important and sensible law change.

The Council hopes these observations are helpful for this project. Thank you for the opportunity to make this submission.

Yours sincerely

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Mayor