



PART II



THE SEARCH FOR SOLUTIONS – SOME TENTATIVE DIRECTIONS

The law sits alongside societal attitudes and individual responsibility as a mechanism for bringing about a reduction in alcohol-related harm. The law forms a crucial part of the harm reduction equation because it provides the legal framework under which producers, retailers, and consumers of alcohol operate.

THE LAW AND HARM REDUCTION

CHAPTER 8

- INTRODUCTION**
- 8.1 Part I of this paper has painted a picture of alcohol in our lives. It has defined the problem. The solutions are more difficult and controversial. The Law Commission cannot offer definitive solutions at this stage of its work.
- 8.2 What we do in Part II of this Issues Paper is to provide some analysis and tentative directions towards solutions developed as a result of the preliminary consultation.
- 8.3 In respect to many of the issues, especially those around the licensing system, a great deal of detail must be analysed before final recommendations are offered. At present we are merely making an indication of what a framework could look like. The detailed recommendations will come in our final report after we have had the benefit of submissions and further consultation.

THE THREE POLICY LEVERS

- 8.4 The law sits alongside societal attitudes and individual responsibility as a mechanism for bringing about a reduction in alcohol-related harm. The law forms a crucial part of the harm reduction equation because it provides the legal framework under which producers, retailers, and consumers of alcohol operate. In particular, the law can implement a variety of measures aimed at harm reduction that can be grouped under three policy 'levers'.
- 8.5 First, the law may reduce the retail availability of alcohol. Such *supply controls* are premised on the assumption that reduced availability will mean less alcohol consumption and fewer alcohol-related harms. As noted in Part I, this principle is encapsulated in what is known as the availability theory and is discussed in the following chapter. Supply controls can include such measures as limits on the number of outlets in a particular area, restrictions on which premises can sell alcohol, and a minimum alcohol purchase or drinking age.
- 8.6 Second, the law may seek to influence consumer behaviour by seeking to reduce people's desire to purchase alcohol through *demand reduction* measures. These include measures that increase the retail price of alcohol products, for example through excise taxes or minimum pricing, and restrictions on alcohol advertising, sponsorship and promotions.
- 8.7 Third are *problem limitation* measures. Problem limitation measures do not attempt to alter the demand or supply of alcohol as such, but are designed to reduce the harm that can result from its consumption. For example, a requirement that a licensee make food available for sale to patrons is a problem limitation measure, as are enforcement measures, laws against drink driving, and the provision of alcohol treatment services.

A RANGE OF SOLUTIONS

- 8.8 The development of any package of measures requires a range of solutions from each of these three areas of:
- supply controls;
 - demand reduction; and
 - problem limitation measures.

These subjects occupy chapters 9, 10 and 11 of Part II.

- 8.9 It is important to ensure that the balance between these three policy levers is right. Unfortunately there is little research to guide us on the mix or combination of policies that will produce the best result. It is also important to achieve the right balance between the minimisation of alcohol-related harm and the benefits to the economy and society of the availability of alcohol.
- 8.10 The central pillar of the existing framework is the Sale of Liquor Act 1989. The most lengthy analysis is in chapter 9 around the Sale of Liquor Act itself. Research and experience suggests that some of the mechanisms that are needed to effectively tackle alcohol-related problems can be achieved by changing aspects of that law.

- 8.11 Demand measures (chapter 10) revolve around price, including tax and minimum price. Advertising and promotional activity also fall in this category.
- 8.12 Problem limitation (chapter 11) deals with product labelling, serving sizes, enforcement and penalties, transport measures and treatment.
- 8.13 Chapter 12 offers a summary of the Law Commission's preliminary ideas on the elements of a package to revise New Zealand's liquor laws, and offers some questions for public debate.
- 8.14 Chapter 13 contains a scheme of options that resulted from preliminary consultation. It may be of assistance to people making submissions.