

Submission

by

Business|NZ

to the

Law and Order Select Committee

on the

**Sale of Liquor (Youth Alcohol Harm
Reduction) Amendment Bill**

December 2005

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Sale of Liquor (Youth Alcohol Harm Reduction)

Amendment Bill

1. Recommendation

- 1.1 That clause 6 (2) (repealing section 160 (3)(d) of the Sale of Liquor Act 1989) be deleted.

2. Discussion

- 2.1 This submission is directed to only one aspect of the amendment bill, namely the proposal to repeal section 160(3)(d) of the principal Act.
- 2.2 Business New Zealand does not express a view on whether or not the legal drinking age should be raised again to 20 years, as members would have varying views on the matter,
- 2.3 Business New Zealand's concern is with the proposed removal of the current exemption for anyone who, in the words of section 160(3):

“Purchases or acquires any liquor with the intention of supplying it to ...
(d) “Any other person who is attending a private social gathering”.

- 2.4 The effect of repealing the above exemption would not only be to criminalise parents who allow their children to drink at private social functions such as weddings and birthday celebrations but also to criminalise employers who, for example, provide Friday drinks or “shouts” on other celebratory occasions.

- 2.5 Alcohol consumed at a private social gathering is essentially consumed in a situation of informal supervision. There is no suggestion of employers condoning excessive alcohol consumption. Apart from anything, permitting excessive drinking would not be in any employer's interests.
- 2.6 Nor can it be argued in terms of section 5 of the New Zealand Bill of Rights Act that what is proposed is a limitation that "... can be demonstrably justified in a free and democratic society". It makes much greater sense for minors, initially, to be able to drink in relatively controlled conditions, than to be effectively forbidden to drink at all until at liberty to do so wherever, if not whenever, they please. The former situation is much more likely than the latter to result in harm reduction
- 2.7 It also needs to be recognised that policing a prohibition of the kind proposed would be almost impossible. This is particularly so as Human Rights legislation, which applies from the age of 16 on, means that an employer would not necessarily know if someone were under or over the age of 20. Discrimination on the basis of age is proscribed once a young person leaves school.
- 2.8 Therefore, even setting aside the deleterious aspects of what is proposed, Business New Zealand does not believe it is either fair or reasonable to turn employers (and others who, inadvertently or not, allow minors to drink alcohol at private gatherings) into criminals (who would face a maximum fine of \$2,000). This is something the framers of the 1989 legislation clearly accepted but which the bill apparently fails to grasp.
- 2.9 As a consequence, Business New Zealand asks that section 160(3)(d) be retained and, correspondingly, that clause 6 (2) of the bill be deleted.

Business New Zealand

Business New Zealand is New Zealand's largest business advocacy body and encompasses four regional business organisations¹ as well as a 60-member Affiliated Industries Group (AIG). The AIG comprises most of the country's national industry associations and consequently enables Business New Zealand to tap into the views of over 76,000 employers and businesses, ranging from the smallest to the largest, reflecting the make-up of the New Zealand economy.

In addition to advocacy on behalf of enterprise, Business New Zealand contributes to Government and tripartite working parties and to international bodies including the ILO, the International Organisation of Employers and the Business and Industry Advisory Council to the OECD.

Business New Zealand's key goal is the implementation of policies that would see New Zealand retain a first world national income and regain a place in the top ten of the OECD, a high comparative OECD growth ranking being the most robust indicator of a country's ability to deliver quality health, education, superannuation and other social services. It is widely acknowledged that consistent, sustainable growth well in excess of 4% per capita per year would be required to achieve this goal in the medium term.

15 December 2005

¹(Employers' & Manufacturers' Association (Northern), Employers' & Manufacturers' Association (Central), Canterbury Employers' Chamber of Commerce, and the Otago-Southland Employers' Association).