



4 February 2023

S23.05

## **Submission to the Justice Committee on the Sale and Supply of Alcohol (Community Participation) Bill**

### **Introduction**

1. The National Council of Women of New Zealand, Te Kaunihera Wāhine o Aotearoa (NCWNZ) is an umbrella group representing around 60 affiliated organisations and 300 individual members. Collectively our reach is over 200,000 with many of our membership organisations representing all genders. NCWNZ has 13 branches across the country.
2. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right.
3. This submission has been prepared by the NCWNZ NCWNZ Safety, Health and Wellbeing Action Hub, and the Parliamentary Watch Committee after consultation with the membership of NCWNZ.

### **NCWNZ Policy on Alcohol and Harm**

4. NCWNZ policy is formed by the values of the organisation as outlined in the NCWNZ Constitution, the articles of Te Tiriti o Waitangi, and its aspirations for gender equity in all spheres of society in New Zealand Aotearoa.
5. NCWNZ has had policy on the use and abuse of alcohol since the establishment of the organisation in 1896. The earliest resolutions of NCWNZ focussed on the harm caused to women and families from alcohol abuse. At its inception, NCWNZ was a leading player in calling for the prohibition of alcohol because of the significant harm caused to women, children and families by alcohol abuse.

6. The focus of NCWNZ submissions on alcohol in recent years has been on the social and economic impacts, the harm to specific population groups and on the negative impacts from the commercialisation of alcohol and alcohol advertising and sponsorship. Submissions have covered the supply of sale to young people, the impact of alcohol marketing on young people and changes in the drinking age, and the impact and harm from alcohol to pregnant women. An NCWNZ submission on the Alcohol Reform Bill in 2005 supported a total, phased-in ban on all alcohol advertising, beginning with sports sponsorship<sup>1</sup>.
7. Though there have been legislative and attitudinal changes to alcohol since the 1890s when NCWNZ led the campaign for the prohibition of alcohol, alcohol-related harm continues to have a massively adverse impact on New Zealand Aotearoa society. The estimated societal cost of alcohol harm is \$7.85 billion dollars<sup>2,3</sup>.
8. The combination of the proliferation of alcohol outlets, long trading hours, the self-regulation of alcohol promotion, alcohol advertising and sponsorship are all factors in the growing rates of harmful drinking and alcohol harm in New Zealand Aotearoa.
9. NCWNZ strongly support restriction on the advertising of alcohol and stopping the sponsorship of sport by alcohol companies. The responses included:

*“The rise of sponsorship by the alcohol industry is a way of giving validation to alcohol. If we are true to the promotion of well-being, then we need to break the association between sport and alcohol.”*

*“There should be no advertising of alcohol at all. Alcohol is a drug just like cannabis etc and the only reason cannabis is not advertised is because it is an illegal substance. If it became a legal substance would communities want it advertised? I doubt it.”*

*“I support further restrictions or changes to alcohol policy and/or other reforms such as advertising and/or sponsorship in addition to the content of this Bill. One potential reform that could be considered is stricter regulation of alcohol advertising and sponsorship, particularly targeting marketing towards young people. This could potentially reduce the influence of alcohol marketing on young people's perceptions of alcohol and its role in social situations.”*

*“Another potential reform could be increased restrictions on the sale and supply of alcohol, such as increasing the minimum age for purchasing alcohol or limiting the hours of operation for alcohol sales.”*

10. Younger NCWNZ members want increased focus on alcohol education and research. They cautioned policy makers and legislators to think about the unintended consequences of changes such as restrictions and limiting availability. It was suggested

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<sup>1</sup> NCWNZ. 2011. Submission on the Alcohol Reform Bill. S11.05.

<sup>2</sup> Nana G. 2018. Alcohol costs: But who pays? Alcohol Action Conference 2018: Who should pay for all the harm from alcohol. Wellington, New Zealand.

<sup>3</sup> The Treasury. 2022. Tax Outturn Data - June 2022. <https://www.treasury.govt.nz/publications/tax-outturn-data/tax-outturn-data-june-2022>

that this could increase the risk of creating a black market and increase potential risks of home brewing alcohol. This was expressed by a respondent saying:

*“I’m wary of locking down the sale and supply of alcohol in a way that pushes people to make dangerous decisions. If people want to drink, they will find ways to drink. I’m thinking of the example of Dunedin which is known for its student drinking culture. In 2011 the main student bars were shut down, forcing students into flat parties where the environment was no longer supervised or controlled. This led to massively overcrowded house parties and injuries and even death.”*

*“My preference would be to educate about the dangers of alcohol, making it easy for people to make informed decisions.”*

11. The effect of alcohol harm is unequal. Children, young people, Māori, Pacific peoples, and those living in lower socio-economic areas are among those who experience disproportionate problems from alcohol harm<sup>4</sup>. The density of alcohol outlets in areas of higher socio-economic deprivation, with high proportions of Māori and Pacific peoples, increases inequalities and transfers money from these communities to alcohol retailers and producers.
12. Te Tiriti o Waitangi is not reflected in the current Sale and Supply of Alcohol Act which results in licensing processes and decision makers not having to consider Te Tiriti obligations or active partnership and engagement with Māori communities and mana whenua on alcohol policies and alcohol licensing decisions.
13. Alcohol use contributes to a range of serious harms and impacts for girls and women. Harm from alcohol is implicated in reduced health; increased inequalities; increased frequency and severity of violence; reduced capacity to parent and greater economic vulnerability<sup>5</sup>. Alcohol is a prominent factor in sexual and domestic violence against women.
14. NCWNZ is especially concerned about the impact of alcohol and the harm caused to pregnant women and the growing rates of Foetal Alcohol Spectrum Disorder (FASD). Alcohol is the one of the most dangerous drugs to be consumed during pregnancy. While there is not data on the prevalence of FASD in New Zealand Aotearoa, extrapolating from international studies of 3-5% of people are affected by the effects of

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<sup>4</sup> Katikireddi SV, Whitley E, Lewsey J, Gray L, Leyland AH. 2017. Socioeconomic status as an effect modifier of alcohol consumption and harm: analysis of linked cohort data. *Lancet Public Health*, 10;2(6): e267-e276. doi: 10.1016/S2468-2667(17)30078-6

<sup>5</sup> Women and Alcohol in Aotearoa/New Zealand - Te waipiro me ngā wāhine | Aotearoa Policy Briefing Paper, 2013.

[http://www.ahw.org.nz/Portals/5/Resources/Briefing%20papers/2013/WomenAndAlcoholBriefingPolicy\\_fi nal%20Nov%202013.pdf](http://www.ahw.org.nz/Portals/5/Resources/Briefing%20papers/2013/WomenAndAlcoholBriefingPolicy_fi nal%20Nov%202013.pdf)

alcohol exposure before birth, that would imply that around 1800-3000 babies may be born each year in New Zealand with FASD<sup>6</sup>.

15. New Zealand Aotearoa research shows that alcohol use increases the likelihood and severity of domestic violence<sup>7</sup>. Alcohol is involved in one-third of all reported violence, one-third of all family violence and half of all sexual assaults and homicides. Wāhine Māori, in particular, are more likely to experience violence committed by someone under the influence of alcohol.
16. There is a strong and concerning culture of binge drinking in New Zealand Aotearoa. The website Amohia Te Wairoa: we're stronger without alcohol, identifies that one in three men, between the ages of 18-24, are more likely to binge drink once a week and almost 19% of women between 18-24 are recorded to be binge drinking weekly<sup>8</sup>.

## NCWNZ Policy and Submission Processes

17. NCWNZ submission responses and positions are formed from policies of the organisation, previous submissions and from engagement with its membership. We specifically asked younger members for their views on licensing, regulation, and alcohol culture. All the responses on this Bill expressed strong support for measures that tighten licensing processes and for stronger alcohol regulation to reduce social harm from alcohol.
18. Prior to this Bill being introduced in December 2022, NCWNZ supported an Action Station petition to the NZ House of Representatives<sup>9</sup> and added its name to make changes to licensing laws as well as supported the banning of alcohol companies to sponsor sporting events. This position supported the recommendation from a ministerial forum group in 2014 which recommended the removal of alcohol-related sponsorship of sport.
19. The current Bill is focussed only on alcohol policies in local government and licensing processes and processes enabling communities to be more easily involved in applications and does not include the removal of sponsorship of sport by alcohol companies.
20. The change NCWNZ seeks is in healthier attitudes toward alcohol and rejecting a culture that elevates and supports a substance that produces harm. Advertising and the

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<sup>6</sup> Ministry of Health. 2022. Fetal alcohol spectrum disorder. <https://www.health.govt.nz/our-work/diseases-and-conditions/fetal-alcohol-spectrum-disorder#:~:text=There%20is%20no%20data%20on,each%20year%20in%20New%20Zealand>

<sup>7</sup> Fanslow J, Gulliver P. 2015. Risk and Protective Factors for Recent and Past Intimate Partner Violence Against New Zealand Women. *Violence and Victims*, 30(6): 960-983. DOI:10.1891/0886-6708.VV-D-14-00010.

<sup>8</sup> Amohia te Waiora. 2023. Binge drinking. <https://www.alcohol.org.nz/impacts-of-alcohol/history-and-culture/binge-drinking>

<sup>9</sup> Alcohol Healthwatch. 2022. Reduce Alcohol Harm: Pass the Bill! <https://our.actionstation.org.nz/petitions/reduce-alcohol-harm-pass-the-bill>

sponsorship by alcohol companies of events and activities contribute to a culture that normalises alcohol and deliberately ignores the risks and harm caused by alcohol.

21. NCWNZ supports the intention of this Bill and its aim to ensure that the sale, supply and consumption of alcohol is undertaken safely and responsibly. It supports the Bill's aim, to minimise the harm caused by excessive or inappropriate consumption of alcohol. It is, however, a major disappointment to NCWNZ that the Bill is so restricted, and we are doubtful that these aims can be achieved with such a limited focus.
22. A key object of the Bill, enabling better community participation in alcohol licensing decision-making procedures, is a sound first step towards effecting a reduction in the harm caused by the excessive or abusive consumption of alcohol. This amendment, however, is not sufficient on its own.
23. Changes to alcohol legislation do not come along very often and with no proposed amendments in the Bill to address alcohol advertising, promotion, and sponsorship, NCWNZ considers a huge opportunity has been lost. In the words of one member,

*"Harm from (alcohol) consumption is more impacted by availability of alcohol in terms of e.g. cheaply available in supermarkets for 12-14 hrs a day; advertising especially linked to sport. Nothing in this Bill addresses those issues".*

## The Bill

24. We support the intention and aim of the Bill to:

- remove the appeals process for local alcohol policies (LAPs)
- remove cross examinations from licensing hearings; and
- enable anyone to object to an alcohol licence.

### **Clause 6 Section 79 amended (Territorial authority must produce provisional policy by consulting on draft policy using special consultative procedure)** **Clause 7 Sections 80 to 88 replaced**

25. NCWNZ members and Branches overwhelmingly agreed that the community's best interests are not represented in the current procedures to grant licenses, and that local communities should have more influence and say in licensing decisions. Respondents stated that local communities know their communities far better than those outside of it, and because they are the ones who are most directly affected by the consequences of alcohol sales and consumption, they should have more influence and voice.

*"Communities are most directly affected. Local Governments are accountable and responsible to their communities for creating safe neighbourhoods and ensuring the well-being of their communities".*

*"The liquor companies have too much influence on the decisions to grant licences".*

*"There are too many liquor outlets and these harm families, schools, policing and road safety. We need much tighter regulation on the number of granted outlets".*

*“... we have a better understanding of our own communities and what will be positive or negative additions to our own wellbeing. Why would we allow the retailers wanting to sell us products make decisions for us?”.*

26. Younger NCWNZ members also stated that it is important to involve local people because they know their communities and need to consider their interests. An example provided was student populations whose communities have particular/unique issues. The point was made that decisions about licensing outlets need to be carefully considered to avoid driving the students into even more difficult and dangerous situations.
27. A death of a student in Dunedin in August 2022<sup>10</sup> at a student party highlighted this issue and raised the issue of the need for more education, structural support and co-ordination about events where there is alcohol present. It reiterated the need for local people to be involved, and for people who know their communities well to develop policies and be involved in licensing decisions. In this way communities’ diverse and/or specific needs are identified and managed.
28. There was support from respondents for local governments to play a stronger role than is currently the case.

*“Local governments are in the best position to understand the specific needs and concerns of their communities and to make decisions that reflect the values and priorities of their residents. For example, a community that has a high incidence of alcohol-related crime or public health problems may choose to limit the number of alcohol establishments or impose stricter regulations on the sale of alcohol. Conversely, a community that does not have these issues may choose to be more permissive in its alcohol policies”.*

*“Giving communities and local governments greater control over alcohol sales and licensing decisions also allows them to be more responsive to changing circumstances and to adapt their policies as needed. This can help to ensure that alcohol policies reflect the needs and preferences of the community over time”.*

29. The current appeals process allows alcohol retailers to effectively block the development of LAPs and there are long delays, or they are constantly blocked from progressing. This is undermining of community democracy. Appeals are time-consuming and costly. It is simply unacceptable that neither Auckland nor Wellington, two of our biggest cities, do not have LAPs. Alcohol Health Watch<sup>11</sup> identify that only 35% of the NZ population live in an area covered by an LAP. There needs to be robust and democratic processes to ensure that LAPs can be developed and instituted without organised interference from alcohol industry groups as is happening now.

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<sup>10</sup> Macdonald B. 2022. Her best friend died at a Dunedin flat party. Now she's calling for change. <https://www.renews.co.nz/her-best-friend-died-at-a-dunedin-flat-party-now-shes-calling-for-change/>

<sup>11</sup> Alcohol Health Watch. nd. Local alcohol policies. <https://www.ahw.org.nz/Issues-Resources/Local-Government-Policies-Strategies/Local-Alcohol-Policies>

30. Opportunities for engagement and means for communities to engage in licensing decisions and policy need to be strengthened to positively transform the current licensing processes. Communities must be informed about decisions affecting them. Additional resources and supports are required to strengthen community engagement. NCWNZ members strongly supported the involvement of women in these decisions.

“Women's participation will be assured, if and only if, local authorities reassess their consultation mechanisms and subject them to a rigorous gender impact assessment.”

“... it takes a lot of courage for some women to speak up before a public hearing. If they have small children, they need to find a carer so that the woman can attend the hearing and often this is difficult, especially if it involves having to pay for the care. Often those conducting the licensing hearing are male and have little appreciation of how difficult it is to a) face such a hearing and b) accommodate little children”.

“Having been part of licensing hearing panels many years ago I can readily recall a fellow panellist saying after a woman presenter left the room “Why do women have to bring their children along to these hearings?” I did remind him that for some women there is no option, but this comment was not appreciated”.

31. Members suggested possible approaches to bring about an increase in the participation of women and communities in the licensing and decision-making processes.

*“Engage in community outreach and education: Make sure that community members, including women, are aware of the licensing process and have the opportunity to provide input and feedback. This could involve hosting public forums, creating online platforms for input, or reaching out to community organizations and leaders.”*

*“Increase transparency: Making the licensing process more transparent and accessible can help encourage greater participation from women and communities. This could involve providing more information about the process, holding public meetings, or posting updates online.”*

*“Engage in ongoing dialogue: Building ongoing relationships and communication with the community can help ensure that the licensing process is responsive to the needs and concerns of women and other community members. This could involve hosting regular public meetings or creating a dedicated community advisory group.”*

#### **Clause 10 Section 102 amended (Objections to applications)**

#### **Clause 11 Section 128 amended (Objections to renewal)**

32. Removing barriers to enable anyone to participate in this decision-making process will produce more balance and provide support for communities who wish to challenge decisions and influence decisions regarding the opening of new outlets. This approach will provide a needed counterbalance to the influence and affluence of alcohol companies. Providing for anyone to object will enable licensing decision-makers to take more evidence into account and hear from a broader range of organisations and groups. This, coupled with processes that reduce cross investigation, which are off-putting and intimidatory to community groups, will, with the right support and resources, enable more community participation.

### Clause 14 New section 203A inserted (Licensing committees must establish appropriate procedures)

33. While the Sale and Supply of Alcohol Act 2012 aimed to give communities more say in where and when alcohol can be sold, it is in fact, very difficult to object to alcohol licences and the experience of doing so is intimidating. We welcome processes to enhance the ability of communities to have easier input. Processes need to enable engagement from communities and not cause impediments by prohibitive legalistic processes which are costly and time-consuming to individuals and communities.
34. Some NCWNZ members have been actively involved in licensing processes or have worked alongside groups that have challenged licensing decisions and processes. This is very resource intensive, particularly for volunteer-based organisations. While the alcohol industry is well equipped to resource these applications, community groups are not. We commend the work of Regional Public Health Units who work with community groups. However, resourcing is a practical problem. To enable community groups to participate, more support and resources are required. With applicants more likely to have legal representation than community objectors, an obvious imbalance in important procedural and legal knowledge is created. The legalistic and adversarial nature of hearings is difficult for community members, who are at a disadvantage without knowledge of hearing processes, and when they face intimidating cross examination by lawyers.

### Gender implications

35. NCWNZ members raised concerns that there is a gender equity issue and one that affects women and girls in specific ways.

*“Alcohol consumption among women has been increasing in recent years. The Ministry of Health and ACC should have disaggregated statistics to show the gendered impact of alcohol-related illnesses and conditions as well as accidents.”*

*“... Unfortunately, it is often women and children who are the victims of excess alcohol consumption ... women and children become direct victims through things like violence, excess money being used on alcohol to the detriment of providing the family with sufficient necessities of life and the example to children that excess drinking is normalised and therefore more likely to be carried on by the next generation.”*

*“Additionally, women are more likely to experience negative consequences of alcohol use, including physical and sexual assault, due to the influence of alcohol on both perpetrator and victim. Overall, these gender equity issues highlight the importance of addressing harmful societal attitudes towards alcohol and its use by both men and women.”*

*“Women are much more likely to become victims of domestic violence as we know and when there is drinking involved ... the risk of domestic violence increases.”*

*“And we also cannot forget about sexual assault and consent issues between GENERALLY, but not always, men and women. When alcohol is involved, there can be miscommunications or sometimes sexual intercourse with absolutely no consent. I think of the young woman in*

*Christchurch (this was big in the media) about 4 years ago who was dragged into a bedroom at her own parent's house and raped by two teenage boys who then went back into the party and boasted about what they had done – she only found out through her friends telling her the next day. She clearly was unable to consent. Yes, alcohol was a factor but the boys tried to use this as an excuse.”*

## Recommendations

- There needs to be Te Tiriti o Waitangi recognition in the Sale and Supply of Alcohol Act so that current licensing processes identify and stipulate Te Tiriti obligations and that there is active partnership and engagement grown with Māori communities and mana whenua on alcohol policies and alcohol licensing decisions.
- LAPs must be required to consider the gender impacts of alcohol harm on girls and women and measures to reduce harm on women and girls.
- A provision in the legislation that requires Local Councils to develop LAPs and changes to Section 77 of the Act to ensure the contents of an LAP includes restrictions around location of licenses to protect vulnerable groups from alcohol harm.
- That District Licensing Committees represent the diversity of the community and local needs through the membership on their committees, and that there is a gender balance on bodies who are deciding about alcohol sale outlets and licensing decisions. The assessment of local needs and the impact on vulnerable groups such as women and children must be part of the documentation gathered by reporting agencies.
- The promotion and development of community engagement resources and good practice guides on local alcohol policies and processes to ensure women, girls and communities are better informed and can participate more actively and genuinely in alcohol policies and licensing decisions.
- That the upcoming reform package in March 2023 continues to focus on stronger regulation on alcohol availability, advertising, and sports sponsorship to reduce harm from alcohol, and has a focus on education about alcohol harm.



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