

Review of New Zealand Liquor Laws

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The Law Commission is currently undertaking a review of New Zealand's laws relating to the sale and supply of alcohol. The Law Commission is inviting submissions from the public, both on individual and an organisational levels. The review has come about through increasing concern as to the way in which New Zealanders are drinking, and the effects, including criminal and health issues, which stem from this. The Law Commission has made several recommendations as follows:

The need for a new Sale of Liquor Act

- The Commission has a firm view that the Act should be completely redrafted to make it as clear and accessible as possible for non-legal professionals who need to comply with or who are affected by the Act.

Supply Control

- **Licensing Regimes:**
 - **Strengthen the Liquor Licensing Authority** – by increasing powers and functions and enabling it to enforce the law.

- **Remove exemptions** – current exemptions for licences, such as police canteens, Parliament and defence premises should be removed so that the law applies equally to all premises.
- **Upgrade District Licensing Agencies** – at present the operation of District Licensing Agencies around the country are extremely variable. The Commission suggests that the powers and structures of the Agencies are restructured and enhanced.
- **Set social licensing fees** – the Commission believes that a good option may be for local authorities to set up their own licensing fees, or impose annual “supervision” fees on licensed premises, rather than continue with the national licence fee system.

- **Restrictions on Retail Outlets, Days or Hours of Trading:**

- **Restrict trading hours** - the Commission has suggested that all off-licences are closed between the hours of 10pm to 8am. They have also suggested that on-licences should be restricted from selling liquor after 2am, except for those on-licence premises which operate a “one-way-door” policy after 2am, who can sell alcohol up until 4am. This would serve two purposes – keeping people off the streets and encouraging a staggered departure from on-licences.
- **Restrict range of liquor products and outlet** – the Commission has noted that during its inquiry into this matter many people have

advocated stricter controls in relation to Ready To Drink beverages and spirits-based drinks.

- **Minimum Age for Purchase of Alcohol:**

- **Split the purchase age** – the Commission favours a split in purchase age which allows people 18 years or over to purchase alcohol from on-licences, but which restricts the purchase of alcohol from off-licence premises to persons 20 years or older.
- **Require greater parental responsibility** – the Commission believes that stricter measures should be put in place relating to obligations on parents and also favour making it an offence for an adult to supply a person under the legal drinking age with liquor unless at a private event and with the consent of the young person's parent or guardian.

Demand Reduction

- **Pricing Policies**

- **Increase excise tax** – the Commission favours increasing excise tax but would like submissions from the public in relation to the amount by which the tax is increased.
- **Reduce tax on low alcohol products** – the Commission also believes that a reduction in the tax on low alcohol products will increase their consumption over those high alcohol products.

- **Introduce minimum pricing** – this would mean that a minimum price would be set for products and retailers would not be able to sell the products below these set prices.

- **Marketing/Advertising Policies**

- **Maintain self-regulation approach** – the Commission is of the view that the existing system of self-regulation, as administered by the Advertising Standards Authority works well. The Commission notes that the Authority's jurisdiction will soon include promotions. The Commission also believes that there should be a statutory regulation-making power which can be used in the event that self-regulation fails.
- **Restrict price promotions** – any irresponsible price promotions by licensed premises could be grounds for the suspension or revocation of a licence.

Problem Limitation

- **Enforcement**

- **Encourage enforcement** – the Commission has suggested the following: allowing senior police officers' the power to close on-licences, increasing penalties in the event of serious breaches of the law, ability to issue infringement notices for minor/technical breaches, introducing a

statute based process of recognising alcohol accords, and bringing back drunkenness in a public place as an offence.

- **Restrictions on Public Drinking**

- **Alcohol and Public Places** – as an alternative to liquor bans, which are difficult to enforce, the Commission has suggested an alternative may be to make drinking in any public place an infringement offence.

- **Serving Sizes**

- **Introduce standard measures** – the Commission suggests that it may be appropriate to introduce standard measures to allow consumers to understand the amount of alcohol they are consuming.

- **Health Sector Interventions**

- **Fund more treatment** – the Commission has noted the lack of policies, facilities and programmes for the assessment and treatment of those with alcohol problems and advocates an increase in funding across affected sectors.

- **Drink Driving and Transport Policies**

- **Reduce legal drink driving blood alcohol limits** – the Commission has suggested a change in the blood alcohol limit of drivers from 0.08mg of alcohol per millilitre to 0.05mg of alcohol per millilitre, with a zero tolerance for drivers under 20 years old.

- **Consider ignition locks for drink drivers** – the Commission believes that consideration should be given to the installation of alcohol ignition locking devices for convicted drink drivers.

Public submissions close at 5pm Friday 30 October 2009. Submissions can be made in writing (Liquor Project Commissioner, Law Commission, P.O. Box 2590, Wellington) or online at www.talklaw.co.nz.