



A LIST OF POLICY OPTIONS

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*In other cases, there are a number
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RANGE OF OPTIONS

CHAPTER 13

- INTRODUCTION**
- 13.1 This chapter comprises a list of policy options developed in the course of preliminary consultation.
 - 13.2 They arose from discussions with individuals, organisations and government agencies. People considering how to handle the issues may find them helpful in making submissions.
 - 13.3 In some cases, there is a clear choice between the different policy options. In other cases, there are a number of listed options that may be preferred in combination. Many of the options have not been developed or explained in the preceding chapters.

SUPPLY CONTROLS

PURCHASE/DRINKING AGE OPTIONS

- (a) No change.
- (b) Increase the minimum purchase age from 18 to 19, 20 or 21 years from any licensed premises.

- (c) Create a split purchase age – that is leave the minimum purchase age at on-licences at 18 and increase the minimum purchase age at off-licences to 20 years.
- (d) Introduce a minimum age at which it is lawful to drink (rather than purchase) alcohol, for example 18 years, and make it an infringement offence to drink alcohol unless a person has reached this age.
- (e) Require mandatory age verifications for the sale of alcohol.

INDIVIDUAL AND PARENTAL RESPONSIBILITY FOR YOUNG PEOPLE'S DRINKING OPTIONS

- (a) No change.
- (b) Make it an offence for an adult to supply liquor to a young person other than that adult's child or ward.
- (c) Make it an offence for an adult to supply liquor to a young person other than that adult's child or ward without the consent of a parent or guardian of the young person.
- (d) Make it a legal requirement for adults supplying alcohol to a young person to supervise the consumption of the alcohol.

LICENCE OPTIONS

- (a) Leave the system of four basic licences as it is.
- (b) Leave the system as it is, but remove the existing exemptions from the need to obtain a licence for some or all of the following: chartered clubs, police canteens, defence establishments, fire-fighters' facilities, and Parliament.
- (c) Have a single liquor licence with conditions added on to it to reflect the nature of the business.
- (d) Increase the licence fees to better reflect the costs that the granting of a particular licence is likely to generate.
- (e) Create a graduated licence fee structure to reflect the risk posed to the community by the relevant licence.
- (f) Clarify the requirements for managers and temporary managers, and require multiple managers for large licensed premises.
- (g) Increase the education, age and training requirements for managers and door staff working in all licensed premises.

LIQUOR LICENSING AUTHORITY OPTIONS

- (a) Maintain the status quo with regard to the functions and powers of the Liquor Licensing Authority.
- (b) Transfer the functions of the Licensing Authority to the District Court.
- (c) Establish a special Licensing Commission with a substantial staff, with both enforcement and adjudicative powers.

- (d) Retain the Licensing Authority as the specialist regulator but give it enhanced powers and functions, for example to:
- monitor and report on trends and adjust aspects of sale policy like promotions.
 - award costs.
 - impose fines on licensees, managers and staff of licensed premises for breaches of any of the provisions of the Act.
 - enhance the flow of data from inspectors, police, District Licensing Agencies (DLAs), medical officers of health, and licensees.
 - implement quality control of DLA output and compliance.

DISTRICT LICENSING AGENCY OPTIONS

- (a) Leave the powers and functions of District Licensing Agencies (DLAs) as they are.
- (b) Abolish DLAs and incorporate their functions and powers in a central body.
- (c) Enhance the powers and functions of DLAs, for example by:
- Requiring higher levels of performance and reporting from DLAs.
 - Allowing local authorities to keep the fines imposed as a result of their prosecutions.
 - Providing for mandatory training for their inspectors.
 - Enabling the setting of fees for the issuing of licences to allow the DLAs' functions to be performed effectively.
 - Ensuring that DLAs' decisions are independent of the Council of the relevant local authority.
 - Specifying by statute a particular membership for DLAs.

LICENCE CRITERIA AND OBJECTIONS OPTIONS

- (a) No change.
- (b) Change the law to allow the licensing decision-maker to refuse licences on wider grounds than at present, for example, on grounds that:
- the overall social impact of the licence is likely to be detrimental to the well-being of the local or broader community, taking into account matters such as the site of the proposed premises, the density and type of other premises in the area, and the health and social characteristics of the local population;
 - granting the licence would be inconsistent with the object of the Act;
 - the amenity, quiet or good order of the locality would be lessened by the granting of the licence.
 - the licence would be inconsistent with the relevant local alcohol policy.

- (c) Allow the licensing decision-maker to impose any licence condition it considers appropriate for the purpose of reducing alcohol-related harm.
- (d) Widen the category of persons who can object to a licence application.
- (e) Specifically authorise medical officers of health to report on all types of licences and licence renewals.
- (f) Better define and strengthen the criteria for suitability of licence applicants.
- (g) Improve the effectiveness and efficiency of the process for notifying the public of licence applications.

HOURS OPTIONS

- (a) No change.
- (b) Restrict the opening hours of all off-licences, for example from 8 am to 10 pm, on a nationwide basis.
- (c) Restrict on-licence premises from selling alcohol after a specified time, for example 2 am, on a nationwide basis.
- (d) The same as (c), but provide for a standing extension to serve alcohol until 4 am if the premises operates a one-way door policy whereby patrons can remain on the premises, but patrons cannot enter the premises after a specified time, for example from 1 am, as a condition of its licence.
- (e) Have nationwide standard trading hours, but allow on-licence trading outside these hours if the licensee can satisfy the Licensing Authority that it has a plan to manage the risk of harm and contribute to the costs to the local community associated with extended hours.
- (f) Allow each territorial authority to specify policies regarding opening hours and conditions around opening hours in a local alcohol policy, and require the licensing decision-maker to take this into account in licensing decisions.

PROHIBITED DAYS OPTIONS

- (a) No change.
- (b) Maintain the status quo, but specify the hour at which the prohibition begins, for example, 2 am.
- (c) Prohibit the sale of alcohol by all licensees, including restaurants, on these prohibited days, but specify the hour at which the prohibition begins, for example, 2 am.
- (d) Keep some but not all of the prohibited days, for example, Christmas Day.
- (e) Extend the prohibited days to other public holidays.
- (f) Allow the sale of alcohol from all types of licensed premises on all days of the year, including the prohibited days.

TYPES OF OFF-LICENCE PREMISES OPTIONS

- (a) No change.
- (b) Irrespective of the type of premises, allow an off-licence to be issued provided the application meets the general licence criteria (for example, the overall social impact of the licence is not likely to be detrimental to the well-being of the local or broader community).
- (c) Specify and further restrict the type of premises in respect of which off-licences may be granted (for example, restrict supermarket sales; better define what constitutes a grocery store).
- (d) Confine off-licence sales to dedicated liquor stores only.

OFF-LICENCE PRODUCT OPTIONS

- (a) No change.
- (b) Allow all off-licence premises to sell all alcohol products.
- (c) Prohibit the sale of some or all alcohol products currently able to be sold by supermarkets and grocery stores, for example, beer and wine.
- (d) Provide a regulatory power to prohibit the sale of undesirable liquor products based on expert recommendations to the Minister.
- (e) Allow the licensing decision-maker to restrict the type of alcohol products able to be sold as a condition of the licence.

OPTIONS ON PRODUCT LABELLING AND SERVING SIZES

- (a) No change.
- (b) Provide a regulatory power to restrict the alcohol content and size of packaged alcoholic beverages.
- (c) Provide a regulatory power to require licensed premises to offer standard measures of wine, beer and spirits.
- (d) Require health warning labels on alcohol products.
- (e) Require nutritional information and ingredients to be listed on alcohol products.

LICENCE RENEWAL OPTIONS

- (a) No change.
- (b) Provide for three-yearly applications for renewals of licences, but remove the requirement to advertise the application for renewal unless changes to the licence conditions are sought.
- (c) Create a “permanent” licence for licensees who have shown there are no issues with their performance in adhering to the regulatory regime, and where no change in licence conditions is sought. The licence would be reviewed if there was a complaint from the public or at the instigation of the police, a licensing inspector or a medical officer of health.

LICENSING TRUST OPTIONS

- (a) No change.
- (b) Allow competition in the licensing trust areas where they currently have exclusive rights to be granted on-licences and off-licences.

DEMAND REDUCTION

EXCISE TAX OPTIONS

- (a) Leave the current system as it is.
- (b) Increase the current levels of excise tax on alcohol.
- (c) Reduce tax on low alcohol products.
- (d) Pledge some or all of the excise tax collected from alcohol for expenses and costs associated with alcohol-related harm, for example, treatment.
- (e) Increase the Alcohol Advisory Council of New Zealand (ALAC) levy and use the proceeds for harm reduction initiatives.
- (f) Change to a pure volumetric excise tax system (that is, remove the current bands to make the rates more closely reflect volumes of alcohol).
- (g) Introduce regular reviews of excise rates (over and above the annual adjustment).

PRICING OPTIONS

- (a) No change.
- (b) Regulate the pricing of alcohol by introducing a minimum price per unit of alcohol.
- (c) Prohibit the sale of alcohol as a loss leader.
- (d) Restrict the discounting of alcohol products.
- (e) Require the Licensing Authority to take into account past retail practice (including pricing and promotions behaviour) in licensing decisions and require liquor licensees to supply the necessary data.
- (f) Prohibit advertisements containing the price of alcoholic beverages.
- (g) Prohibit off-licence price promotions that create an economic incentive for consumers to buy larger amounts.

ADVERTISING OPTIONS

- (a) No change.
- (b) Introduce a system of enforced self-regulation to set out the public policy goals of the proposed system, roles of the body responsible for the self-regulatory system, and offences and sanctions.
- (c) Establish a legal framework and statutory body to regulate and control liquor advertising.

- (d) Leave most matters to the existing system of self-regulation but ban certain advertising by law, for example:
 - advertisements containing the price of alcoholic beverages;
 - advertisements of liquor discounts, sales, specials or irresponsible promotions;
 - advertisements aimed at marketing alcohol to young people;
- (e) Ban all advertising of all alcohol in all media.
- (f) Control television advertising between certain hours.
- (g) Restrict sponsorship linked to alcohol products.
- (h) Provide for a reserve power to regulate advertising only if there is evidence of a lack of compliance with the current self-regulatory scheme.

PROMOTIONS OPTIONS

- (a) No change.
- (b) Establish a legal framework and statutory body to regulate some or all of the following:
 - packaging;
 - promotions;
 - point of sale placement;
 - display of alcohol products.
- (c) Require the licensing decision-maker to take into account previous harmful promotional practices in licensing decisions.

PROBLEM LIMITATION

ENFORCEMENT AND PENALTIES OPTIONS

- (a) No change to the current enforcement tools.
- (b) Increase the penalties for breach of licence conditions, including making it easier for a licensee to lose a licence.
- (c) Provide the police with the power to close a bar immediately to prevent further breaches of the Act or for serious public safety concerns based on behaviour in the licensed premises or in the immediate vicinity.
- (d) Provide the police and licensing inspectors with the ability to request an urgent hearing with the Licensing Authority if there are serious concerns or repeated breaches of the Act to expedite the Licensing Authority's consideration of the matter.
- (e) Provide for infringement notices to be issued for any technical or minor breach of the Act or a licence condition.
- (f) Provide a legal definition of intoxication for the purposes of enforcement in any new legislation.
- (g) Provide medical officers of health with the same powers of entry as licensing inspectors.

- (h) Remove the requirement for licensing inspectors to identify themselves when entering licensed premises.
- (i) Provide a statutory process for the development and recognition of alcohol accords for the purpose of minimising alcohol-related harm, and exclude these accords from the provisions of the Commerce Act 1986.
- (j) Make it an infringement offence to present fake evidence of age documents to a licensee.
- (k) Empower licensees to confiscate fake evidence of age documents, including driver licences, and hand these in to the Police.

ALCOHOL IN PUBLIC PLACES OPTIONS

- (a) Continue the status quo, where liquor bans are dealt with by way of local authority bylaws.
- (b) Provide the Police with a power to issue an infringement offence for breach of a liquor ban, with a reserve power of arrest for the purposes of safety of persons.
- (c) Place no restrictions on drinking in a public place.
- (d) Reintroduce the offence of being drunk in a public place.
- (e) Create an offence of drinking in a public place.
- (f) Provide a power for the police/Licensing Authority to ban specified persons from entering or remaining in an area or on specified premises within an area.
- (g) Provide that where the Police have reasonable cause to suspect that a beverage contains alcohol, and have taken steps to ascertain that the beverage contains alcohol, that shall be sufficient proof that the beverage in fact contains alcohol for the purposes of seizure and destruction of the alcohol.
- (h) Empower persons other than the police (for example, persons employed by local authorities) to transfer intoxicated persons home or elsewhere for safety reasons.

TRANSPORT OPTIONS

- (a) No change.
- (b) Lower the blood alcohol limit from 80 milligrams of alcohol per 100 millilitres of blood to 50 milligrams of alcohol per 100 millilitres of blood for all drivers.
- (c) Lower the blood alcohol limit from 80 milligrams of alcohol per 100 millilitres of blood to 50 milligrams of alcohol per 100 millilitres for those over 20 years, and lower the blood alcohol limit to zero for those under 20 years.
- (d) Ban the possession of alcoholic beverages in an open container in a moving or stationary motor vehicle.

- (e) Introduce alcohol ignition locking devices (which require the driver to blow into them and “pass” before the vehicle will start) for all or some convicted drink drivers.
- (f) Introduce a legal blood alcohol limit for a person in charge of a pleasure craft, for example, a yacht.

TREATMENT OPTIONS

- (a) No change.
- (b) Provide centres for temporary supervision for individuals who are not charged with an offence but pose a significant concern to their own or others’ safety or health.
- (c) Require 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.
- (d) Develop the workforce to ensure assessment, referral and brief interventions can be delivered by appropriate professionals across sectors (for example, primary care, mental health, emergency departments, justice, corrections, education, Work and Income, ACC).
- (e) Investigate the range of alcohol-specific treatment interventions provided, with a view to determining gap areas (for example, alcohol detoxification and nationally consistent drink driving group interventions) with the potential to increase funding via the alcohol levy managed through the Alcohol Advisory Council of New Zealand (ALAC).
- (f) Fund primary care providers to deliver screening, brief interventions and referral to specialist treatment.
- (g) Investigate the feasibility of using electronic screening and brief interventions in a range of settings.
- (h) Monitor the prevalence of alcohol use disorders, and the delivery of screening, brief interventions, and referrals in primary care and emergency departments.