



Victoria University of Wellington Students' Association

Submission on the *Alcohol Reform Bill*

Justice and Electoral Select Committee

February 2011

I Introduction

[1] This is the submission of the Victoria University of Wellington Students' Association (VUWSA), an organisation representing the 22,000 students of Victoria University.

[2] VUWSA wishes to appear before the Select Committee to speak in support of this submission. Seamus Brady, President of VUWSA, is the contact person. He may be contacted by email at president@vuwsa.org.nz or by phone on 04 463 6896.

[3] The Alcohol Reform bill proposes to change a number of areas of the current law. Although all changes will affect students, a handful of the proposed changes have a more direct effect, and we will confine our submission to these areas.

II Purchase Age

[4] The proposed minimum legal purchase age under the Bill is split. In off-licence venues the age is 20, while in on-licence venues it is 18.

A Targeting Youth

[5] Sue Kedgley, in her speech at the first reading of the Bill, put it best when she said:

[The Bill] targets young people in a politically expedient way, when 92 per cent of heavy drinkers are aged 20 and over. It is too easy, to simplistic, to divert the debate into one about the drinking age, when the problems of binge drinking affect every single age group in New Zealand.

[6] We accept that it would be unrealistic to suggest that 18 and 19 year olds do not cause any of the harm associated with the use of alcohol in our communities, however it is unjust to single them out as a group which causes such a substantial amount of harm that it is necessary to legislate against them specifically. As the Hon Heather Roy explained:

Inappropriate consumption is inappropriate at age 14, age 18 or 20, age 35, age 60 or age 99.

[7] Simon Bridges offered to the house an anecdote brought to him by one of his constituents:

I acknowledge John Church, a constituent, who came and saw me about this some months ago. He came in with a large raspberry-favoured, pre-mixed drink; I think it was called Big Foot. He talked to me very graphically and emotionally about the

effect that it was having in community. He saw young people buying that drink, which looked like Fanta. The young people were certainly of an age when Fanta was all they should have been drinking, yet here they were out on the streets drinking the other.

When Mr. Bridges refers to 'young' people, we can only imagine that he is referring to those under the minimum legal purchase age (it would be odd for him to suggest that 19 year olds should only be drinking Fanta).

[8] What Mr. Bridges identifies with this story sits at the core of the issue. If the harm that is caused is through the provision of alcohol to those under the minimum legal purchase age, then the Bill should seek to prevent the trickle-down of alcohol to minors. It should not do this by preventing an responsible group from accessing alcohol, but rather by increasing the penalties to those who do supply in this manner.

[9] We appreciate that *some* 18 and 19 year olds do supply alcohol to minors; but that does not mean to say that the majority of 18 and 19 year olds seek or act, or act, in this irresponsible way. In many of the high-profile cases of alcohol abuse by minors over the last 2 years, parents, who then failed to supervise the consumption, provided the alcohol that was used.

[10] When the Advisory Committee considered this same issue back in 1996, they recognised that a large portion of those advocating a minimum purchase age of 20 were justify the position using the 'theory of availability'. The Committee at the time rejected this argument reasoning that there was not sufficient evidence that there would be a marked increase in youth drinking following the lowering of the drinking age. They recognised that under 20s were *already* gaining access to alcohol through adults.

[11] We must concede at this point that the Committee were obviously mistaken; but that is because they took the wrong approach. They essentially reasoned as follows: minors already get access, there wont be increased access because illegitimate access already exists, so there is no harm. We would submit that the harm came because the Committee missed a step – they failed to include a deterrent that did not already exist.

[12] This trickle-down of supply will always occur. The solution is to deter the suppliers. This will not come through increasing the purchase age, only through the imposition for harsher penalties. To a certain degree the bill does take the correct approach, imposing heavy fines

for the use or supply of a fake ID, and more stringent standards for host responsibility. Additionally, as the Hon Dr Nick Smith points out:

The strength of this Bill is that it makes it an offence to supply alcohol to under-18-year-olds.

[13] To summarise this point: if the issue is truly one of those younger than 18 gaining alcohol and behaving irresponsibly under its influence, then that is something that needs to be dealt with through direct action at those groups, and at those people supply it to them. This should be done while respecting the ability of the vast majority of those 18 and 19 year olds who are responsible to make their own choices to drink way that best suits their lifestyle.

B *Increased Risk*

[14] Proponents of the split age also justify it by suggesting that it will ensure that young people drunk in safe environments where they can be supervised. This, however, will not necessarily be the effect that such a change will have.

[15] Alcohol abuse is not limited to private consumption. At this point we would like to extend an offer to the Select Committee: we will take you to town on a Saturday night so you may experience first hand the issues that arise during on-licence consumption of alcohol.

[16] Experience has shown us that minors will obtain alcohol no matter the age: we see the issue in the United States where the age is 21 (with certain exceptions), in Germany where the age is 16 or 18 depending on the type of alcohol, and here at home. Underage consumption is not an exclusively Kiwi problem. Splitting in the age in this way will produce the same problem that has already been identified: minors will simply gain alcohol through others.

[17] By forcing purchase-by-proxy in this way, we will encourage more risky, and riskier behaviour among youth. Instead of that bottle of wine, or 'Scrumpy', or that 6 pack of beer that they would have bought to see them 'through the night' young people will buy a 40oz of Vodka 'for the month'. The 40oz won't last the month, however. As the night goes on the ability to recognise how much is being consumed goes too, and with no easy gauge like "a bottle of beer" the bottle in its entirety will be gone. This stocking-up, we would submit, is likely to cause greater harms than otherwise would occur.

C *The Message & The Attitude*

[19] We ask you to consider what kind of message it sends to restrict the ability of 18 and 19 year olds to make choices regarding their lifestyle. Instead of having a range of options open to them, they are restricted to just two: go to town, or don't drink. A group of people, who have attained the de facto age of majority are having a choice stripped from them. A group that can vote, get credit cards, marry, join the armed forces and live independent of their parents are being told that they are not old enough, and not mature enough to drink. We would submit that this serves to infantilise them, and will not promote a positive and responsible attitude toward alcohol consumption.

[20] In a study by Sociologist David Hanson on drinking issues on college campuses, he argues that in developing policy, in an effort to minimise harm, the emphasis should be less on stigmatising alcohol and more on the promotion of responsible consumption.¹ Converting alcohol into a 'forbidden fruit' will do little to change the attitudes New Zealanders have toward it.

[21] Given this, any approach taken to reducing the harm caused by alcohol should be generalised and seek to change the *attitude* that New Zealanders have toward alcohol. The Hon Heather Roy, in her speech at the first reading, said:

We cannot legislate or decide for other people. It is for individuals to make their own choices.

She was supported by the Hon Darren Hughes, that member saying:

I think attitude change in our society is equally as important as the law changes that Parliament can pass. If we believe that people will pore over our *Hansard* details, read the statute book, and make their decision on that basis alone, then I think we are deluding ourselves.

[21] The members are both correct. Changes to how alcohol is perceived come from the bottom up, rather than from the top down. By preventing 18 and 19 year olds from having the power to purchase & consume alcohol in a location of their choosing we are stigmatising its consumption.

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[22] When considering the split age, we ask you to think about this: Who is actually causing the harm? Is it the 19-year-old who enjoys a beer at a barbecue with friends, or a glass of wine with their partner on a Friday night? Or is it the parent who sends their child off unsupervised with a pack of RTDs? Or the 25 year old who pre-loads before heading into town (where they are still able to purchase shots), then stumbling out onto Courtenay Place at 3 am throwing up?

D *The Solutions*

[23] It seems appropriate, having rejected the spilt age, that we suggest an alternative that we believe would solve the problems presented by alcohol consumption among young people; the solution we pose can be summarised in two words – “personal responsibility”. In its present state, the law does not place enough emphasis on personal responsibility. It is not acceptable that people can spend 4 hours in police cells ‘detoxing’ only to be released without further punishment, or that a 20 year old can present in an emergency room needing their stomach pumped and suffer nothing more than the inconvenience of the hospital visit and the hangover.

[24] We submit, therefore, that more effective enforcement of the status quo measures, and an increase emphasis on personal responsibility, will do more to reduce alcohol related harm, and less to inconvenience those who drink responsibly, than will the proposed shift of the purchase age.

III *Trading Hours*

[25] Generally, we support the ability of local licensing authorities to direct the alcohol policy in their region. We would, however, caution against imposing a national default trading hours – particularly a closure of 4 am.

[26] Forcing all bars to close at 4 am will cause a sudden surge of people onto the streets. This will pose practical difficulties (in terms of things like getting taxis), and also in increased level of violence.

[27] The default trading hours will also not reduce problems associated with binge drinking. Those who binge drink will simply start drinking earlier (likely ‘pre-loading’) – the incentive for those who binge drink remains the same. The default hours may also cause particular issues for those who drink responsibly, but cannot drink during the hours required (shift workers, for example, will be disadvantaged by this policy). International live-broadcast

events like sports may also suffer as a result of the hours, and their frequency would not be sufficient to alter a licence.

IV Advertising

[28] The restrictions provided by clause 220 are reasonable, and we support those. There are, however, calls to go beyond this; like that of MP Lianne Dalziel:

Marketing its consumption and over-consumption runs counter-intuitive to minimising the harm objectives that any regulatory framework governing the legal supply of such a product must have.

[29] We submit that the premise here is incorrect: the way alcohol is advertised is not the cause of the problem. We accept the advertising of alcohol may, on a given occasion, encourage consumption when consumption would not have otherwise occurred. We reject, however, the idea that the advertising of alcohol would cause a person who otherwise did not drink at all to begin drinking; or that a person who did drink would go on to drink more than they usually would, and then cause harm.

[30] It may be worth noting that many OECD nations have similar alcohol advertising standards to us, and that New Zealand's alcohol consumption per head falls in the bottom half of the OECD. Yet few of these nations have the issues that are found here in New Zealand. This suggests that the *advertising* is not the problem. Those who problem drink are not the kind of drinkers who are going to be influenced by alcohol advertising.

V Pricing

[31] The House has indicated some willingness to investigate a minimum-pricing regime. We would advise against this. Those people who are heavy drinkers will not be deterred by a minimum price, instead such a regime will only *inconvenience* those on low income (such as students) – the system is essentially regressive taxation.

[32] Additionally, it is unclear to what extent this would influence people's decisions with respect to alcohol consumption. There are many things to drink, many cheaper than alcohol; but none have the intoxicating effect that alcohol does. This quality means that people are willing to pay for it (or at least pay for the effect it has). For this reason, we submit that demand for a particular type of alcohol (e.g. gin) may be elastic, but demand for alcohol more generally is not. Moreover, if it is the effect that is sought, then we may find people more willing to shift consumption to other, more harmful (perhaps illicit), substances.

[33] The minimum pricing regime that has been discussed – a minimum cost of \$2 per standard drink – will disproportionately disadvantage the low-income members of society (of which students are a substantial part). The mere fact that alcohol is available cheaply does not mean to suggest that it is the cause of harm. Furthermore, the fact that some people consume this alcohol and behave poorly does not provide sufficient justification for taking the alcohol out of the hands of those who consume responsibly, but whose means fall short of granting them access to the more expensive product.

[34] Research suggests that those people who are ‘problem drinkers’ exhibit less price sensitivity with respect to alcohol (that is to say, they will still buy it until the price is out of their means). What this suggests is that a price floor is not going to affect the behavior of problem drinkers. Moreover, the price elasticity of demand of alcohol is relatively low (for beer and wine), so even among moderate and light drinkers the change in behaviour will be low.

[34] In any respect, should the House choose to pursue a policy of minimum pricing, this should be implemented by way of excise tax. This provides a way for the Government to recoup costs to the public health system, and to cover the costs associated with policing and enforcement without feeding money back into the hands of the alcohol industry.

[35] With respect to the promotion of free alcohol, the aim of the Bill needs to be examined. If the aim is, as has been said, to reduce the level of alcohol related harm in New Zealand Society, then what degree of harm free alcohol causes needs to be given close inspection. In our experience, the offering of free alcohol is not the type of supply that results in harm. The vast majority of the time it is a “free drink on entry,” or a “single sample” kind of arrangement. This is substantially different to the type of endless supply of free alcohol, which *would* result in harm. The latter situation can already be dealt with under current law (in terms of supply to intoxicated persons), and will be dealt with under the provisions contained in this Bill (in terms of host responsibility). There is no reason to outlaw the supply of free alcohol where it is done responsibly.

VI Conclusion

[36] Sue Kedgley MP in her speech quoted Professor Jennie Connor, suggesting that the measures proposed in the Bill are like “fighting a bush fire with a couple of garden hoses”. We submit that Professor Connor is correct, but perhaps not for the reasons that she (nor

Ms. Kedgley) suspect. It's not that the Bill is not strong enough, it is that the Bill is entirely the wrong tool to be using in this situation.

[30] In the same way that bushfires are best fought with an array of appliances; hoses, helicopters and the like; alcohol related harm is best fought through a combination of policy: education aimed at ensuring that consumers understand the dangers associated with irresponsible consumption of alcohol; legislation ensuring that irresponsible consumption can be prevented without adversely affecting responsible individuals; and accountability to ensure that individuals who are irresponsible when they drink are made accountable for their actions.

[34] In summary, VUWSA opposes a split purchase age, and supports maintaining the age at 18. VUWSA rejects the default national trading hours, but supports the devolution of responsibility to local boards. VUWSA agrees with the advertising constraints, but would not support any action further than that in the Bill as it currently reads. And VUWSA does not support a minimum pricing regime, nor do we support the ban of free provision of alcohol.