



29th September 2009

Safer Journeys
Ministry of Transport
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Distilled Spirits Association of New Zealand
Response to the Ministry of Transport's Safer Journeys discussion document

Distilled Spirits Association

The Distilled Spirits Association welcomes this opportunity to respond to the public invitation to comment on the Ministry of Transport's *Safer Journeys* discussion document. Relevant to our sector, the Association's submission addresses the section entitled: "Reducing the impact of alcohol/drug impaired driving".

The Association is the national trade organisation representing New Zealand's leading producers and marketers of premium distilled spirits and liqueurs.

The Association's members include: Anchor Ethanol Ltd, Bacardi Martini Asia Pacific Ltd, Beam Global (NZ) Ltd, Brown Forman Beverages Worldwide, Diageo (New Zealand) Ltd, Lion Nathan Wines and Spirits Ltd, Moët Hennessy NZ Ltd, Pernod Ricard New Zealand Ltd, The Rum Company (New Zealand) Ltd and Vintage Wines and Spirits Ltd.

DISCUSSION POINTS

BACs

As a preamble no one would deny that the excessive use of alcohol beverages can play a role in contributing to the number of fatalities on our roads.

This then raises the question: will stricter regulations such as lowering the blood alcohol concentration (BAC) limit have any effective impact on drivers who choose to drive at blood alcohol limits grossly in excess of current levels?

The Association notes that maximum BACs vary from country to country. Interestingly, there are several significant countries which New Zealand often compares itself against that have the same 0.08 threshold adult limit. These countries include:

- United Kingdom
- United States
- Canada
- Ireland
- Luxembourg
- Malaysia
- Malta
- Mexico
- Singapore

It would appear that on an international basis that the current New Zealand BAC of 0.08 is not significantly out of step with many leading jurisdictions.

Moreover, it has been pointed out by the Automobile Association that a direct relationship between countries with a reduced BAC and a reduced crash rate does not exist¹. It is noted that whilst the US with a 0.08 BAC has one of the worst crash rates in the developed world, the UK, also with an 0.08 BAC, has one of the lowest. The proportion of road fatalities with “alcohol or drugs” as a contributing factor in New Zealand is 31%, but despite a 0.05 BAC, Australia’s is also 31%.

The Association notes that any major policy adjustment should strike the right balance between what the majority of New Zealander’s view as fair, supportable and safe. Moreover, any adjustments need to be justified by the demonstrable safety benefits for change.

Finally, the Association is unequivocally opposed to impaired driving and we have no opposition for a revised legal blood alcohol threshold for drivers if mandated by Parliament.

Law enforcement and penalties

In discussing possibilities for effectively reducing drunk driving there are, we believe, two vital elements:

- the need for visible, consistent and targeted law enforcement combined with
- strong deterrent penalties such as stronger fines and administrative license suspension to be handed down by the judiciary.

Potential drink drivers not only need to know that, if they get caught, there will be serious consequences, but also that there is a good chance of getting caught. Unfortunately, there is still much work that needs to be done to address recidivist drunk drivers who also are high BAC offenders and who continue to account for a disproportionate share of the drunk-driving problem.

The majority of licensed premise operators are very responsible and in compliance with the laws which prohibit the sale or service of alcohol beverages to individuals who may be intoxicated. Licensed premise operators are also very aware of the penalties of allowing any individual to become intoxicated on the premises. There are also strong social and cultural

¹ “Sobering thoughts”, AA Direction Autumn 2009

norms, more likely to be accepted, if not to discourage, drinking and driving from licensed premises. To further reinforce this, a licensee's future right to trade, determined by the licensing authorities, is highly dependent on their demonstrating responsible actions in this and other regards.

Whilst licensed premises are easily identifiable it is more difficult with the millions of private homes and other unregulated drinking venues in the country. Alcohol Advisory Council (ALAC) research shows that more than two-thirds of the alcohol is consumed at home or at a friend's place, and not on licensed establishments. Therefore, some policy focus targeted on these problematic settings would be useful.

Drinking guidelines

The Association has observed some potential confusion amongst the public as to the safe levels of alcohol consumption per se and "safe" alcohol limits for driving for adults at the current 80mg of alcohol per 100ml blood setting.

Official information promulgated by ALAC concerning the upper limits for low risk drinking² states:

"On any one drinking occasion you should drink no more than:

- six standard drinks (for men)
- four standard drinks (for women)"

Each standard drink contains 10 grams of alcohol.

Meanwhile, the driving limit "allows" men up to four drinks and women up to three drinks, in the first hour. The mathematical calculations are of course approximate and the amount that can be consumed by an individual would be dependent on a range of variables including allowing age, gender, body weight, the consumption of food, the impact of medication, etc.

The above guidelines are clearly for two completely different situations and this could usefully and be more aggressively pointed out.

Policymakers should also address another important and overlooked area. Many people believe that the degree of impairment is related to the type of beverage consumed. Based on scientific fact it does not matter what beverage type is consumed. According to ALAC, a standard serving of beer, mixed drink or a glass of wine all contain around 10 grams of alcohol, and each contributes equally to blood alcohol levels. It should be pointed out that the individual type of beverage consumed to a point of impairment makes no difference to a breathalyser or blood test.

Zero BAC for novice drivers

The Association is supportive of measures that may prevent youth drinking and driving.

² <http://www.alcohol.org.nz/LowRiskDrinking.aspx>

Specifically, the Association supports the proposal, as advanced in the **Sale and Supply of Liquor and Liquor Enforcement Bill**, to make it clear to drivers aged under 20 who do not have a full licence, that there is an alcohol limit of zero.

The Association would however caution that the proposal is unlikely to stop irresponsible drivers under 20 years of age being involved in motor vehicle crashes and fatalities. We would also point out that, amongst youth, there are minimal fatalities occurring at such low BAC levels.

In addition to a zero BAC for youth, it would be sensible for policy makers to explore the merits of setting a zero limit for drugs.

Drugged driving

The Association welcomes any initiatives to test, at the roadside, suspected drugged drivers.

The discussion document's reference to the "drugged driver" data (presented on page 15) warns that this form of impaired driving (bearing in mind that it is illegal and the Police are bound to enforce the Transport Act) is now significant and very common. It is obvious that the incidence of drugged driving is far greater than has been previously acknowledged.

Unfortunately, within the statistical "alcohol (and drug)" context, the former still draws far too much attention as the sole cause of crashes and impaired driving which is never condoned or encouraged.

Given, the official acceptance of the increasing incidence and extent of driving while under the influence of drugs impacting road safety consideration should be given to the revising of Police data and coding methods delinking alcohol from drugs. This would help accurately recognise the illegal nature of drugs (eg cannabis and P) and account for and assist policy making on this very serious "contributing factor" to accidents, injuries and fatalities.

Other ideas to reduce drunk driving

Instead of focusing exclusively on the maximum BAC settings and penalties the Association suggests that the continued building of long-term public awareness around the dangers of drinking and driving and the social unacceptability of any alcohol-impaired driving could be effective in changing New Zealanders attitudes and social norms.

Importantly, there also needs to be a stronger policy fostering personal responsibility and holding individuals to account for their own actions or behaviours. This approach could militate against the State imposing interventions unfairly penalising the responsible majority.

Other initiatives or broader efforts, assisted and supported by public agencies, educators, insurers, health care professionals and responsible citizens that could help mitigate the incidence of individuals driving drunk include leveraging industry-led campaigns that encourage designating a sober driver on drinking occasions; programmes that provide alternative transportation arrangements eg ride-share and free-buses and server training

and responsible hospitality programmes for hosts to recognise and respond to impaired patrons.

Any amount of alcohol abuse is too much and at a domestic and international level the Association's member companies have a long history of working with communities to combat drunk driving.

Considerable resources and efforts have been invested into education and awareness raising of anti-drink driving. For example some programmes and campaigns include: **Beam Global's** "Drink Smart - never drive drunk", **Brown Forman's** "Pace Yourself, Drink Responsibly", **Bacardi Martini/42 Below's** "Michael Schumacher champions drink responsibly", **Lion Nathan's** support of the NZ Transport Agency's "Choose your sober driver" message on its national and metropolitan distribution fleet and **Moet Hennessey's** "Designated Driver". An important point with these programmes is that they are, in the main, targeted at drivers rather than aimed at the population as a whole.

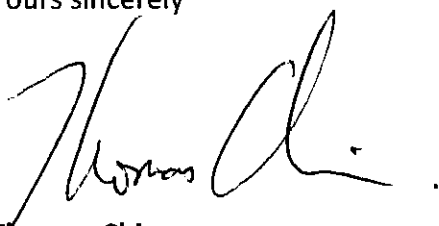
The Association would support the compulsory use of ignition disabling systems installed on vehicles owned by repeat offenders. These recidivists clearly have no regard for the law or the road safety of others. Importantly, the devices that detect breath alcohol levels must be designed in such a way as to not allow them to be overridden and they must be proven to be effective in other jurisdictions.

Conclusion

We would note that the evidence available shows that well-designed anti-drunk-driving programmes may help to change attitudes and behaviours and reduce harm.

Setting maximum blood alcohol limits can be an effective prevention measure. However, when enforcement is inconsistent or lacking the law is potentially undermined. Expanding a focus to non-regulatory measures or strategies such as public education and awareness raising could also be effective in reducing the incidence of impaired driving in New Zealand. Finally, New Zealanders need to adopt a zero-tolerance approach to drunk driving.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Thomas Chin', with a stylized flourish at the end.

Thomas Chin
Chief Executive