

## Season's Greetings to you all!



***Merry Christmas - Meri Kirikimete***

**Safe and happy holidays**

from the team: Amy, Christine, Rebecca, Raj,  
Suzanne, Valerie and Trust Board.



## Public Mood for Change

**A survey finding overwhelming public support for an effective response to our problem drinking culture was not made available to those reviewing our alcohol laws.**

The survey, conducted in 2010 to ascertain the degree of support for law changes, was not made public.

Alcohol Healthwatch Director Rebecca Williams says, given the massive investment of time and resources in reviewing alcohol laws over the last three years, and the high level of public interest in the issue, the withholding of this information is unbelievable.

The survey of 1,740 people, undertaken for the Ministry of Health, demonstrates

overwhelming support for many of the measures ruled out by the former Government.

The survey found that 82% of respondents supported increased restrictions of alcohol advertising and promotion, with 50% supporting a total ban. Nearly 60% supported banning alcohol sponsorship of sport, music and cultural events that children and young people were likely to attend.

It also showed 78% support for returning the minimum purchase age to 20 years. Nearly 66% of people supported reduced opening hours of licensed premises, and nearly 60% supported increasing the price of alcohol.

In addition, the survey found that nearly 65% of respondents believed there are too many liquor outlets.

The findings strongly demonstrate that the Government has not accurately read the public mood for change on alcohol. "We've been delivered a weak package of alcohol law reform on the basis there was no public mood for anything stronger.

"Yet the survey clearly shows New Zealanders have had enough of the status quo, and want the most cost-effective measures available to address the unsustainable burden of alcohol."

Williams says increasing the price of alcohol and reducing the impact of alcohol marketing will be our "best buys" for improved public health and safety.

"There is also compelling evidence to show that reducing the number of liquor outlets, the hours they operate and returning the purchase age to 20 years will also work to reduce harmful drinking."

It will now be up to the new Parliament to ensure that the new alcohol laws reflect the

evidence and what the majority of New Zealanders want.

Williams says Members of Parliament will have this opportunity during the third and final reading of the Alcohol Reform Bill in the New Year.

For a copy of the **2010 Health and Lifestyles Survey: Alcohol Related Attitudes** report please see our website [www.ahw.org.nz](http://www.ahw.org.nz)

## Communities Unite

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Communities across New Zealand are rising up and taking their concerns about the continued proliferation of liquor outlets to the Liquor Licensing Authority (LLA), and to the streets in protest.

We are aware of community objections to liquor licence applications in Turangi, Ilam, Phillipstown, Porirua, Newtown, Papatōetoe, Snell's Beach, Mangere, Manurewa and Waiuku in recent months.

In June this year the High Court changed the legal landscape significantly when they overturned a LLA decision which granted a licence in New Plymouth despite strong community objections.

In September 2011 the LLA refused a licence application in Turangi, taking into account the High Court's determination that they could take wider matters into consideration, including the object of the current Sale of Liquor Act.

Here is a snippet from the Turangi decision.

*... "In its decision in Wells Instrument and Electrical v Shree Sai Holdings (Levin) Ltd HC New Plymouth CIV 2011-443-050 the High Court held that as a matter of construction the requirement that the Authority have regard to the criteria in s.35 of the Act does not preclude the Authority from considering other matters – in particular the object of the Act as set out in s.4: Walker v Police HC Wellington AP 87/01, 31 May 2001 at paragraph [29] per Fisher J. Indeed, s.35*

*must be interpreted broadly to allow considerations of general policy to be addressed and in appropriate cases precedence should be given to the overriding statutory object as set out in s.4 of the Act: (My Noodle Limited v Queenstown-Lakes District Council [2009] NZAR 152 (CA))..."*

Despite putting a very strong case forward at an LLA hearing in November, the Papatōetoe community lost their fight to prevent another off-licensed premise opening in an already over-supplied area.

The case is not closed however as Alcohol Healthwatch understands that an appeal has been lodged.

## Warning Labels – Green Light

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Alcohol Healthwatch is pleased that, after more than a decade of dithering, there will finally be a pregnancy warning on all alcohol products in Australia and New Zealand.

The Australian and New Zealand Ministerial Council on Food Regulation met recently to consider a response to the recommendations of the independent Food Policy and Labelling Review that were released earlier in 2011. At the Melbourne meeting, a decision was made to introduce "appropriate labelling" about the risks of drinking alcohol during pregnancy. This labelling will be regulated in two years time.

Alcohol Healthwatch is looking forward to working with the Government and public health experts to develop an effective warning.

Recently, some within the liquor industry had moved to introduce a voluntary label. However the image they selected for the rear label of the bottle is so tiny and indistinct that it is difficult to notice even when a person is prompted to look for it.

"We want to ensure that 'appropriate' labelling translates into a clear, research-based health warning that is far more effective than the ineffectual approach taken by the alcohol

industry,” says Alcohol Healthwatch Health Promotion Advisor Christine Rogan.

The decision to not proceed with a health warning for other alcohol-related risks is disappointing to say the least, says Ms Rogan.

“To not inform consumers that alcohol causes cancer, or increases the risk of injury or addiction, for instance, is a missed opportunity and one that would have supported health professionals in the delivery of important information.

“We hope to see further action taken by Government to develop warning labels outlining other important consumer information sooner rather than later.”

## **Alcohol Reform Bill – The Good, the Bad and the Ugly**

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The following is an assessment of the key features of the Alcohol Reform Bill following the Select Committee Process.

### **The Good**

- Dairies and convenience stores will be ineligible to hold an off-licence.
- Alcohol will only be displayed in one area of a grocery store or supermarket, and this area must not be in a prominent part of the store. Alcohol advertising and promotions will also be restricted to that designated area within the store.
- Territorial authorities will be empowered to have local alcohol policies.
- The time period for which the public may object to the granting of a liquor licence will be extended from 10 to 15 working days.
- The criteria/reasons for objecting to liquor licences will be widened to include the impact of the premises on public amenity (e.g. noise, nuisance, vandalism).
- An expert panel will be established to review alcohol advertising regulation.

- A new offence is created for: anything that encourages people, or is likely to encourage people, to consume alcohol to an excessive extent, whether on licensed premises or at any other place; promoting or advertising discounts on alcohol in a way that leads people, or is likely to lead people, to believe that the price is 25% or more below the price at which the alcohol is ordinarily sold; promoting or advertising alcohol that is free of charge; offering any goods or services or the opportunity to obtain any goods or services, or the opportunity to win a prize, on the condition that alcohol is bought; promoting or advertising alcohol in a manner aimed at or that has, or is likely to have, special appeal to minors.
- Only parents and guardians can supply alcohol to their own children (under 18 years), and it must be supplied in a responsible manner. No-one else can supply alcohol to minors unless they have the consent of the minor’s parents or guardians.
- The alcohol industry are required to provide the government, free of charge, specified information on the price and quantity of alcohol sold to assist with the possible development of a minimum price.
- The age of purchase will be increased to 20 years for off-licence purchases.
- The provision for “default maximum trading hours” for the sale of alcohol which are: 8am to 4am for on-licences and 7am to 11pm for off-licences. These can be further restricted by local alcohol policies.

### **The Bad (or could be better)**

- The age of purchase will remain at 18 years for the purchase of alcohol for consumption at on-licensed premises.
- The “default maximum trading hours” are more extensive than many would have hoped for, and can be extended further through the local alcohol policies.

- The content of local alcohol policies has been limited to licensing matters, and not wider matters as originally included in the earlier draft of the Alcohol Reform Bill.
- Local alcohol policies are not mandatory.
- 'Consent', with regard to the social supply of alcohol to under 18 year olds, is likely to be extremely difficult to enforce.

### **The Ugly**

- No increases in excise tax on alcohol are included.
- No immediate moves towards restricting alcohol advertising and sponsorship. (Yet another review has been proposed which will take 2 years to report back).
- The Blood Alcohol Concentration for adult drivers has not been reduced.
- A person who has family connections within the alcohol industry will be able to be a member of the District Licensing Committee.
- There will be a 12 month wait for most of the reforms to be implemented following the new laws gaining Royal Assent.

## **2012 – What lies ahead?**

The Alcohol Reform Bill is heading for its third and final reading in the New Year. It will be important that the Bill is on the Parliamentary agenda as soon as possible so as not to further delay its implementation.

It is also important that the Bill is further strengthened during this last phase. This is in the hands of Members of Parliament now.

Labour and Green parties have both signalled, in their minority reports that they will be looking to strengthen the Bill.

National MP for Hamilton West Tim Macindoe has also submitted a supplementary order paper to return the minimum purchase age to 20 years.

**The Health Promotion Agency (HPA)**, which replaces the Alcohol Advisory Council (ALAC), the Health Sponsorship Council and

incorporates some parts of the Ministry of Health, will come into being on 1 July 2012.

A number of questions and concerns have been raised by those in the public health sector about the role of the new agency, and how it will impact on efforts to reduce alcohol-related harm as well as other public health issues.

Questions have also been raised about the appointment of Katherine Rich, CEO of the New Zealand Food and Grocery Council, on the establishment board of the HPA.

Submissions can still be made on the Crown Entities Reform Bill which provides for the disestablishment of a number of crown entities including ALAC, and the establishment of the HPA. The Bill can be found at:

[http://www.parliament.nz/enNZ/PB/Legislation/Bills/5/a/b/00DBHOH\\_BILL11083\\_1-Crown-Entities-Reform-Bill.htm](http://www.parliament.nz/enNZ/PB/Legislation/Bills/5/a/b/00DBHOH_BILL11083_1-Crown-Entities-Reform-Bill.htm)

## **Coming Events**

### **Global Alcohol Policy Conference**

13<sup>th</sup> – 15<sup>th</sup> February 2012 (rescheduled time)

Impact Convention Center,

Nonthaburi, Thailand

[www.GAPC2011.com](http://www.GAPC2011.com)

### **Babies, Children and Alcohol**

Alcohol Action New Zealand Conference

22 March 2012

Te Papa, Wellington

Watch [www.alcoholaction.co.nz](http://www.alcoholaction.co.nz) for more details



Produced by:

Alcohol Healthwatch Trust

P O Box 99 407,

Newmarket

Auckland

Ph: (09) 520 7036

Fax: (09) 520 7175

Disclaimer: The views in this newsletter do not necessarily reflect those of Alcohol Healthwatch Trust

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