

Alcohol Reform Bill: LABOUR Minority Report

Introduction

The most in-depth inquiry into New Zealand's alcohol laws was instigated by Labour. Labour referred the task of examining and evaluating the current laws and policies relating to the sale and consumption of liquor in New Zealand and formulating a revised policy framework to the Law Commission. It had been twenty four years since the last full review of the New Zealand's alcohol laws, so broad terms of reference for the inquiry were adopted.

Given the former Labour Government's role in pursuing comprehensive alcohol reform, the current Labour members of the committee are disappointed that this bill fails to address the evidence that the Law Commission presented to the Government in its report – *Alcohol in Our Lives: Curbing the Harm*. As part of the process of pulling together this report, three thousand New Zealanders made their views known to the Commission, resulting in one of the most extensive enquiries undertaken by any New Zealand Government. It is therefore concerning that so much of the evidence and so many of the recommendations have been ignored.

Despite our reservations, we supported sending the bill to the Justice and Electoral Committee, so that submissions from the interested communities, organisations and individuals could be heard. Many of the submitters articulated a concern that this bill fails to take advantage of the once-in-a-generation opportunity to address the excessive drinking in our society and the subsequent impact this can have on our families, justice system, health system and even our productivity levels.

Labour members of the Committee will be supporting this bill despite having major reservations about the bills failures to address key issues. We will be seeking to raise our concerns during the committee stages of the bill with particular reference to the following areas:

- Lack of minimum pricing leading to availability of extremely inexpensive alcohol
- Commercialisation of alcohol as an ordinary commodity making it readily accessible
- Lack of restrictions regarding advertising and marketing
- Failure to lower the blood alcohol level allowable when driving
- Focus on the purchase age of alcohol

Each of the areas of concern is discussed in more detail throughout this report.

Minimum pricing

Labour members of the committee agree that those who drink responsibly should not be penalised because of those who engage in unsafe and irresponsible drinking. However Labour members of the committee agree with the Law Commission that there is a relationship between the price of alcohol and the consumption of it.

Extensive research shows that affordability of certain types of alcohol have improved over the years and in some cases the prices have not increased over a period of twenty years despite inflation. Concern was expressed by numerous submitters about the extremely low priced drinks and the way in which these would appeal to young people and heavy drinkers. The establishment of minimum prices for alcohol products is a mechanism to stop heavy discounting, possibly to below cost.

Labour members of the committee believe that the introduction of minimum pricing per standard drink would have very limited impact on those who do drink safely and responsibly.

Minimum pricing implemented at the point of sale by the retailer (not the producer) is the preference of the Labour members of this committee. Minimum pricing is preferred because it ensures an increase to the retail price of extremely cheap alcohol whereas the cost of increasing excise tax can be absorbed by either the retailer or producer without increasing the retail price.

Availability

The bill does address some of the issues that communities face with regards to licensing of premises and trading hours. However, Labour members of the committee would have liked to have seen the national default trading hours of off license premises be reduced further.

The evidence has shown that people purchasing alcohol later in the evening are more likely to have been drinking beforehand and may not have the judgment and self-control required to make cogent decisions. This would warrant an earlier default closing hour than the proposed 11pm.

We agree with the many submitters who wanted a later opening hour than 7am for off-licences. We also agreed with submitters who recommended that off –licences should not open prior to school commencement

While Labour members of the committee agree that communities should have a greater say with regards to sale of alcohol, we have some concerns about the inconsistencies in trading hours and therefore availability among neighbouring communities. This could lead to pockets of alcohol related activities burdening certain communities more than others.

Advertising and Sponsorship

Ninety four percent of the submitters to the Select Committee wanted greater restrictions on advertising. Of those that commented on sponsorship seventy nine percent advocated for a complete ban on sponsorship. While there is considerable lobbying against the Health Sponsorship Council model, Labour members of the committee believe that the three stage plan proposed by the Law Commission is something that the Committee should have considered.

The purpose of advertising is to present the product in an attractive light and increase the consumption of that product. The select committee has chosen to adopt the views of those who have a vested interest for that increase rather than of those who have an interest in promoting our public health and reducing crime and harm to the community. Despite the growing evidence that alcohol advertising increases the likelihood that young people will start drinking or that they will drink more if they already drink the Government has decided as with minimum pricing and the legal alcohol level for driving to kick this issue for touch and refer it to an 'expert forum'.

Legal alcohol limit – driving

While the Government considered the problem of drink driving in another Select Committee and despite all evidence showing that the blood alcohol level needs to be reduced to at least 50mg per 100ml of blood they have failed to deal with this issue. There is broad public support for this change and the failure of this bill to address the role of alcohol in one-third of New Zealand's death tolls on the roads is a disgrace. Drivers in New Zealand are able to drive on our roads while having one of the highest blood alcohol levels in the Western World. The Government's response of undertaking further research is merely a device to disguise inaction.

Purchasing age

Much of the media focus on the Alcohol Reform Bill has been on the purchasing age for alcohol. Labour members of the committee do not believe is the most effective medium to address the problems with alcohol consumption. The Bill proposes a split purchase age - 18 years for licensed premises and 20 years for off license premises. We were impressed by evidence from the medical profession about the harm to brain development caused by alcohol from the impact on the developing foetus through to young adults, with some evidence saying that this harm continues through to early twenties while the brain is still developing. It seems clear that the earlier a young person starts drinking the greater the harm. Given our legislation relates to a purchase age rather than a drinking age there are changes that are needed to improve understanding of this harm to young people through better information to parents and through schools.

Labelling

Labour members of the committee note the submitters who raised the issue of warning labels and nutritional information panels. We believe the appropriate way to progress this issue is on a Trans-Tasman basis following the outcome of work on the 'Food Labelling Review'. Health warnings about foetal alcohol spectrum disorder need to be considered as part of this work.

Other matters

The Alcohol Reform Bill does not pick up all of the recommendations of the Law Commission Report. Submitters however submitted in significant numbers on matters outside the Bill but of significance in dealing with alcohol harm.

One such issue was Foetal Alcohol Spectrum Disorder (FASD) where many moving submissions were made about what has been described as the leading cause of non-genetic intellectual disability in the Western world. The true extent of the problem in New Zealand is unknown but a conservative estimate is given by Alcohol Healthwatch as an incidence of 3 per 1000 live births. What is clear is that FASD is associated with irreversible damage to neural development and leads to lifelong consequences for the individual, their family and society. Using a prevalence rate of 3 cases per 1000 live births these cases would conservatively be costing New Zealand taxpayers an extra \$3.46 million per annum. Labour members of the committee believe that the issue of FASD is a serious one warranting greater focus of health officials perhaps in conjunction with general practitioners, midwives, plunket nurses and others providing contraceptive advice. Furthermore we consider that there is a need to develop national definitions and diagnostic criteria.

Although delivery of treatment for alcohol addiction falls outside the scope of this bill Labour members of the committee believe it is important to recognise that improving and increasing access to treatment opportunities is vital if the measures introduced in this legislation is to be successful. Waiting times for treatment must be reduced. The very nature of addiction means people seeking treatment are more likely to turn down treatment if it is not immediately available.

Conclusion

It is asserted that alcohol may contribute to the 22% of the ACC claims and alcohol was involved in 30% of all recorded offences. The volume of alcohol available to New Zealanders is increasing with an increase of 5.5% in last year alone. Alcohol harm is significant not only in terms of the harm to the drinker but also harm caused to others as a result of their drinking. This bill does not take into consideration the myriad of factors that have resulted in the need for reform in alcohol laws. This bill makes minor improvements in the current regime and Labour will support the bill because the changes are small but a necessary step towards reform. However, Labour believes strongly that a historic opportunity to address the problems that alcohol contributes has been lost.