

Sale of Liquor (Youth Alcohol Harm Reduction) Amendment Bill

Member's Bill

Explanatory note

This bill amends the Sale of Liquor Act 1989 to raise the drinking age to 20 years, strengthen the provisions relating to the supply of liquor to minors, and provide a statutory restriction on broadcast liquor advertising before 10pm on any day, as well as extend the current jurisdiction of the Broadcasting Standards Authority to include the broadcast liquor advertising issues that are currently dealt with by the Advertising Standards Authority, a self-regulating industry body.

The NZ Drug Foundation, Ministry of Health, ALAC and other public health organisations opposed lowering New Zealand's drinking age based on research evidence of increases in alcohol related harm when drinking ages were lowered in Australia, Canada and the US. When Canada and the US raised their drinking ages again, alcohol related harm decreased. There was a decrease in alcohol use among US teenagers that persisted into their early 20s. A comprehensive analysis, carried out in 2000, of published US research found that raising the drinking age appeared to be more effective than a wide range of other strategies aimed at reducing youth drinking.

The recently published Ministry of Justice report into the consequences of lowering the drinking age showed that those, especially in the 14 to 17 year old category who drank, were drinking more and more often.

Police evidence cited in the report showed frontline police have had to deal with rising numbers of drunk and disorderly teenagers since the drinking age was lowered in 1999, with the number of minors

dealt with by police on alcohol-related matters increasing from 834 incidents in 1994 to 2597 in 2002.

Teen drivers affected by alcohol caused 23 deaths and 274 injury crashes last year continuing a rising trend since the drinking age was lowered in 1999.

In 1998 when lower age was debated in the House, the National Minister of Justice at the time said its purpose was “to establish ...control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse...”. However, latest Ministry of Justice report clearly shows negative social trends that existed before the legal age was lowered have continued unabated.

Alcohol-related problems among young people are not confined to New Zealand; the 2001 World Health Organisation Global Status Report *Alcohol and Young People* describes alcohol use among young people as “approaching the status of an international epidemic”. This report highlights the fact that marketing has a critical role with an intensification of targeting young people with inexpensive new products designed to appeal to them as well as heavy marketing of established inexpensive products like beer. The report states that “experimental and evaluation research has found policy approaches, including minimum drinking age, higher taxes, and regulation of marketing can be effective”, whereas it notes “educational approaches have shown little effectiveness in reducing or preventing youth drinking and related consequences.”

The World Health Organisation in its report calls for action worldwide.

This bill is a moderate answer to that call in two of the areas highlighted as effective. It raises the minimum purchase age for alcohol and puts restrictions on one form of advertising. It also reduces minors’ access to alcohol by removing the ability of someone other than parents or guardians to supply those under the legal age, and designates stand-alone bottle stores as areas that minors cannot access without a parent or guardian.

Hon Matt Robson

Sale of Liquor (Youth Alcohol Harm Reduction) Amendment Bill

Member's Bill

Contents

1	Title	9	Permitting minors to be in restricted areas or supervised areas
2	Commencement		
3	Object of Act	10	New Part 8A inserted
4	Sale and supply of liquor to minors		
5	Exemptions in respect of other parts of licensed premises		
6	Purchasing liquor for minors		
7	Purchasing liquor by minors		
8	Minors in restricted areas or supervised areas		
			Part 8A
			Restriction on broadcasting liquor advertising programmes
			184A Purpose
			184B Interpretation
			184C Broadcast liquor advertising

The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Sale of Liquor (Youth Alcohol Harm Reduction) Amendment Act **2005**.
- (2) In this Act, the Sale of Liquor Act 1989¹ is called “the principal Act”. 5

¹ 1989 No 63

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Object of Act

Section 4 of the principal Act is amended by omitting the words “over the sale and supply of liquor”, and substituting the words “over the sale, supply, and broadcasting promotion of liquor”. 10

cl 4	Sale of Liquor (Youth Alcohol Harm Reduction) Amendment	
<hr/>		
4	Sale and supply of liquor to minors Section 155 of the principal Act is amended by omitting the expression “18” in each place it occurs, and substituting the expression “20”.	
5	Exemptions in respect of other parts of licensed premises Section 157 of the principal Act is amended by omitting the expression “18”, and substituting the expression “20”.	5
6	Purchasing liquor for minors	
(1)	Section 160(1) of the principal Act is amended by omitting the words “with the intention of supplying the liquor or any of it, to any person who is under the age of 18 years”, and substituting the words “and supplies it to any person who is under the age of 20 years”.	10
(2)	Section 160(3)(d) of the principal Act is repealed.	15
(3)	Section 160(4) of the principal Act is amended by omitting the expression “18”, and substituting the expression “20”.	
7	Purchasing liquor by minors Section 162(1) of the principal Act is amended by omitting the expression “18”, and substituting the expression “20”.	20
8	Minors in restricted areas or supervised areas Section 163 of the principal Act is amended by omitting the expression “18” in each place it occurs, and substituting the expression “20”.	
9	Permitting minors to be in restricted areas or supervised areas	25
(1)	Section 164 of the principal Act is amended by omitting the expression “18”, and substituting the expression “20” wherever it occurs.	
(2)	Section 164 of the principal Act is amended by inserting, after subsection (2), the following subsection: “(2AA) For the purposes of this section, all bottle store off-licence premises are deemed to be restricted or supervised areas.”	30

10 New Part 8A inserted

The principal Act is amended by inserting, after Part 8, the following Part:

**“Part 8A
“Restriction on broadcasting liquor
advertising programmes 5**

“184A Purpose

The purpose of this Part is to reduce the purchase of liquor, particularly among young people, by imposing a restriction on broadcasting liquor advertising programmes. 10

“184B Interpretation

In this Part, the terms **advertising programme**, **broadcaster**, **broadcasting**, and **liquor** have the meaning given to them by section 2 of the Broadcasting Act 1989.

“184C Broadcast liquor advertising 15

“(1) No broadcaster may broadcast, or any person arrange for the broadcast of, any liquor advertising programme in New Zealand before 10pm on any day.

“(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$100,000 who fails to comply with **subsection (1)**. 20

“(3) Despite anything to the contrary in any other Act, the Broadcasting Standards Authority established by the Broadcasting Act 1989 must have sole jurisdiction over all matters that may arise in relation to any liquor advertising programme. 25

“(4) In its consideration of any matter in **subsection (3)** the Broadcasting Standards Authority must have regard to section 4 of this Act

“(5) For the avoidance of doubt the self-regulating industry body known as the Advertising Standards Authority will no longer have any jurisdiction over broadcast liquor advertising.” 30