

Summary of the Law Commission Options and Alcohol Healthwatch response to these.

Below (left) is a summary of the Law Commission's options as put forward in the Issues Paper "Alcohol in Our Lives".

Where the Law Commission's preferred options are clear, they have been **bolded**.

** Please note that these have been summarised by Alcohol Healthwatch. For full wording please see the Law Commission Issues Paper Alcohol in Our Lives*

Law Commission Options	Alcohol Healthwatch supports
GENERAL	
The Sale of Liquor Act <ul style="list-style-type: none"> A whole new Act 	<p>The creation of a new law for alcohol. One that aims to protect and promote the health and well-being of individuals and communities through reducing alcohol-related harm. We support the Law Commission's suggested objectives for this law.</p>
SUPPLY CONTROL	
Purchase/drinking age options <ul style="list-style-type: none"> No change Increase the minimum purchase age from 18 to 19, 20 or 21 years from any licensed premises Create a split purchase age (18 yrs at on-licences/20 yrs at off-licences) Introduce a minimum drinking age e.g. 18 years Require mandatory age verification for the sale of alcohol 	<p>The reinstatement of the legal minimum purchase age to 20 years</p> <p>The requirement of mandatory age verification for the sale of alcohol</p>
Individual and parental responsibility for young people's drinking options <ul style="list-style-type: none"> No change Make it an offence for an adult to supply liquor to young person other than to that adult's child or ward Make it an offence for an adult to supply liquor to young person without the consent of a parent or 	<p>Making it an offence for any/every person other than a legal parent or guardian who supplies liquor to a person under legal purchase age.</p> <p>And that there be a legal requirement for supervision of consumption of alcohol supplied to those under the legal purchase age by the parent/legal guardian.</p>

<p>guardian</p> <ul style="list-style-type: none"> • Make it a legal requirement for adults supplying alcohol to a young person to supervise the consumption of the alcohol 	
<p>Licence options</p> <ul style="list-style-type: none"> • Leave the system of the four basic licences as it is • Leave the system as it is, but remove existing exemptions from the need to obtain licence i.e. clubs, police canteens, Parliament etc • Have a single liquor licence with conditions added to reflect the nature of the business • Increase the licence fees to reflect the costs of granting a particular licence • Create a graduated licence fee structure to reflect risk posed by the licence • Clarify the requirements for managers and temporary managers, and require multiple managers for large premises • Increase the education, age and training requirements for managers and door staff working in licensed premises 	<p>Having two basic licences – on and off with conditions added to reflect the requirements of a Local Alcohol Plan and/or licencing agency criteria.</p> <p>Removing existing exemptions.</p> <p>Increasing licensing fees and allowing for graduated licensing fees to reflect the risks associated with granting of a particular licence.</p> <p>Clarifying the requirements of managers and temporary managers.</p> <p>Requiring national standards for the education/training and increasing the age of managers and door staff.</p>
<p>Liquor Licensing Authority (LLA) options</p> <ul style="list-style-type: none"> • Maintain the current functions and powers of LLA • Transfer the functions of the LLA to the District Court • Establish a special Licensing Commission, with both enforcement and adjudicative powers • Retain the Licensing Authority but give it enhanced powers and functions e.g. monitor and report on trends, award costs, impose fines, quality control of DLA output and compliance. 	<p>Retaining the Licensing Authority but give it enhanced powers and functions as suggested by the Law Commission.</p>
<p>District Licensing Agency (DLA) options</p> <ul style="list-style-type: none"> • Leave powers and functions of the DLAs as they are now • Abolish the DLAs and incorporate their functions in a central body 	<p>Enhancing the powers and functions of the District Licensing Authority as suggested by the Law Commission.</p>

<ul style="list-style-type: none"> • Enhance the powers and functions of DLAs e.g. requiring higher levels of performance and reporting, ability for Local Authority to keep fines from any prosecutions, providing for mandatory training, setting of licensing fees to allow effective functioning of DLA, ensuring independence from local authority, specifying membership 	
<p>Licence criteria and objections options</p> <ul style="list-style-type: none"> • No change • Change the law to allow licensing decision-maker to refuse licences on wider grounds than at present, e.g. social impact, lessening of community amenity, quiet or good order • Allow the licensing decision-maker to impose any condition it considers appropriate to reduce alcohol-related harm • Widen the category of people who can object to a liquor licence application • Authorise Medical Officer of Health to report on all types of licences and licence renewals • Define and strengthen the criteria for suitability of licence applicants • Improve the effectiveness and efficiency of the process for notifying the public of licence applications 	<p>AHW supports all of the options for change. In addition we support having a requirement in the Sale of Liquor Act for all local authorities to develop and adopt a policy/plan on alcohol, including a policy on controlling the number, density and location of licensed premises, with involvement from the Medical Officer of Health and other relevant stakeholders.</p> <p>A local alcohol policy/plan be developed in full consultation with community and identify specific mechanisms for community engagement in the licensing process.</p> <p>A Health Impact Assessment should be carried out to inform this policy and to identify harm reduction performance measures of the plan.</p>
<p>Hours options</p> <ul style="list-style-type: none"> • No change • Restrict the opening hours of all off-licences e.g. 8am – 10pm on a nationwide basis • Restrict on-licence premises from selling alcohol after a specified time e.g. 2am on nationwide basis • As above with but allow for extension to 4am if one-way door policy in operation as condition of licence • Have nationwide standard trading hours, allowing 	<p>Establishing nationwide standard trading hours.</p> <p>Restricting the opening hours of all off-licences to 10am – 10pm.</p> <p>Restricting on-licence premises from selling alcohol after a specified time e.g. 12midnight/1am, allowing extended hours to 2/3am subject to the premise having a risk management plan in place (to satisfaction of Liquor Licensing Authority), and pays the costs associated with implementing this plan.</p>

<p>extended hours if premise has a risk management plan in place and contributes to local costs associated (to satisfaction of Liquor Licensing Authority)</p> <ul style="list-style-type: none"> • Allow each territorial authority to specify policies and conditions regarding opening hours in Local Alcohol Policy, and require these to be taken into account in licensing decisions 	
<p>Prohibited days options</p> <ul style="list-style-type: none"> • No change • Maintain the status quo, but specify the hour at which prohibition begins e.g. 2am • Prohibit the sale of alcohol by all licensees, but specify the hour at which prohibition begins • Keep some, but not all of the prohibited days e.g. Christmas Day • Extend the prohibited days to other public holidays • Allow the sale of alcohol on all days of the year, including the prohibited days 	<p>No change –continued ban on trading on currently prohibited days.</p>
<p>Types of off-licence premises/options</p> <ul style="list-style-type: none"> • No change • Irrespective of the type of premise, allow an off-licence to be issued provided the application meets the general licence criteria • Specify and further restrict the type of premises in respect of which off-licences may be granted e.g. restrict supermarket sales, better define grocery stores • Confine off-licence sales to dedicated liquor stores only 	<p>Confining off-licence sales to dedicated liquor stores only.</p> <p>If sales continue to be permitted in supermarkets and grocery outlets that these be confined to a dedicated area and checkouts.</p>
<p>Off-licence product options</p> <ul style="list-style-type: none"> • No change • Allow all off-licence premises to sell all alcohol products • Prohibit the sale of some or all alcohol products currently able to be sold by supermarkets and grocery stores, e.g. beer and wine • Provide a regulatory power to prohibit the sale of undesirable liquor products based on expert advice to 	<p>Prohibiting the sale of all alcohol products currently able to be sold by supermarkets and grocery stores.</p> <p>Providing a regulatory power to prohibit the sale of liquor products that have been linked to increased harm.</p>

<p>the Minister</p> <ul style="list-style-type: none"> Allow the licensing decision-maker to restrict the types of alcohol products able to be sold as a condition of the licence 	
<p>Options on product labeling and serving sizes</p> <ul style="list-style-type: none"> No change Provide a regulatory power to restrict the alcohol content and size of packaged alcoholic beverages Provide a regulatory power to require licensed premises to offer standard measures of wine, beer and spirits Require health warning labels on alcohol products Require nutritional information and ingredients be listed on alcohol products 	<p>Providing a regulatory power to restrict the alcohol content and size of packaged alcoholic beverages</p> <p>Providing a regulatory power to require licensed premises to offer standard measures of wine, beer and spirits</p> <p>Requiring health warning labels on alcohol products</p> <p>Requiring nutritional information and ingredients be listed on alcohol products</p>
<p>Licence renewal options</p> <ul style="list-style-type: none"> No change Provide for three-yearly applications for renewal of licences Create a “permanent” licence for licensees where there is no issue with their performance in adhering to regulations. Licence would be reviewed if there was a complaint from public or statutory body 	<p>Leaving the current licence renewal process as it is, i.e. one year licence then three-yearly renewals</p> <p>We also support enabling a review of licence following a complaint from the public or statutory body</p>
<p>Licensing Trust options</p> <ul style="list-style-type: none"> No change Allow competition in licencing trust areas where they currently have exclusive rights to be granted licences 	<p>No change</p>
DEMAND REDUCTION	
<p>Excise tax options</p> <ul style="list-style-type: none"> Leave the current system as it is Increase the levels of excise tax on alcohol Reduce tax on low alcohol products Pledge some or all of the excise tax collected on alcohol for expenses and costs of alcohol-related harm e.g. treatment Increase the ALAC levy, and use proceeds for harm 	<p>Increasing the tax on alcohol significantly</p> <p>Requiring a greater proportion of the revenue generated from alcohol excise taxation be allocated to a specified budget for evidence-based, co-ordinated harm prevention strategies, law enforcement, research and treatment</p> <p>Changing the current taxation system to one based on the</p>

<p>reduction initiatives</p> <ul style="list-style-type: none"> • Change to a pure volumetric excise tax system • Introduce a regular review of excise rates over and above current annual adjustment 	<p>actual alcohol content in beverages (volumetric)</p> <p>Introducing a regulatory power to impose specific taxes on products associated with increased levels of harm e.g. RTDs/Alcopops should other measures above not address this</p>
<p>Pricing options</p> <ul style="list-style-type: none"> • No change • Regulate the price by introducing a minimum price per unit of alcohol • Prohibit the sale of alcohol as a loss leader • Restrict discounting of alcohol products • Require the Licensing Authority to take into account past retail practice (e.g. pricing and promotions behaviour) in licensing decisions and require liquor licensees to supply necessary data • Prohibit advertisements containing the price of alcoholic beverages • Prohibit off-licence price promotions that create economic incentives to buy large amounts of alcohol 	<p>Regulating the price by introducing a minimum price per unit of alcohol</p> <p>Prohibiting giveaways and prizes of alcohol and promotions that create any incentive to buy/consume alcohol</p> <p>Requiring the Licensing Authority to take into account past retail practice in licensing decisions and require liquor licensees to supply data</p> <p>Prohibiting advertisements containing the price of alcoholic beverages</p>
<p>Advertising options</p> <ul style="list-style-type: none"> • No change • Introduce a system of enforced self-regulation • Establish a legal framework and statutory body to regulate and control liquor advertising • Leave most matters to the existing system of self-regulation but ban certain advertising: <ul style="list-style-type: none"> ◦ containing the price ◦ liquor discounts, sales, special or irresponsible promotions ◦ aimed at young people • Ban all advertising of all alcohol in the media • Control TV advertising between certain hours • Restrict sponsorship linked to alcohol products • Provide for a reserve power to regulate advertising if there is evidence of non-compliance with current 	<p>We believe that it is socially irresponsible to allow marketing of a drug that causes significant and unacceptable levels of harm to individuals and society. We do not believe it is possible to protect young people from the influence of alcohol advertising/marketing with out the following:</p> <p>Ban all advertising of alcohol in all media Ban all alcohol industry sponsorship. Ban on all promotion of alcohol.</p> <p>And require prominent and specific warning statements should accompany any permitted alcohol advertising.</p>

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Promotions options <ul style="list-style-type: none"> • No change • Establish a legal framework to regulate some or all of the following: <ul style="list-style-type: none"> ◦ packaging ◦ promotions ◦ point of sale placement ◦ display of liquor products • Require the licensing decision-maker to take into account previous harmful promotional practices 	Ban all promotion of alcohol.
PROBLEM LIMITATION	
Enforcement and penalties options <ul style="list-style-type: none"> • No change to current enforcement tools • Increase penalties for breach of licence conditions, including making it easier to lose a licence • Provide the police with the power to close a bar immediately where there are concerns for public safety or risk of further breaches of Act • Provide the police and inspectors with the ability to request an urgent hearing with the Licensing Authority if there are serious concerns or breaches of the Act • Provide for infringement notices for minor or technical breaches of Act or conditions of licence • Provide a legal definition of intoxication • Provide medical officers of health with the same powers of entry as licensing inspectors • Remove the requirement for licensing inspectors to identify themselves when entering premises • Provide a statutory process for the development and recognition of alcohol accords and exclude from provisions of Commerce Act 1986 • Make it an infringement offence to present fake evidence of age documents • Empower licensees to confiscate fake evidence of age 	<p>Increase in penalties for breach of licence conditions including making it easier to lose licence</p> <p>Provide the police with the power to close a bar immediately</p> <p>Provide the police and inspectors with the ability to request an urgent hearing with the Licensing Authority if there are serious concerns or breaches of the Act</p> <p>Provide for infringement notices for minor or technical breaches of Act or conditions of licence</p> <p>Provide medical officers of health with the same powers of entry as licensing inspectors</p> <p>Remove the requirement for licensing inspectors to identify themselves when entering premises</p> <p>Make it an infringement offence to present fake evidence of age documents</p> <p>Empower licensees to confiscate fake evidence of age documents and hand to Police</p>

documents and hand to Police	
Alcohol in public places options <ul style="list-style-type: none"> Continue the status quo – liquor bans dealt with by way of local authority bylaw Provide the police with a power to issue an infringement offence for breaches of a ban with reserve power of arrest for safety purposes Place no restrictions on drinking in a public place Reintroduce the offence of being drunk in a public place Create an offence of drinking in a public place Provide a power for the police/authority to ban specified persons from entering or remaining in an area Provide the police with powers to seize or destroy beverages if they believe them to be alcoholic Empower people, other than police, to transfer intoxicated people home for safety reasons 	<p>Providing the police with a power to issue an infringement offence for breaches of a ban with reserve power of arrest for safety purposes</p> <p>Reintroducing the offence of being drunk in a public place</p> <p>Providing a power for the police/authority to ban specified persons from entering or remaining in an area</p> <p>Providing the police with powers to seize or destroy beverages if they believe them to be alcoholic</p> <p>Create an offence of drinking in a public places, allowing local authorities (through local consultation) to provide for exemptions and conditions through a Local Alcohol Plan</p>
Transport options <ul style="list-style-type: none"> No change Lower blood alcohol limit from 80mg/100ml (0.08) to 50mg/100ml (0.05) for all drivers Lower blood alcohol limit to 0.05 for drivers over 20yrs, and to zero for those under 20 yrs Ban the possession of alcoholic beverages in an open container in a moving or stationary motor vehicle Introduce alcohol ignition locking devices for all or some convicted drink drivers Introduce a legal blood alcohol limit for a person in charge of a pleasure craft e.g. yacht 	<p>A 0.05 blood alcohol limit for 20 years and over and zero for drivers under age of 20 and those on a learners and restricted licence</p> <p>Banning the possession of alcoholic beverages in an open container in a moving or stationary motor vehicle</p> <p>Introducing alcohol ignition locking devices for all or some convicted drink drivers accompanied by an appropriate treatment programme to address underlying issues.</p> <p>Introducing a legal blood alcohol limit for a person in charge of a pleasure craft e.g. yacht</p>
Treatment options <ul style="list-style-type: none"> No change Provide centres for temporary supervision of individuals who pose significant concern to own or others safety Require the need for alcohol and other drug 	<p>Increasing treatment opportunities for heavy drinkers and dependent drinkers</p> <p>Providing centres for temporary supervision for individuals who are not charged with an offence but pose a significant</p>

<p>assessment and treatment to be taken into account during sentencing, where alcohol may have contributed to offending</p> <ul style="list-style-type: none"> • Workforce development to ensure assessment, treatment and brief interventions can be delivered across sectors by appropriate professionals • Determine treatment/intervention gaps with potential to increase funding via the alcohol levy managed through ALAC • Fund primary care providers to deliver screening, brief intervention and referrals to treatment • Investigate the feasibility of using electronic screening and brief interventions in a range of settings • Monitor the prevalence of alcohol use disorders, and the delivery of screening, brief interventions and referrals in primary care and emergency departments 	<p>concern to their own or others' safety or health</p> <p>Requiring the need for alcohol and other drug assessment and treatment to be taken into account during sentencing in cases where alcohol and other drugs may have contributed to the offending</p> <p>Developing the workforce capacity and capability to ensure assessment, referral and brief interventions can be delivered by appropriate professionals across a range of health and social sectors. Funding to be drawn from excise tax increase</p> <p>Identifying treatment and intervention gaps and the development of a optimal level plan to address these and resource the implementation of this plan</p> <p>Increasing Maori specific treatment services and interventions</p> <p>Increasing treatment and interventions responsive to high risk population groups</p> <p>Funding of primary care providers to deliver screening, brief and early interventions and referral to specialist treatment</p> <p>Developing the use of electronic screening and brief interventions in a range of settings</p> <p>Developing and implementing a framework for integrated treatment delivery that is family/whanau focused with community intervention support</p> <p>Better monitoring of the prevalence of alcohol use disorders and the delivery of screening, brief interventions, and referrals</p>
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