



12 August 2005

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**Submission to the Law and Order Select Committee on the  
Sale of Liquor (Youth Alcohol Harm Reduction)  
Amendment Bill**

**Introduction**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 40 nationally organised societies. It has 33 branches throughout the country attended by representatives of these societies and some 150 other societies. The Council's function is to serve women, the family and the community at local, national and international levels through research, study, discussion and action.

One of the greatest strengths of NCWNZ is its widespread and effective network with organisations we represent, especially through its monthly publication known as *The Circular*. This network provides a very wide and varied base for our Submissions.

Submissions and responses are prepared on the basis of policies set at national meetings and, when time permits, from answers to questions published in *The Circular*.

The membership was asked questions on the Sale of Liquor (Youth Alcohol Harm Reduction) Amendment Bill via *The Circular*. As anticipated, it generated considerable response; our members remain intensely interested in this subject.

This Submission has been prepared by the Public Issues Standing Committee and is based on NCW Policy, with comment provided by those members who responded to the request for comment. It reiterates many of the points made in previous Submissions to:

- The Commerce Select Committee on the Sale of Liquor Amendment Bill (No 2) (2004)
- The Advertising Standards Authority on the 2003 Review of Liquor Advertising and Liquor Programme Code Consultation (2003)
- The Justice & Law Reform Select Committee on the Sale of Liquor Amendment Bill (No 2) (1999)
- The Advertising Standards Authority Review of Liquor Advertising on Radio and Television (1998)
- The Ministry of Justice on the Discussion Paper Liquor Review (1996)
- The Royal Commission on Liquor (1973)
- The Statutes Revision Committee – Sale of Liquor Amendment Bill (1969)

NCWNZ was established in 1896. In its 109 years it has always taken a keen interest in legislation concerning the sale of liquor and has always held the belief that the abuse of alcohol is one of the major causes of this country's social problems, and that the mitigation of this use and abuse would be a positive step in lessening a wide variety of social ills. This 1897 Resolution has been reaffirmed many times since and remains a firm principle in NZWNZ Policy. Over its 109 years, more than 67 Resolutions on matters relating to alcohol have been passed – see Appendix (3).





## Summary

1. NCWNZ has always been opposed to the advertising of liquor, especially that which glamourises alcohol. *“That in view of the increasing cost in human lives and happiness and the huge national economic wastage caused by the immoderate use of alcohol, NCWNZ recommends to Government that a ban be placed on all promotional advertising of alcohol”.* (Resolution 1966)

The majority of NCWNZ members continue to consider that liquor advertising should be treated in the same way as smoking advertising. There is anecdotal evidence to suggest that the present provisions about alcohol, when contrasted with the complete prohibition on any tobacco-related product, send the message that alcohol consumption is harmless.

2. NCWNZ has always advocated, and continues to advocate, for the strictest policing of liquor laws. In supporting the lowering of the age to 18 years, NCWNZ believed that the following criteria would be applied:
  - i. A National ID photo card issued on one's 18<sup>th</sup> birthday.
  - ii. Strict enforcement, including of the ID card. (No ID – no alcohol).
  - iii. That it is a criminal offence to supply alcohol to those under age.
  - iv. All alcohol carried in a car should be carried unopened in the boot.
3. A major concern from nearly all respondents is that, at present, those under 18 are obtaining liquor far too easily. Statistics from the health sector and addiction services indicate an increase in problem drinking amongst young teenagers since the drinking age was lowered.

Society and the law should reinforce the concept that it is the responsibility of parents, guardians, and adults in charge of young people, not to supply them with alcohol. Education is the key and NCWNZ strongly supports adequate funding for this.

## Specific Comments

### DRINKING AGE

Members are deeply concerned about the ease with which alcohol is obtained, and grave concern is expressed at the apparent increase of underage drinking since the lowering of the age. Young people find it easy to get hold of alcohol. There is evidence that when the drinking age was 20, 14 to 15 year olds were picked up drunk. With the drinking age lowered to 18, the age of those picked up is as low as 12 and 13 years. The Youth and Alcohol Survey by the Alcohol Liquor Advisory Council (ALAC) found that in New Zealand one third of 14 to 18 year olds are heavy drinkers. The Salvation Army now sees 10 to 12 year olds coming through their addiction programme. There also appears to be an increased number admitted to hospital because of alcohol poisoning. Very often alcohol use at an early age is related to criminal offending.

Most responses acknowledge the main reason for the current problems is that enforcement of the 18 year age has been difficult to enforce and many 18 year olds buy liquor for even younger teenagers.

NCWNZ strongly supports the principle that laws should be enforceable and should be strictly enforced. The greatest weakness of the present laws is a failure of enforcement. It is clear that the policing of the laws is inadequate. The Ministry of Justice report, *Young People and Alcohol: Some Statistics to 2003 and 2004 on Possible Effects of Lowering the Purchase Age* - acknowledges that part of the Act cannot be policed. The police appear to have neither the



resources nor the personnel to enforce the age limit. Many local bodies do not have the time to check liquor outlets.

Any changes must include making better enforcement possible.

NCWZN supports greater control over drinking by young people. Those who break the law must be prosecuted and appropriately punished so that the laws are respected. Young people who offend could be required to do Community Service cleaning up the mess left on streets and sports grounds, as a possible deterrent.

Members are divided in their opinion on whether the drinking age should remain at eighteen or be increased to 20. Many would like to see the purchase age raised to 20 but do not see how it can really work and be enforced, after so many years at age 18. The point is frequently made, if we can't adequately enforce the current legislation why bother with raising the age threshold? *"You can't turn the clock back, unfortunately"*.

If the law is changed there should be a "lead in time" for current 18 and 19 year olds.

While changing the age has proved to be a problem, it is not clear whether lifting the age would help. This Bill is not addressing the problem of young children joining the New Zealand **binge drinking culture**. There is urgent need to change the attitude of society towards the use of alcohol which it was suggested originated in 6 o'clock closing. Some people consider binge drinking a "rite of passage". Concern was also expressed about young women binge drinking.

Education is the key - a change of attitude in society as a whole is needed and good peer role modelling is important. More health education in schools should be about better drinking habits and nutrition; drinking should be as a social activity with food. Many responses say the age is better to stay as is, and energy and resources be put into education programmes. Changing the culture and attitude towards liquor would be more effective: smoking has become more unacceptable, so too could binge drinking.

Parents are also role models, both negative and positive for the drinking behaviour their children learn. The adult community should take more responsibility about alcohol abuse and drinking habits. Parental education on acceptable standards and the "art" of drinking in moderation is necessary. Parents, guardians, and friends should be more responsible about the youth they supply liquor to. ALAC's research shows that parents and family are a source of supply and a source of money to buy it. Some irresponsibly buy liquor for their children and may or may not supervise its use. It is noted that trying to change the age will not work. It is too difficult to enforce because of the attitudes of many parents, guardians, and friends who purchase liquor for children.

Sports clubs and other clubs need to be involved in teaching their members about responsible use of alcohol.

Peer pressure is also a factor although it must be acknowledged that some of the younger generation have learnt responsible drinking habits and do not create problems.

Several responses support young people aged 18 to 20 drinking in a controlled atmosphere. They consider this age group should be able to go into a restaurant and have a drink with their meal, or licensed premises, which provide a reasonably controlled drinking environment:



1. Current provisions for Host Responsibility mean that licensed premises are required to act responsibly in serving liquor: they must check ID, they are required to provide food and non alcoholic drinks, they are not allowed to serve an intoxicated person, and they may also be required to provide assistance with obtaining transport
2. There are clear requirements for training of staff, and certifying general managers of licensed premises.
3. A district licensing authority and the Liquor Licensing Authority have the ability to withdraw licences where there are breaches of the law.
4. It would seem that police are able to more readily monitor licensed premises than off-licence retailers.

There are also penalties in place for selling alcohol to an underage person.

Those supporting the purchase age for alcohol from off-licence premises (bottle stores, supermarkets, grocery stores) being raised to 20, consider that this would increase the gap between younger drinkers. 20 year olds are less likely to buy liquor for the early teenage group of drinkers who are currently able to obtain liquor quite readily. The penalty of a fine of up to \$2000 for *“purchasing or acquiring alcohol on or from a licensed premise with the purpose of supplying it to someone underage”* should cover underage youths waiting outside bottle stores ready to pay an older person to purchase on their behalf.

Bottle store off-licence outlets should not be near schools and there should be limits on the number of liquor outlets within areas. Members felt that the public should be advising the authorities when outlets are not complying with the law.

Some consider supermarkets should endeavour to separate the liquor area from its usual close proximity to groceries which is an easy way of publicising its ready availability. Others think it is good to associate it with food and other normal commodities. There is evidence that supermarkets have improved their control but not so with off-licence retailers such as small grocery stores. The percentage of sales made to 18 yr olds without sighting “evidence of age” in Auckland was 61% of bottle store sales in 2004, whereas that for supermarkets was 21%.

Clause 9 of the Bill (Section 2AA of the Act) intends that *“all bottle off-licence premises are deemed to be restricted or supervised areas”*. It is confusing and does not refer to supermarkets and grocery stores, or bottle stores adjacent to a licensed bar. The legislation should state that 18 year olds are prohibited from buying liquor from all off-licence premises.

### **ADVERTISING OF LIQUOR**

NCWNZ remains strongly against any liquor advertising but if it must continue, it should be restricted to static, short advertisements. Liquor advertising should be restricted in all media, not just broadcast media (radio, film, billboards and magazines). It is understood that advertising is necessary for media to attract customers but the necessity of advertising alcohol is questionable as advertising of liquor normalizes the consumption of alcohol.

Members would like restrictions on advertisements directed towards young people who are more influenced by slick advertising. Concern is expressed that the focus of advertising of alcoholic drinks appears to be young adults/youth. Research by the Auckland Alcohol and Public Health Research Unit shows that children and young people do find advertisements of liquor appealing, and many feel encouraged to drink after watching the advertisements.



Research in New Zealand suggests that television advertising for alcohol also helps to recruit new young drinkers, makes it difficult for problem drinkers to abstain, and on a broader front confirms people in their current behaviour.

The sporting community plays a huge role in fostering an environment that condones and promotes the use of alcohol. There should be no liquor sponsorship of sports and sporting events, nor sports posters.

A ban should also apply to such popular Television programmes as *Shortland Street* where alcohol is used excessively.

There is strong support for the continuation of anti-drink driving advertising, with particular messages for young people. Although the road safety advertisements showing four young drunk men with a sober driver, and where the inebriated men all sleep off the effects of alcohol at a friend's house instead of driving home drunk, are laudable, they still encourage drinking, even if the message is not to drink and drive. The resources put into the *Don't Drink and Drive* campaigns could be put into portraying the harmful consequences, sometimes death, of prolonged or excessive drinking by young people.

Cigarette advertising is banned as well as cigarette company sponsorship. This has had some success in the reduction of smoking in New Zealand. Liquor advertising and sponsorship should be similarly treated.

#### **BROADCAST LIQUOR ADVERTISING**

NCWNZ reiterates it is against all advertising of liquor on TV but if it is to be, all agree the later the better. There are lots of children still watching TV at 9.30pm when many programmes end. There are also popular 9.30pm to 10.30pm programmes viewed by teenagers. 10.30pm is the earliest that liquor advertisements should appear.

#### **RESPONSIBILITY FOR WHAT IS BROADCAST**

NCWNZ welcomes the section of the Bill that gives the Broadcasting Standards Authority sole jurisdiction, and consequently removes the power of the self regulating industry body, the Advertising Standards Authority which has no punitive powers, and is not accountable to other entities.

Voluntary self regulation and self review in broadcasting has not worked in the past. Ministry of Health Recommendations about advertising alcohol have not been heeded by the Advertising Standards Authority. Only legislation will prevent any form of liquor advertising. Broadcasters should be required to uphold the law.

The attached Appendices (1) and (2) are from experts. NCWNZ also commends *Young People and Alcohol* and research that has already been done in NZ, especially by Sally Casswell.



**Conclusion**

NCWNZ appreciates the opportunity to reiterate our long-standing principles about certain aspects of the availability and misuse of alcohol, particularly as young people can be adversely affected. We deplore the present binge culture, and believe that education to change attitudes in society is urgently needed. Enforcement of laws is imperative to support the education for change.

Christine Low  
**National President**

Mary Gavin  
**Convener, Public Issues Standing Committee**



**APPENDIX (1)**

One of our Affiliates is the Salvation Army. Major Lynette Hutson, National Manager of Addictions and Supportive Accommodation Services reports:

The Salvation Army Addictions and Supportive Accommodation Service provides services to people who are experiencing alcohol and drug problems through the Bridge Programme across New Zealand.

We are very aware of the high level of anxiety and concern experienced by many families in our communities around harmful alcohol use by young people.

Our experience tells us that when the drinking age was lowered an immediate change was noted. Prior to this there was some concern about changing trends, increased alcohol use among young people and patterns of harmful binge use emerging but at this point the change was dramatic and immediate. The lowering of the drinking age was a catalyst for a rapid increase in the numbers of younger people presenting for treatment or the parents of these young people contacting our services in desperation. This ongoing source of information informs us that the de facto drinking age is much lower and has dropped since the legal lowering of the drinking age.

We are being asked to provide services to an increasing number of 18 year olds and all our services report being constantly pressured to assist with youth who are younger than that.

We also have frequent requests from the Police to assist with the young people that they are picking up and who they are struggling with because of a lack of appropriate services.

We believe that raising the minimum age for purchasing alcohol will assist in reducing the alcohol and drug culture among youth and will at least go some way towards creating a more mature and responsible pattern of use among young adults".



**APPENDIX (2)**

Dr Viola Palmer's Petition 2002/119

P3... We note that the petitioner and the Ministry of Health argue that self-regulation of the alcohol advertising industry is not working. Some of us consider that self-regulation is not effective and raised more concerns than it satisfies.

P6 ... " we do not consider that increased alcohol consumption and associated health risks are solely a result of advertising. We consider that these issues are inextricably bound to wider cultural values that accept, tolerate and glamorize alcohol consumption.

P7 ..."We note that many countries such as Denmark, Norway, Sweden and Belgium have banned alcohol advertising on television and radio and some countries such as Ireland plan to ban advertising of alcohol on TV and radio before 10 pm. (Green Party minority view).



### **APPENDIX (3)**

NCWNZ has the following policy related to the Drinking Age and Advertising of Liquor which could be considered of relevance to this Bill:-

#### **DRINKING AGE**

*That NCWNZ support a minimum drinking age of 18 without exemptions. (1999; ratified 2000).*

*That NCW urge the Minister of Justice to retain the present minimum age of 20 years at which persons may legally consume liquor on, or purchase it from, licensed premises. (1976).*

*That the NCW NZ write to the appropriate Minister or Ministers strongly questioning the wisdom of lowering the drinking age to 18. (1975).*

*That the Government be urged to enforce the law governing the sale of liquor to minors. (1960).*

*That NCW urges that means shall be taken to enforce the law so that intoxicating liquor shall not be sold to young people under 21 years of age. (1933, reaffirmed 1934, 1935).*

#### **ADVERTISING OF LIQUOR**

*That NCW NZ request members of all Branches and NOS's, both as organisations and as individual women, to support the Broadcasting (Liquor Advertising) Bill, which provides for health messages to be added to all liquor advertisements on radio and television. (1992).*

*That NCW, believing that the advertising of alcoholic beverages is a contributing factor in the immoderate use of alcohol and runs contrary to public health goals:-*

- (a) Supports legislative moves to prohibit advertising on TV and cinema screens;*
- (b) Supports a comprehensive voluntary code for all other media that while allowing advertising of alcohol, clearly defines the scope of such advertising and does not permit any reference to "mood" or "lifestyle" factors or emphasise price or other purchasing incentives. (1985).*

*That in view of the increasing cost in human lives and happiness, and the huge national economic wastage caused by the immoderate use of alcohol, NCW recommends to the Government that a ban be place on the promotional advertising of alcoholic beverages. (1984).*

*[The Conference] further expresses disappointment at the Government's decision to permit liquor advertising on T.V. (1980).*

*That NCWNZ, assembled in Conference in Christchurch, is concerned that then Broadcasting Council is now permitting advertisements for wine to be screened on television in late evening programmes. We deplore this departure from the established practice, and urge that the former embargo on advertisements of alcoholic beverages on television be re-introduced. (1976).*

*That in view of the increasing cost inhuman lives and happiness and the huge national economic wastage caused by immoderate use of alcohol. NCW recommends to the Government that a ban be placed on the promotional advertising of alcohol. (1975).*

*The NCW NZ opposes any extension of the advertising of cigarettes and alcohol in the media. (1975).*

*That NCW NZ in Conference assembled congratulates the NZBC on the withdrawal of its proposed scheme to advertise liquor on radio and T.V. and hopes that this decision is adhered to. (1968).*