

**ARTICLE**

# Alcohol reform – New Zealand style: Reflections on the process from 1984 to 2012

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**Abstract**

This paper traces 30 years of alcohol reform in New Zealand, from the early 1980s through to the passing of the Alcohol Reform Bill in 2012. It begins with the liberalisation of alcohol through the passing of the Sale of Alcohol Act in 1989 allowing wine to be sold in supermarkets, followed by beer in 1999 along with a reduction in the age of purchase of alcohol from 20 to 18 years. Soon after a South Auckland shooting of a liquor store owner in 2008, the government announced a major review of the alcohol laws to be conducted by the New Zealand Law Commission. The remainder of the paper outlines the process by which successive National-led governments carefully managed this review and finally passed an Alcohol Reform Bill which contained very little in the way of reform. The paper documents how the government engaged in a drawn-out process with significant time delays, largely ignoring the main evidence-based recommendations of the Law Commission, withholding vital information from the public, dismissing concerns expressed by both the public and opposition parties, and using a combination of the “conscience vote” and an unusual voting procedure in Parliament to deliver a Bill that was favourable to the alcohol industry.

**KEYWORDS**

Alcohol, law reform, New Zealand, politics

The negative impact of a heavy drinking alcohol culture on New Zealand society has been a feature from the beginning of Western colonisation of Aotearoa. However, since the first alcohol laws were enacted in 1841, alcohol regulation is currently close to its weakest ever, following the liberalizing reforms of the 1980s. This weakness in policy contrasts with documented evidence of the harm of alcohol to people, including harm to others (Connor & Casswell, 2012).

There are at least 700,000 heavy drinkers in New Zealand (Wells, Wells, Baxter, & Schaaf, 2006), to whom a range of short- and long-term harms occur. It has been estimated that more than 62,000 physical assaults and 10,000 sexual assaults occur in New Zealand every year where the offender has been drinking (Connor & Caswell, 2009). Further, it has been estimated that over 300 alcohol-related offences occur every day, and a third of all police apprehensions,

including half of serious violent crimes, are related to alcohol (Stevenson, 2009). Alcohol use is causally related to over 60 different medical conditions (Room, Babor, & Rehm, 2005) and, of the 800 or so premature deaths due to alcohol each year, 30% are due to cancer (Connor, Kydd, Maclennan, Shield, & Rehm, 2016). At least 600 children born each year with FASD (May & Gossage, 2001), although the number could be as high as 3000 (Sellman & Connor, 2009). The cost of alcohol to New Zealand has been estimated to be in the billions of dollars (Slack, Nana, Webster, Stokes, & Wu, 2009).

With this history and harm in mind, let us begin with the more recent story in New Zealand 30 years ago and trace the steps of alcohol law reform New Zealand style, up to the passing of the Alcohol Reform Bill in 2012.

## 1 | LIBERALISATION OF ALCOHOL IN NEW ZEALAND

The fourth Labour government came to power in 1984 led by David Lange. It quickly set about a series of social and economic reforms, often referred to as “Rogernomics” after the Finance Minister of the time, Roger Douglas, who championed a series of neo-liberal reforms in line with similar economic moves in the UK by Prime Minister Margaret Thatcher and the USA by President Ronald Reagan. In the midst of this social upheaval was a review of alcohol in New Zealand, undertaken by a working party set up by the government under the leadership of Sir George Laking (Laking, 1986). The terms of reference were narrow and the subsequent report’s message was consistent with the prevailing mood of “cutting red tape” and freeing up the economy. A key decision of the working party was to reject the long-held view that availability of alcohol increases the harm from alcohol. This opened the door for a new Sale of Alcohol Act (1989), which began a social experiment in New Zealand by which alcohol was to become a normalised grocery item. This optimistic vision was acted upon primarily through allowing wine to be sold in supermarkets for the first time.

In 1999, the National-led coalition government, led by Jenny Shipley after she replaced Jim Bolger, extended the accessibility of alcohol outside of hotels and liquor stores to also include grocery stores, in addition to supermarkets, as well as allowing beer sales at these outlets. At the same time, the age of purchase of alcohol was lowered from 20 to 18 years.

From 1998 to 2008, per capita alcohol consumption in New Zealand increased by about 10% having previously been declining (New Zealand Law Commission [NZLC], 2009a). As time progressed, with increasing numbers of new liquor outlets especially prevalent in poorer communities, public alarm grew at the apparent increase in alcohol-related harm which was being highlighted by the media.

## 2 | A MAJOR REVIEW OF THE ALCOHOL LAWS

In August 2008, the Labour government led by Helen Clark announced a new review of the alcohol laws and contracted the New Zealand Law Commission (NZLC) to undertake it. This occurred two months after the death of a Manurewa liquor outlet owner, Navteg Singh, in June 2008 as a result of an armed robbery. Mr Singh’s death was immediately followed by a protest rally against rising violence in South Auckland and the proliferation of liquor outlets (Newshub, 2008).

Sir Geoffrey Palmer was chosen to lead the NZLC review, which turned out to be the most extensive review of the alcohol laws in New Zealand history. Palmer wrote in the foreword to an initial 279 page “Issues Paper” (NZLC, 2009b,a): “The Law Commission project to review the law on the sale and supply of liquor aims to examine the whole scene from top-to-toe for the first time since Sir George Laking and his committee reported in 1986” (p. iii).

It is somewhat ironic that it was Palmer who led this comprehensive review as it was he who was at the helm as Justice Minister at the time of the liberalisation of alcohol in New Zealand in 1989. But this was an opportunity to review the social experiment he had overseen and he was clearly determined to conduct a thorough investigation, including an examination of the politics surrounding alcohol law.

One of the early challenges issued by the review team was to question the value of the “conscience vote” (NZLC, 2009c) in Parliament, whereby political parties can avoid declaring specific policy on difficult issues such as alcohol when a variety of views amongst a party caucus may exist. The review team recommended dispensing with the historical practice of using the “conscience vote” for alcohol bills, which they suggested can produce statutes that “lack coherence and structural logic” (p. 3).

As will be elaborated later, the government’s response to the NZLC review, the Alcohol Reform Bill, contained just one significant potential reform – raising the age of purchase of alcohol. The vote in Parliament utilised the “conscience vote”.

The Law Commission review team invited publication submissions on an extensive *Issues Paper* (NZLC, 2009a) and a record number of 2,939 were received of submissions were received, two-thirds of these from individuals (NZLC, 2009b). Submissions that came in after the cut-off date were read by the team but not included in the analysis. The review team were under pressure by the National-led government to produce the final report, *Alcohol In Our Lives: Curbing The Harm* (NZLC 2010), which was duly submitted to the Minister of Justice, Simon Power, in April 2010.

One of the major pieces of evidence considered by the review team was a recent World Health Organisation sponsored publication, *Alcohol: No Ordinary Commodity* (Babor et al., 2003), documenting the scientific evidence for reducing alcohol-related harm across a population. The World Health Organisation has sponsored a series of such publications over the past 40 years for example, *Alcohol Control Policies* (Bruun et al., 1975), *Alcohol Policy and the Public Good* (Edwards et al., 1994) and then the first edition of *Alcohol: No Ordinary Commodity* (Babor et al., 2003). A second edition of *Alcohol: No Ordinary Commodity* (Babor et al., 2010) was published several months after the Law Commission submitted its final report.

### 3 | ALCOHOL ACTION NZ AND THE ALCOHOL INDUSTRY

A medically-led alcohol law reform lobby group, Alcohol Action NZ (AANZ), was formed in 2009 to advocate for scientifically-based alcohol law reform to reduce alcohol-related harm in New Zealand.

An initial aim was to influence the NZLC’s review towards making recommendations based on the best scientific evidence available. An easy to remember “5+ Solution” was formulated by the group, encapsulating key measures outlined in *Alcohol: No Ordinary Commodity* (Babor et al., 2003) as follows:

1. Raise alcohol prices.
2. Raise the purchase age.
3. Reduce alcohol accessibility.
4. Reduce alcohol advertising and sponsorship.
5. Increase drink-driving countermeasures.

PLUS: Increase treatment opportunities for heavy drinkers (Sellman, 2010).

Each of these measures includes an effectiveness rating on a four-point scale (0, +, ++, +++) as follows: alcohol taxes (+++), minimum legal purchase age (+++), hours and days of sale restrictions (++) , legal restriction of marketing (+/++), lowered BAC limits for driving (+++).

The alcohol industry was clearly aware of these research findings. Five threats to business identified in industry internal documents (Bond, Daube, & Chikritzhs, 2010) were exactly the five measures identified by AANZ’s summary of *Alcohol: No Ordinary Commodity* (ANOC) (Babor et al., 2003) – increases in alcohol taxes, increases in the legal drinking age, restrictions on alcohol sales, restrictions on alcohol advertising and marketing, enforced health warnings, and lowering blood alcohol concentrations for driving.

Of further interest was the effectiveness rating of alcohol education programmes which register zero on the 4-point ANOC effectiveness scale in terms of reducing alcohol-related harm. The alcohol industry, presumably knowing how ineffective alcohol education programmes are, nevertheless instructed their public representatives to support alcohol education programs and messages so as to develop public policy from a framework of education and responsible drinking, as opposed to one of control (Bond, Daube, & Chikritzhs, 2010).

It was also revealed from alcohol-industry internal documents (Bond, Daube, & Chikritzhs, 2010) that the industry has a series of stock-phrases – mantra – designed to be repeated as much as possible in public in order to counter effective alcohol reform. Here are a sample of these phrases:

*“the majority of people who drink do so responsibly”.*

*“unfair to penalize the majority to pay for the actions of a few”.*

*“excise taxes are regressive, forcing a disproportionate burden on those least able to afford it”.*

*“advertising affects brand performance not consumption or abuse”.*

*“advertising is used to remind drinkers about the importance of drinking responsibly”.*

*“more research is needed”.*

It can be seen, therefore, that the public health lobby and the alcohol industry lobby have diametrically opposed strategies; the public health strategies focused on reducing alcohol-related harm in society for the public good while the alcohol industry focused on enhancing the business of making money out of alcohol for private and corporate procurement.

An *Economist* editorial explains the different roles for government and business in relation to public health and the public good:

*Businesses should not try to do the work of governments, just as governments should not try to do the work of businesses. The goals of business and the goals of government are different – or should be. That, by the way, is why “partnership” between those two should always arouse intense suspicion. Managers, acting in their professional capacity, ought not to concern themselves with the public good: they are not competent to do it, they lack the democratic credentials for it (Economist, 2005).*

It has been shown (Hapgood, Casswell, Pledger, & Bhatta, 2001) that half of the total alcohol consumed in New Zealand is during heavy binge drinking episodes defined as eight or more standard drinks for men and six or more standard drinks for women. The alcohol industry relies on this heavy drinking culture and would naturally be opposed to any alcohol reform that would reduce the amount of heavy drinking in New Zealand.

The industry lobbied the Law Commission with multiple submissions but in the end the Commission’s final report (NZLC, 2010) reflected the 5+ Solution as seen in the main recommendations:

- increasing the price of alcohol through excise tax increases in order to reduce consumption
- regulating promotions that encourage increased consumption or purchase of alcohol
- moving, over time, to regulate alcohol advertising and sponsorship
- increasing the purchase age of alcohol and
- cutting back the hours licensed premises are open (p. 6)

The report emphasised the need for a “suite of measures” to produce “an integrated package, the various elements of which are mutually reinforcing” (p. 12).

Although drink-driving measures were not included in the initial terms of reference and not specifically referred to for public comment following the dissemination of the *Issues Paper*, the Law Commission nevertheless received over 1,240 transport-related submissions. The final report commented that the review team agreed with the majority of submitters that the blood alcohol limits for driving must come down.

## 4 | THE GOVERNMENT'S RESPONSE TO THE LAW COMMISSION REVIEW

The first response of the National-led government was to immediately announce it had no intention of increasing the excise tax on alcohol to increase its price (Radio New Zealand, 2010), despite this being one of the most important recommendations of the Law Commission report.

The Prime Minister admitted the country was in a mood for change but not for “a major overhaul” (Radio New Zealand, 2010). He said that raising the price was unfair on those who did not misuse alcohol (echoing alcohol industry mantra), whereas Palmer said the measures in his report would have “little effect” on moderate drinkers who enjoy alcohol socially and drink in a low-risk manner. Gerard Vaughan, CEO of the Alcohol Advisory Council of New Zealand (ALAC), maintained that pricing was a key reform and urged the government to keep open about both an increase in the excise tax and institution of a minimum price per standard drink. This advice was ignored as were other concerns expressed by ALAC about the new Bill. Vaughan was subsequently made redundant when ALAC was bundled into a new entity, the Health Promotion Agency, in 2012, along with the Health Sponsorship Council, a move described as “a blow to public health” (Kypri, Connor, & Sellman, 2015).

Four months after the Law Commission submitted its final report to government in 2010, the Justice Minister Simon Power announced the government's formal response to the recommendations (New Zealand Government [NZG], 2010). Essentially the response was to ignore the recommendations for substantial reform, while making out the government was taking on board the majority of the Commission's recommendations. The Law Commission had in fact detailed many technical suggestions in the law governing the sale and supply of alcohol which, when added to the substantial reforms recommended on pricing, marketing, and accessibility of alcohol, numbered 153 recommendations in total. The government announced it intended adopting either fully or in part 126 of these 153 recommendations, giving the impression that it was serious about alcohol reform. This impression was reinforced by the Minister's rhetoric:

*The statistics can't be ignored and clearly show a problem with alcohol that must be addressed. Alcohol is estimated to contribute to 1,000 deaths a year, and is a major driver of crime, being implicated in 30 percent of all police recorded offences, 34 percent of recorded family violence, and 50 percent of all homicides. What the Government has heard from the New Zealand public is that the pendulum has swung too far towards relaxation of the alcohol laws. Today we are responding to the public's call for action. (NZG, 2010)*

However, the Government's response contained only one substantial reform, age of purchase, and only half of it at that. Power announced, “A graded approach to purchasing alcohol” (NZA, 2010), maintaining the status quo purchase age of 18 years for on-licence venue (pubs and restaurants), while, using the “conscience vote” in Parliament to avoid the National Party taking a political position on the matter, proposing an increase in the age of purchase for off-licence venues (supermarkets and bottle stores) back to 20 years, where it had been prior to 1999. An unusual voting procedure was subsequently used in Parliament (which will be returned to later) that saw this proposed half-reform defeated.

Measures aimed at reducing the hours of purchase of alcohol were also announced, but the responsibility for determining these was handed to local government in the name of “empowering local communities” (NZG, 2010) with the promise of them having the power to also determine the location and concentration of alcohol outlets. Whether to develop local alcohol policies was to be a voluntary decision for local councils; while the government set liberal new default trading hours of 7 am – 11 pm for off-licences and 8 am – 4 am for on-licences, it was left to local councils to strengthen these if they desired. What transpired, however, was that rather than being empowered, local councils found themselves in a losing battle against the alcohol industry when attempting to introduce community initiated reforms (Hyslop, 2014).

The weak government response to the Law Commission review was immediately criticised. Alcohol Healthwatch (2010, August 23) issued a media release stating: “New Zealanders can feel short-changed by the Government's response to the Law Commission's report on alcohol laws ... although the reform package includes some positive

measures, as a whole it is merely a compromise that is unlikely to have much impact on the very issues the government says it wants to address”.

The response from Alcohol Action NZ likened the government’s announcement to trying to fight a bush fire with a couple of garden hoses and went on to say: “The government has seriously misread public concern about heavy drinking and needs to rethink its policies ... It is excruciating to see this National-led Government on the brink of wasting such an historic opportunity” (Alcohol Action, 2010).

Power defended the government’s limp response to the Law Commission’s recommendations, “This package is a starting point for Parliament’s consideration of our alcohol laws and we will listen carefully to the public through the select committee process” and said he hoped to introduce legislation to Parliament in October and pass it into law before the end of the parliamentary term. He subsequently did neither, and left Parliament within several months to begin working for the exclusive Westpac Private Bank (New Zealand Herald [NZH], 2012).

## 5 | AN ALCOHOL NON-REFORM BILL

The Bill, titled “Alcohol Reform Bill” was introduced into Parliament in November 2011 and after its First Reading was referred to the Justice and Electoral Select Committee. The timing ensured that public submissions on the Bill occurred over the Christmas/New Year holiday period, closing on 18 February 2011. However, despite this unfavourable timing for public submissions, there were a large number – 1,825 written submissions, and over 7,000 further post-card submissions (Alcohol Action, 2011). Further, many submitters wished to present in person to the Select Committee to the extent that the Committee subsequently divided into two and reduced the time for the majority to five minutes in order to complete the process in the time allocated.

The degree of opposition to the Bill, which was primarily on the basis of what was left out of it rather than what was in it, i.e., the lack of any substantial alcohol reforms to address the key areas of alcohol marketing, pricing, or accessibility – may have given the government pause to consider a change of intention from completing the process prior to the general election. In any event, further political timing appeared to be engineered in order for the government to look as if it was progressing alcohol reform, while it was, in fact, delaying the process. Seven months after submissions closed on the Bill, the Select Committee reported back to Parliament for a Second Reading of the Bill in October 2011, leaving no time to pass it prior to dissolution of Parliament in preparation for the general election in November 2011.

The Select Committee had been divided. Both the Labour Party and the Green Party issued minority reports as part of the Select Committee Report back to Parliament for the Second Reading. Both drew attention to the fact that the Bill did not address the marketing of alcohol or the pricing of alcohol, but rather focused on age of purchase for political purposes (NZG, 2011). For example, the Labour Party minority report said:

*Given the former Labour Government’s role in pursuing comprehensive alcohol reform, the current Labour members of the committee are disappointed that this bill fails to address the evidence that the Law Commission presented to the Government in its report, Alcohol in Our Lives: Curbing the Harm. As part of the process of pulling together this report, three thousand New Zealanders made their views known to the commission, resulting in one of the most extensive inquiries undertaken by any New Zealand Government. It is therefore concerning that so much of the evidence and so many of the recommendations have been ignored ... Labour members of the committee will be supporting this bill despite having major reservations about the bill’s failures to address key issues. We will be seeking to raise our concerns during the committee stages of the bill with particular reference to the following areas:*

- lack of minimum pricing leading to availability of extremely inexpensive alcohol
- commercialisation of alcohol as an ordinary commodity making it readily accessible
- lack of restrictions regarding advertising and marketing

- failure to lower the blood alcohol level allowable when driving
- focus on the purchase age of alcohol. (cited in NZG, 2011)

And from the Green Party minority report:

*The Green Party is disappointed that the bill fails to address the issues of price and the advertising and sponsorship of alcohol, even though these are widely acknowledged to be the underlying drivers of our entrenched drinking culture. Submitter after submitter told us that price is the single most important issue in reducing our binge drinking culture. Many pointed out that alcohol is sold so cheaply in supermarkets that bars, and even liquor outlets, can buy alcohol more cheaply from a supermarket than they can from a wholesaler. Regrettably the bill does nothing to stop supermarkets from engaging in the predatory practice of selling alcohol at ridiculously cheap, below-cost prices, to lure customers, especially young customers, into their stores. (cited in NZG, 2011)*

However, these minority reports did not deter the government's plan of completing the Second Reading of the Bill and then shelving it, thus delaying any possibility of alcohol reform for many months if not years. Parliament was dissolved in October 2011, a general election was held in November, and a new National-led government was subsequently formed. It wasn't until well into 2012 that the Alcohol Reform Bill appeared on the Parliamentary Order Paper once again.

## 6 | AN EXTRAORDINARY REVELATION

At the end of 2011 an extraordinary revelation occurred. The Health Sponsorship Council (HSC) had undertaken its regular population-based survey in 2010, which included a number of questions related to public support or not, of various alcohol reforms. It was revealed that the final report had been held up on the Minister of Health's desk – Minister Peter Dunne (Goodwin, 2011). When asked why the findings had not been released to the public, Dunne claimed that the information was already in the public domain (it was not) and that getting the report peer-reviewed was a waste of public money. Professor Jennie Connor, Head of the Department of Preventive and Social Medicine at the University of Otago, asserted that not completing the research by withholding the results amounted to political manipulation, and pointed out that many academics would have undertaken the review for free (Goodwin, 2011).

The HSC study was a rigorous scientific survey of public attitudes (Peck, 2011). It showed that more than three-quarters of New Zealanders aged 15 years and over would support or at least go along with strong alcohol reforms that had not been included in the Alcohol Reform Bill as follows:

- Raising the price of cheap alcohol (76%)
- Banning all alcohol advertising or promotion (77%)
- Banning alcohol sponsorship for sport, musical and cultural events that young people go to (80%)
- Reducing the hours that alcohol can be sold (84%)
- Raising the purchase age of alcohol to 20 years (87%).

The survey also found that only 2% of New Zealanders thought there were too few liquor outlets, at a time when these were proliferating (Peck, 2011).

These findings would have been embarrassing to the government to which Dunne belonged; a government that had studiously avoided including any of these measures into the Alcohol Reform Bill even though they had been recommended by the Law Commission.

Connor went on to say about the government: "It has deliberately interfered with a fair process" and she suggested the "educated public" was becoming disillusioned with the political process because of the cynicism of



politicians. “People know they are being manipulated, and so when you have some evidence you are being manipulated it’s disappointing” (Goodwin, 2011).

## 7 | THE PASSING OF THE BILL

The Alcohol Reform Bill appeared on the Parliamentary Order Paper in August 2012, 10 months after its Second Reading in Parliament. It was essentially unchanged from that which was referred to the Select Committee the previous year, despite the weight of objections to what was missing from the Bill from submitters and the two main Opposition Parties.

The most the Bill had in it in the way of significant reform was increasing the age of purchase from 18 to 20 for off-licence premises – half a reform. The government appeared to have a strategy of shining the focus of alcohol-related harm on young people as a high-risk group, using the age of purchase as a distraction from the lack of other reforms in the Bill. The government was clearly treading a narrow path between being seen to be doing something – proposing a half measure around age of purchase – while being very careful not to alienate the votes of young people. It solved the latter by using the “conscience vote” in Parliament (supported by the Labour Party) to distance itself from appearing to be leading a change in the age of purchase.

Further, the method of voting in Parliament was organised in a manner that would maximise the chance of maintaining the status quo. There were two stages of voting. First, MPs voted on three options: remain at 18 years, 18 for on-licence/20 for off-licence, increase to 20 years. The middle split age option was complicated and had no specific scientific evidence supporting it, even though this was the option in the government’s Bill. Perhaps not surprisingly, this split age option received the least votes (33) compared with (38) for 20 years and (50) for maintaining the status quo at 18 years. The overall voting indicated the mood of Parliament was for change 71 versus 50. However, the split age option was subsequently dropped and a second vote, 18 years versus 20 years was won by the status quo – 68 to 53 votes (Young, 2012). The age of purchase half measure was defeated, leaving the Alcohol Reform Bill containing no substantial reforms – an Alcohol *non*-Reform Bill.

The government had one final set of hurdles to traverse to pass the Bill – dealing with 23 supplementary order papers (SOPs) during the final Committee stage in the House (NZG, 2012). There were 13 SOPs from Labour Party MPs, although none of these were from the Labour Party itself and therefore representing party policy. Despite Palmer’s plea to Parliament at the outset of his Law Commission team’s review (2009/2010) for political parties to dispense with the “conscience vote”, the Labour Party continued with it; and thus, along with National, helped in perpetuating alcohol as a moral issue, rather than primarily a health issue based on science.

Three of the SOPs were on pricing – the single most effective and easily enacted measure that a government can do – from Labour’s Lianne Dalziel (SOP 113 on minimum pricing), Green’s Kevin Hague (SOP 130 on excise tax) and the Māori Party’s Te Ururoa Flavell (as part of SOP 81 on minimum pricing) (NZG, 2012).

The best chance of the Alcohol Reform Bill being passed with some actual alcohol reforms in it came from the Māori Party, as part of government, with its SOP (81) advocating:

1. Minimum pricing (per standard drink).
2. Dismantling all alcohol advertising and sponsorship.
3. Putting a cap on liquor licences and establishing a sinking lid for the existing ones.
4. Establishing more restrictive trading hours as the default (off-licence 10 am–10 pm, on-licence 10 am–1 am with a two-hour, one-way door policy).

However, these SOPs were all quickly swept away by the government in the subsequent Parliamentary process and an Alcohol *non*-Reform Bill, termed the Alcohol Reform Bill, was finally passed in December 2012. Echos of the



“doublethink” in George Orwell’s dystopian novel *1984* (Orwell, 1949) could be heard – “War is Peace”, “Ignorance is Strength”, “No Reforms are Real Reforms”.

Even mainstream media reiterated the rhetoric of the government, headlining the news with “Major Alcohol Reforms Passed Into Law” (Davison, 2012). The new Justice Minister, Judith Collins, kept to script, stating the Bill struck a “*sensible balance*” by reducing the serious harm caused by alcohol without penalising people who drank responsibly. She did admit about the Bill, “... it’s not going to be the full answer” and added “obviously people need to change the culture and their own behaviour”.

This statement exposes how little the government regarded the Law Commission’s report and its recommendations. It also pointed to how much the political ideology of individualism and personal responsibility trumped evidence-based population-focused measures (denigrated as “nanny state”) in the government’s political decision-making. However, concurrent with this process, this same National-led government was enacting “nanny state” measures with respect to tobacco products, particularly regarding price, having increased the price of tobacco products above the CPI for the first time in a decade in April 2010 (Action on Smoking and Health New Zealand, 2016). This contradiction suggests the primary reason for not responding more positively to the Law Commission review was not political ideology, but rather political pragmatism and the influence of strong and effective behind-the-scenes lobbying by the alcohol industry. This was the explanation put forward at the time by Labour MP Iain Lees-Galloway who suggested that lobbyists such as the Food and Grocery Council and the Hospitality Association had heavily influenced the Bill (NZ Herald, 2011).

## 8 | ALCOHOL LAW REFORM – NEW ZEALAND STYLE

What would alcohol law reform look like in a well-functioning democracy? If a societal problem of concern to the public was reviewed by a highly reputable organisation with the capability of considering informative scientific evidence and producing expert policy recommendations, which were supported by a large majority of the population, it would be expected that a government in a well-functioning democracy would respond accordingly and swiftly.

The recent alcohol reform process in New Zealand had most of these elements present. Here was a problem highlighted by the media for which there was considerable concern amongst the public. Decades of scientific findings indicated clearly the most effective measures for reducing alcohol-related harm (the 5+ Solution). The Law Commission had a strong reputation for having the capability of reviewing complex issues and producing expert policy. A high quality scientific survey had demonstrated a large majority of the New Zealand public supported the evidence-based measures recommended by the Law Commission. So why did the National-led government not respond accordingly and while it was not responding accordingly, why did it proceed with so much delay?

Long standing societal problems such as a normalised culture of heavy drinking require bold reforms to change them. Bold reforms, such as the main recommendations of the Law Commission, need a government willing to stand up to vested interests, in this case the alcohol industry, who are benefitting from the status quo. The struggle is between those advocating change for the public good and private interests which oppose change. In this instance the government steered a course that strongly supported the position of the alcohol industry; i.e., for the government to do very little and to do it very slowly. The government achieved this while doing its best to appear to be actively involved in doing something about the problem.

In retrospect perhaps the government was ambivalent about the Law Commission’s review from the outset. The review had been initiated by the previous Labour government and a former Labour Prime Minister, Sir Geoffrey Palmer, had led the review. Scrapping the review would have carried political risk, so the best move might naturally be to appear to be engaging in the review’s recommendations, albeit with a predetermined intention to do very little.

However, it is not at all certain a different government would not have acted with similar ambivalence. Governments need champions for progressive change of socially engrained issues such as heavy drinking; politicians in the right place, with the personal commitment, courage and will to stand up to the inevitable well-organised

industry lobbying. It is not at all certain that well-placed political champions dedicated to alcohol reform existed in other political parties in New Zealand; people such as the former Labour Prime Minister Helen Clark and, more recently, Māori politicians, Hone Harawira and Tariana Turia, who have successfully championed tobacco law reform.

Withholding vital information from the public about the government's support for the strong alcohol reform measures by Minister Dunne was an important part of the government's process to see off the Law Commission review and maintain a favourable commercialized market for alcohol in New Zealand, in line with both the alcohol industry's aspirations and the desire of the 700,000+ heavy drinkers of New Zealand.

A cartoon, headed "Alcohol Reform – NZ Style" published in the New Zealand Herald, the country's largest daily newspaper, on 31 August 2012, summarised the overall process well. Prime Minister John Key is being paraded, seated on a platform hoisted in the air by eight members of the alcohol industry, surrounded by a happy looking crowd of drinkers responding to the Prime Minister's toast with a glass of beer calling "Cheers" to everyone (NZH, 2012).

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**How to cite this article:** Sellman D, Connor J, Robinson G, McBride S. Alcohol reform – New Zealand style: Reflections on the process from 1984 to 2012. *Psychother Politics Int.* 2017;15:e1398. <https://doi.org/10.1002/ppi.1398>