

Submission to  
The Law Commission  
In the matter of  
ALCOHOL IN OUR LIVES  
From *Local Government New Zealand*

31 October 2009

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## **Executive Summary**

This draft discusses comment to date on the Law Commission paper *Alcohol in our lives*. Feedback from councils will be used to develop this paper into a submission on that document prior to **30 October 2009**.

Many issues have not been touched on in this draft submission, and if there are issues that councils would like highlighted, please ensure you provide us with that information.

Key points discussed in this discussion document to influence the draft submission include:

- Alcohol currently has a strong role in our society, but there is a substantial amount of alcohol abuse and alcohol-related harm.
- Whether DLAs and LLAs should be required to consider issues such as community views and density when making decisions on granting or renewing licences.
- What, if any, conditions ought to be attached/able to be attached to liquor licences.
- What, if any, types of plans local authorities should have, and how those should be developed.
- Roles and responsibilities related to alcohol licences, licensing and enforcement.
- If more education is needed to change attitudes to alcohol.
- Staff working in establishments serving alcohol should have more training, to clear standards.
- What offences and enforcement procedures are needed.
- What controls there should be on the types of outlets selling liquor, how it is promoted, pricing and trading hours.

This submission focuses on a harm-minimisation approach while recognising the interests of producers, retailers and consumers and seeking to ensure that alcohol is still available for social use.

## Introduction

1. The Law Commission has released a paper, *Alcohol in our Lives: An issues paper on the reform of New Zealand's liquor laws*, which seeks to look at how we might reform these laws from the perspective of a 'clean slate' look at what is needed to reduce harm from alcohol. It seeks submissions by **30 October 2009**.
2. In context, many people use alcohol responsibly in a social setting. However, there is also a reasonably high level of alcohol abuse, which can result in personal, family, community emotional, physical and economic harm. This review is seeking to identify the legal mechanisms that will support agencies and communities to reduce harm from alcohol while not unduly affecting those who enjoy it responsibly.
3. The paper suggests a range of options in most areas, which are often not mutually exclusive.
4. Territorial authorities have a particular interest in alcohol-related harm, as they typically play a regulatory role in liquor licensing, and frequently also support or undertake other measures to reduce harm from alcohol in their communities.
5. All District and City Councils' Mayors have been sent a copy of the paper, and it is available to download from <http://www.talklaw.co.nz/document/index/2>, or by chapter from :  
<http://www.lawcom.govt.nz/ProjectIssuesPaper.aspx?ProjectID=154>.
6. Draft comment on the range of options discussed in chapter 13 of the paper, and selected other areas of the paper, has been developed with the assistance of those council staff involved in the Alcohol Reference Group supported by *Local Government New Zealand* and ALAC. The entire paper should be read for context as the discussion illuminates current tools, overseas experience and other issues.
7. This comment is broken into four sections: purpose, supply controls, demand reduction and problem limitation.

### **Actions for councils**

1. Provide comment to improve this draft submission, to:
  - a. identify other issues that may be important to the sector
  - b. indicate whether your council has different/similar views on points.
  
2. Draft your own submissions where alcohol-related harm is an issue in your community, stating your preferences for future alcohol-harm reduction law and providing local statistics or examples that will reinforce particular issues that need to be addressed.

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### **Feedback to *Local Government New Zealand***

Council	<b>TASMAN DISTRICT COUNCIL</b>		
Council contact person	<b>TRACY WADDINGTON</b>		
Contact details (ph & email)	<b>Phone: 03 543 8513</b> <b>Email: tracy.waddington@tasman.govt.nz</b>		
Response reflects:	Council view <b>YES</b>	Staff view	Other:

## Clarifications

The term 'standard drinks' used here has the meaning defined by The New Zealand Food Safety Authority (NZFSA).

We note that some related points are covered in separate areas of this draft submission, to fit with the structure of *Alcohol in our lives* and to avoid repetition. For example, discussion on conditions for licences is discussed under District Licensing Agency options, not under Licence options.

## Purpose, principles and other key points

### **Purpose/object**

8. Section 12.8 outlines the object of the review reflected in the *Alcohol in our lives* paper. These are:

- (a) Minimise crime and disorder;
- (b) Promote public safety;
- (c) Minimise public nuisance;
- (d) Protect and improve public health;
- (e) Protect families and children from harm;
- (f) Minimise the impact of harmful use of liquor on state agencies such as Police and the health system;
- (g) Encourage responsible attitudes towards the promotion, sale, supply and consumption of liquor;
- (h) Ensure that the liquor industry develops and operates in a way that is consistent with the needs and aspirations of the community;
- (i) Ensure so far as practicable that the supply of liquor contributes to and does not detract from the amenity of community life.

9. While the group agrees with the intent of the specific objects listed, it was also noted that:

- It can be useful to have an overarching single clear statement that people can easily remember and relate to.
- Clarity is needed on what 'minimise' and other terms might mean in practice.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

### **Principles**

10. *Local Government New Zealand* notes the principles applied to this project reviewing alcohol legislation, and agrees that:

- The approach needs to ensure that any restrictions on peoples' freedom are justified by strong arguments that it is in the public interest to do so.
- Societal attitudes, parenting, community actions and education are key components in reducing harmful use of alcohol.
- The reduction of harms to law and order, health and wellbeing from alcohol is the policy target.
- Regulation should be proportionate to harm, and consider the interests of consumers, manufacturers, producers and sellers of alcohol products.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

### **Local Alcohol Plans**

11. Councils will need to consider their views on Local Alcohol Plans. Bearing in mind that councils and communities vary in both need and capacity, consideration should include:

- That it needs to be clear a LAP is NOT an alcohol strategy, and can be specific to informing DLA/licensing functions (although a wider strategy can be developed and consulted on concurrently and be part of the same document if this is desirable).
- What should be required?
- What should be optional?
- How costs of development, review and challenge are covered.
- Whether a special consultative procedure (SCP) should be required when consulting on LAPs or other matters, or whether an SCP should be optional.
- What influence an LAP should have on licensing decisions.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	It is essential that if content of LAPs is regulated that variations are allowed to reflect local issues and conditions.

### **Education**

12. Further education on:

- The risks to brain development of youth drinking and other negative aspects of alcohol abuse.
- How to manage against alcohol abuse, eg, what parents/others can do when supervising groups of young people.
- Promoting changes in attitudes to reduce excessive drinking in all age groups.

13. Offences need to apply more broadly in some instances – such as clearly providing individual and joint responsibility to both bar and door staff for checking identification.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

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### **Supply controls**

#### ***Purchase/drinking age options***

14. This looks at:

- what the purchasing age should be in different types of situation
- whether there should also be a legal drinking age.

15. The majority of the group supported:

- Option (c) different ages for purchase of alcohol, with 20 the legal purchase age from off-licence premises, but keeping the purchase age for consumption of alcohol in on-licence premises at 18. The support for this is a compromise to what is thought to be a more publicly acceptable position, as people felt

that returning to 20 as the minimum purchasing age for all premises would do more to reduce harm from alcohol to young people.

- A variation on (a) to remove the defence for licensees if they have served someone underage and not checked an ID, with stronger enforcement and penalties to all types of premises who serve underage people.
- We also concur that it could be made an offence to provide alcohol to young people without supervision and the permission of parent or guardian, noting there are some enforcement practicalities that would have to be considered.

16. These were seen as the most likely options to be publicly acceptable and contribute to reducing the de facto age of alcohol purchase/availability and recognising that in licensed premises there is more control of the age of drinkers and monitoring alcohol consumption to avoid drunkenness. There were mixed views on a drinking age, preferring to support more responsible attitudes to drinking, with family and celebrity role models an important part of influencing how young people are likely to drink. Controls need to be wider than ‘pubs’ as much of the heavy drinking that occurs is done outside licensed premises - a survey in Auckland showed the majority of patrons at licensed premises have consumed around six standard drinks before arriving at the premises.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

### ***Licence options***

17. This looks at:

- Current types of licences for licensed premises and exemptions

18. The majority of the group supported:

- Option (b) which retains the current system and removes exemptions from licensing for certain types of premises, so that they can also be inspected and have standards applied. We agree that “If the basic rule is that to sell alcohol it is necessary to have a licence, then the law should apply equally to all.”
- Increasing licence fees (option (d)) to reflect the cost a licence is likely to generate, also noting:
  - Costs need to be covered at all stages, from processing through monitoring/ inspection and enforcement.
  - Fees should also have inflation-adjustment.
  - A preferred option for some is the ability to set fees locally.
  - Fees should contain a contribution towards education campaigns.
  - There should be an ability to charge more or charge less, depending on risk. For example, a café serving wine and beer would typically require less inspection and create fewer issues than a large primarily alcohol-based venue, and venues with a good track record could be charged less than those with a history of breaches. Some clear criteria need to be developed around this to reduce the likelihood of legal challenge, such as sales volume, venue size, hours of opening, clean up costs in particular areas, ratio of appropriately qualified staff and extra charges for venues where breaches of licence occur, including the ability to charge for extra inspections.
- Requiring multiple managers for large licensed premises (option (f)), with ratios related to volume of standard drinks sold and the size of the venue and



- other conditions able to be applied as suitable (eg, number of bars and separate rooms).
- Increased controls on age and training requirements for managers and door staff (option g). Also:
    - Extra education for bar staff and ‘glassies’.
    - Require refresher training after three years and after any licence breaches.
    - Ensure appropriate staff training can be part of licence conditions.
    - Training should be assessed for effectiveness in areas like identifying intoxication and reducing violence, and consideration be given to who provides the training and how they are accredited.
    - Apply conditions to qualifications and licences, regarding security checks, psychological checks (door staff and managers).
    - Ensuring the cost of managers’ licence applications is covered – some councils have well over 200 applications a month which has a big impact on staffing and staff availability to inspect premises.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	Strongly supportive of the introduction of fees set by DLA and to be on cost recovery basis.

***Liquor Licensing Authority options***

**19.** This looks at:

- Options for the powers, role and composition of the Liquor Licensing Authority (LLA).

**20.** The group noted that the approach of the incumbent judge can be important and that some further regulation might be useful to ensure the current approach continues.

**21.** The majority of the group supported:

- Retaining the LLA and enhancing its powers and functions, for monitoring, awarding costs, imposing fines, data sharing and quality control of District Licensing Agency (DLA) output and compliance.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

***District Licensing Agency options***

**22.** This looks at:

- Options for the powers, role and composition of the District Licensing Agency (DLA)

**23.** The majority of the group supported:

- Retaining DLAs and enhancing their powers and functions, with higher reporting and performance standards, ensuring DLA decisions are independent of the relevant Council, specifying a particular membership for DLAs, retaining prosecution fines, enabling fee setting that allows effective performance of functions, mandating inspector training - making the points that:

- Fee levels or other support is needed to ensure all of these costs are covered, including any need to develop training and reporting.
- Both staff and DLA members need training.
- The ability of the DLA to set conditions on licences needs to be very clear, to avoid situations such as a current appeal against a DLA decision that placed a condition on hours.
- DLAs (and LLAs) should be required to consider issues such as community views and density when making decisions on granting or renewing licences.
- Decisions need to be independent of other influences also.
- Membership of the DLA might have some conditions, but allow for local context. Good practice might recommend (but not require) that DLAs co-opt an expert from a legal or Police background.
- We would like consultation on what might be suitable in terms of any meeting conditions to ensure they allowed for variable need.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	Supportive of ability for DLAs to consider other issues in granting licences but this not to be prescriptive.

### ***Licence criteria and objections options***

**24.** This looks at:

- Criteria that can be applied to licences and licence renewals, reporting by medical officers of health and notification of licence applications.

**25.** The majority of the group supported:

- Allowing licensing decision-makers to refuse licences on wider grounds than at present, such as social impacts, lessened amenity and lack of consistency with the Act's object or the relevant local alcohol policy (option (b)).
- Allowing the imposition of conditions (option (c)).
  - This should include being able to request that the applicant provide a social impact assessment<sup>1</sup>, including assessment of cumulative effects and density, particularly for large or high-volume venues.
  - Provision of free tap water could be a mandatory condition, along with some controls on discounting and promotion.
- Stronger, better defined criteria for suitability of licence applicants (option (f)).

**26.** No comment was made on:

- Whether to widen the category of persons who can object to a licence application (option (d)).
- Changes to the process of notifying the public of licence applications (option (g)).

**27.** There were mixed views on option (e), due to lack of clarity about what the powers and responsibilities of medical officers of health might be and whether they have the capacity to respond in a timely manner. It was also noted that:

- Any turnaround time for special licences should not be more than five working days.

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<sup>1</sup> It may also be worth investigating the use of community impact statement as in New South Wales if a council has a full social impact assessment for the relevant area. See: [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au)

- It would be useful to have processes where a clear reply will be provided within a specified period, to avoid unnecessary delays for applicants and to ensure clarity where there are objections.
- They may have a useful role in assessing social impacts and providing a public health perspective.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

### ***Hours options***

**28.** This looks at:

- Whether there should be national controls on opening hours, and if so what those should be.

**29.** The majority of the group supported:

- Restricting off-licence opening hours to 8.00am to 10.00pm (option (b))
  - With the ability for a territorial authority to specify more restricted hours in a LAP.
- A combination of (c) to (e), with a national “latest” time of 3.00am but:
  - Local flexibility how to apply licences after 1.00am to ensure they can manage social, transport, bathroom and other pressures, whether that be through staggered closing times, requiring one-way door policies or other means.
  - It was noted that this should also apply to other venues, including casinos (currently under the Gambling Act) and brothels (anecdotally often allowed a 24 hour licence which could create perverse incentives/unintended consequences and contribute to additional risks and risk-taking).
- To allow (f) to apply within the national maximum hours.

**30.** Consideration may need to be given to what conditions apply to special events, and to ensure that any special conditions do not create perverse incentives/unintended consequences.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

### ***Prohibited days***

**31.** This looks at:

- Whether there should be prohibited trading days for licensed premises selling alcohol, and if so what those should be and how and what from what time they should apply.

**32.** The majority of the group supported:

- Option (b) which allows venues to stay open until 2.00am (maximum) on a prohibited day, and treat that as the night before (eg, until 2.00am Christmas morning).
  - Clarity that later hours only apply where a licence allows it.
- Regarding options (c) to (f), there was considerable discussion around the need to ensure that there are some family days where it is appropriate to ban

the sale of liquor, and general consensus that these should include ANZAC Day and Christmas Day. The application of this to restaurants (option (c)) was less clearly agreed.

33. Note that although the section in chapter 13 does not discuss it, the group takes as read that any lessened conditions on prohibited days do not apply to off-licences.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	Support the retention of Christmas Day and Anzac Day as prohibited days.

#### ***Types of off-licence premises options***

34. This looks at:

- Whether there should be controls on what type of premises is allowed an off-licence, and if so what those controls should be.

35. The majority of the group supported:

- Option (c), with some further restrictions on the type of premises that may be granted off-licences. Discussion of suitable conditions included:
  - Stand-alone off-licences retained.
  - Supermarket (floor area 1000m<sup>2</sup>+) sales should continue to be allowed (and restricted to beer and wine only).
  - Grocery stores should be further defined, allowing that distance from other outlets needs to be considered (particularly to not unduly affect rural areas).
  - Density of outlets should be controlled (attrition periods may be needed in this instance).
  - When and how conditions could apply to factors such as proportion of floor space, proportion of retail/display area, proportion of sales and minimum floor space.
  - Size/floor controls may also be applicable for off-licences, although density controls might assist in this regard.
  - There was strong concern about any potential that takeaway places could be licensed, and we concur that service stations should not be linked with alcohol sales.
  - Clear tools and definitions need to be provided, and additional conditions should be allowed to be applied in some instances such as staff numbers on duty.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	It is essential that clarity is gained in relation to the types of premises that can have an off licence. Potential for harm must be taken into account.

#### ***Off-licence product options***

36. This looks at:

- Types of alcohol that should be allowed in different types of off-licence.

- Whether the licensing agency should be able to restrict product types as a licence condition, and whether the Minister should be able to prohibit ‘undesirable liquor products’.

**37.** The majority of the group supported:

- Option (a), retaining the status quo where supermarkets, grocery and other outlets that are not dedicated liquor stores typically restricted to beer and wine only, with:
  - A carefully controlled exemption allowing for specialty products in appropriate deli-type stores (such as sake in an Asian grocery or Limóncello in a European deli) – with limitations on proportion of display/retail space and sales volume for those products.
  - Constraints on staff age working with alcohol, pricing and supervision.
- Option (d), allowing for a regulatory power where the Minister can prohibit ‘undesirable liquor products’, noting this should be used with care.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

***Options on product labelling and serving sizes***

**38.** This looks at:

- Whether alcohol content and size of packaged alcoholic beverages should be able to be regulated, if licensed premises should be required to offer standard measures of wine, beer and spirits, and whether health warnings, nutritional information and ingredients should need to be listed on alcohol products.

**39.** The majority of the group supported:

- Requiring nutritional and ingredient listing on alcohol products, similar to requirements for food labelling. In effect alcohol currently has an exemption from rules that apply to other products. This also gives more clarity to consumers in making health choices and provides information for those with allergy issues.
- More clarity for consumers at on and off-licences about how products relate to a standard measure, and more use of standard measures for poured drinks (while seeking to avoid responses for marketing advantage by pre-packaged manufacturers).
- Exploring what regulation controlling the percentage of alcohol might mean in practice.

**40.** We note that:

- Alcohol content regulation should consider unintended impacts – for example making some beverages (eg limoncello) requires a high proof spirit to extract lemon flavours.
- Requiring provision of free tap water can help people manage their hydration and alcohol consumption. Readily accessible taps and glasses may be more suitable than water jugs.
- Due to other factors, such as reducing opportunities for drink spiking, bottled drinks can be preferable in some instances, so regulation would need to be very carefully considered.
- Requiring standard measures could impinge on current bottled beer and other serving measures, but that this could be required as an option. A line on wine glasses showing the standard measure appears to be standard practice in

parts of Australia, and the United Kingdom is considering requiring standard measures to be available as a choice for consumers.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

### ***Licence renewal options***

**41.** This looks at:

- The length of time licences should be issued for and the requirements for notification and for review of licences.

**42.** The majority of the group supported:

- Option (a), the status quo, with:
  - Provision to change conditions and ensure recovery of costs such as inspection fees.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

### ***Licensing trust options***

**43.** This looks at:

- Whether licensing trusts, where they have exclusive rights to on and off-licences, should maintain that monopoly or be subject to competition.

**44.** As this is currently only applicable in a small number of areas, we have decided that the best approach is for affected councils to make submissions based on their own experiences of the benefits and disadvantages of licensing trust arrangements.

## **Demand reduction**

### ***Excise tax options***

**45.** This looks at:

- What the level of excise tax should be on alcohol, and how it should be used.

**46.** The group did not have extensive discussion on this point. Main areas of support or discussion are:

- Review rates to ensure that they are achieving policy aims, and that percentage of alcohol is reflected in tax rates.
- Note that a price-based tax encourages poorer quality products rather than restricting supply, and has limited effect on discounting prices.
- Use the ALAC levy and a proportion of excise tax for reducing alcohol-related harms.
- Consider increasing tax/levies to fund more addiction treatment services specific to different age/ethnic groups.

Agree with points?	<b>Yes</b>
Disagree with points?	

Additional points?	
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**Pricing options**

47. This looks at:

- What controls there should be on alcohol pricing and discounting, whether the price of alcohol should be able to be advertised and whether previous promotions should impact on licensing decisions.

48. The group did not have extensive discussion on this point. Main areas of support are:

- A minimum price per unit of alcohol would help reduce availability to young persons and incentives to bulk-buy. It also overcomes issues related to both uneven buying power giving some retailers more ability to discount prices and to the use of loss-leaders.
  - Any minimum price should have automatic adjustments to ensure it keeps pace with inflation and cost-of-living changes.
- Controls on discounting, particularly 2-for-1 promotions or other techniques that encourage bulk buying.
- Examining whether past retail practice should be taken into account in licensing decisions, and how this could be measured and implemented.

49. The group noted that although the use of alcohol products as loss leaders is not helpful, the bulk purchasing ability of some outlets would limit the usefulness of a controlling provision. It also notes that the use of loss-leaders is more likely to cause concern where it is used with cheaper products and minimum price is likely to be a more effective tool in controlling this practice.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

**Advertising options**

50. This looks at:

- If and how liquor advertising should be controlled, including self-regulation versus a legal framework and statutory body, media used, hours advertising allowed on television and sponsorship.

51. The group did not have extensive discussion on this point. Main areas of support are:

- Reducing the ability of stores to promote alcohol, such as using outside store displays for multi-use stores.
- Controls on certain types of advertisements, as noted in option (d), on price, discounts/sales/specials, irresponsible promotions and advertising aimed at young people.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

**Promotions options**

52. This looks at:

- Whether a legal framework and statutory body should be established to regulate packaging, promotions, point of sale placement and alcohol display, and whether previous harmful promotional practices should impact on licensing decisions.

**53.** The majority of the group supported:

- Ensuring that multi-use stores have alcohol in a separate section that people with children or subject to temptation can avoid.
- Controls on discounting, particularly 2-for-1 promotions or other techniques that encourage bulk buying.
- The ability to consider all relevant factors when making licensing decisions.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

### **Problem limitation**

#### ***Enforcement and penalties options***

**54.** This looks at:

- Enforcement tools, penalties, and powers related to alcohol licensees, inspection, and evidence of age.

**55.** The majority of the group supported:

- A variation on option (a), retaining current existing tools, with added tools.
- Option (b) increasing penalties for licence breaches.
- Option (c), providing the Police the power to close a bar immediately.
- Option (d), to ensure breaches are addressed quickly and ongoing problems aren't allowed to continue until a hearing. This should also allow for:
  - Suspension of licences while awaiting a hearing.
  - The ability to immediately vary conditions or impose extra conditions following a breach.
  - Additional inspection charges to be imposed to monitor premises that have breached licence conditions.
- A legal definition of intoxication (option (f)) to provide clarity for enforcement, noting this would have to be developed with extreme care and consider related tools and definitions, impacts on consumers and the realistic application and compliance by different parties.
- Removing the requirement for licensing inspectors to declare themselves on entry (h).
- Strengthening the basis for Alcohol Accords (i).
- Providing an ability to confiscate fake evidence of age documents (k), also enabling:
  - confiscation of fraudulently used evidence of age documents.

**56.** For consideration:

- Whether infringement notices (option (e)) would be useful or not, and what benefits and drawbacks they might present.
- If it should be an infringement offence to produce fake evidence of age documents to a licensee (j).



- The group did not feel it had enough information on the situation for medical officers of health around the country and whether it would be useful to extend powers of entry to them (option (g)).
- Whether it should be an offence for anyone except a parent or legal guardian to supply alcohol to minors?

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	Support the introduction of infringement notices.

### ***Alcohol in public places options***

**57.** This looks at:

- What, if any, restrictions should be placed on drinking in public places, Police powers to restrict access to areas or premises, proof required of alcoholic beverages and ability to transport intoxicated persons home.

**58.** The majority of the group supported:

- Investigating the option of it being illegal to drink in public places, except those specified in a local alcohol plan or other mechanism. This may risk some unintended consequences for CBD areas or small councils and that should be explored.
- Providing additional powers to Police (b), in the context of public places (assuming this replaces liquor bylaws).
- Allowing Police to ban people from a specified area or premises, noting that:
  - This should be in limited circumstances and typically for a limited time period.

**59.** The group did not support:

- Option (d), reintroducing the offence of being drunk in a public place. This is seen as likely to increase risks of people concealing their drunkenness and not seeking help when they need it, and there are already powers such as disorderly or offensive behaviour charges to address people caught behaving destructively.
- Options (h) referring specifically to local authorities. While some local authorities may provide or support some services for this purpose, we feel it is primarily a health matter and any specific references should be to health organisations to avoid a de facto transfer of that responsibility.

**60.** For consideration:

- There are mixed views on the conditions of proof for seizure and destruction of alcohol. This would need to be tempered for prosecution, but could be usefully applied for destruction of alcohol to address a situation that did not need to be escalated.

Agree with points?	<b>Yes</b>
Disagree with points?	
Additional points?	

### ***Transport options***

**61.** We note that there are also questions around Transport options, noting that these are being addressed separately by the Ministry of Transport under Safer

Journeys <http://www.transport.govt.nz/saferjourneys/Pages/default.aspx> which is open for submissions until **2 October 2009**.

- Whether to change blood alcohol limits. We note that while evidence shows that alcohol is a factor in up to 30 percent of fatal vehicle accidents it is not clear how many of those are related to people that were under the current blood alcohol limit. Without that evidence being presented it is hard to argue for or against this type of measure. However, it appears this is designed to reduce the limit for law-abiding drivers in the hope that those who drink well over current limits will drink slightly less if there is a lower limit. This is rather akin to imposing the cost of installing 5-point safety harnesses in all cars on everyone in the hope that will somehow get those who don't wear seatbelts to start wearing them. Stronger enforcement and education to change attitudes would seem more appropriately targeted. Other measures to consider might be a zero-alcohol level for novice and inexperienced drivers (those who have not got a full licence).
- Possessing open containers of alcoholic beverages in a moving or stationary motor vehicle – passengers and drivers. While this might be useful in reducing access to off-licence purchased products for people drinking in town, it may also be more stringent than needed to address the issue. It would impact on party buses and other sober driving transport mechanisms for example and this type of impact should be specifically considered.

**62.** There is also opportunity to look at installing alcohol ignition locking devices on vehicles belonging to drink drivers. This is a matter for the Ministry of Transport, but we note support for this measure being introduced for recidivist offenders.

#### ***Treatment options***

**63.** We note that there are also questions around Treatment options. This is not an area we have expertise in, although we support the availability and resourcing of effective treatment options in local areas. This should include treatment specific to different ethnic and age groups, and could be funded by alcohol levies/taxes.