

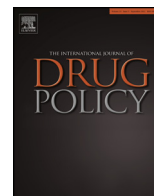


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Research paper

# Public, official, and industry submissions on a Bill to increase the alcohol minimum purchasing age: A critical analysis

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### ABSTRACT

**Background:** In 2005 a Bill was introduced to the New Zealand parliament to increase the alcohol minimum purchasing age (MPA) from 18 to 20 years and submissions were invited from interested parties. We sought to characterise and critique the arguments tendered for and against the proposal.

**Methods:** We used template analysis to study written submissions on the Bill from 178 people and organisations in New Zealand. Independent raters coded submissions according to the source, whether for or opposed, and the arguments employed.

**Results:** The most common sources of submissions were members of the public (28%), the alcohol industry (20%), and NGOs (20%). Overall, 40% opposed increasing the MPA, 40% were in favour, 4% supported a split MPA (18 years for on-premise, 20 years for off-premise), 7% were equivocal, and 8% offered no comment. The most common proponents of increasing the MPA were NGOs (36%) and members of the public (30%) and their arguments concerned the expected positive effects on public health (36%) and public disorder/property damage (16%), while 24% argued that other strategies should be used as well. The most common sources of opposition to increasing the MPA were the alcohol industry (50%) and the public (20%). It was commonly claimed that the proposed law change would be ineffective in reducing harm (22%), that other strategies should be used instead (16%), that it would infringe adult rights (15%), and that licensed premises are safe environments for young people (14%). There were noteworthy examples of NGOs and government agencies opposing the law change. The alcohol industry maximised its impact via multiple submissions appealing to individual rights while neglecting to report or accurately characterise the scientific evidence. Several health and welfare agencies presented confused logic and/or were selective in their use of scientific evidence.

**Conclusion:** In contrast to the fragmented and inconsistent response from government and NGOs, the alcohol industry was organised and united, with multiple submissions from the sector with most at stake, namely the hospitality industry, and supporting submissions from the manufacturing, import, and wholesale sectors. Systematic reviews of research evidence should be routinely undertaken to guide the legislature and submissions should be categorised on the basis of pecuniary interest.

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### Introduction

There is extensive evidence from the USA, Canada, and Australia demonstrating deleterious effects of lowering the minimum legal drinking or purchasing age (Shults et al., 2001; Wagenaar & Toomey, 2002). In the late 1970s and early 1980s, several states

in the USA increased the minimum legal drinking age to 21 years. In a meta-analysis of 23 studies on the effects of increasing the drinking/purchasing age, median reductions in the incidence of various traffic crash outcomes were 12–16% (Wagenaar & Toomey, 2002). Another review (Shults et al., 2001) concluded: "...there is an inverse relationship between the [Minimum Legal Drinking Age] and two outcome measures: alcohol consumption and traffic crashes" (p. 206).

In 1999, New Zealand reduced the minimum alcohol purchasing age (MPA) from 20 to 18 years. This occurred in the context of a comparatively high rate of adolescent injury morbidity,

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particularly from traffic crashes (Kypri, Chalmers, Langley, & Wright, 2002) to which hazardous alcohol consumption was a leading contributor (Connor, Norton, Ameratunga, & Jackson, 2004). Independently conducted studies concluded that it had detrimental effects on the incidence of emergency department admissions for intoxication (Everitt & Jones, 2002) traffic crash injuries (Guria, Jones, Leung, & Mara, 2003; Huckle, Pledger, & Casswell, 2006; Kypri et al., 2006) and disorder offences (Huckle et al., 2006), while the short-term effects on alcohol poisoning and assault could not be determined because of inadequate data (Kypri, Davie, Langley, Voas, & Begg, 2009). More recent studies show that excess morbidity from traffic injury has been sustained (Huckle & Parker, 2014) and that the law change was also associated with long-term increases in hospitalised assaults among 15–19 year-old males (Kypri, Davie, McElduff, Connor, & Langley 2014).

In May 2005 the *Sale of Liquor (Youth Alcohol Harm Reduction) Amendment Bill* (SLAB) was introduced to the New Zealand parliament. The SLAB proposed six changes to the existing legislation: (1) a return of the minimum purchasing age to 20 years, (2) prohibiting supply of alcohol to minors in private parties, (3) a removal of the requirement to show intention to supply, (4) changes to provisions concerning restricted areas in licensed premises, (5) restriction of broadcast advertising of alcohol to after 10pm, and (6) moving the responsibility for regulating broadcast advertising from an industry body (“self-regulation”) to a statutory body. The dominant feature of the Bill, reflected in public discussion and political debate, was the proposed increase in the MPA. Accordingly, this paper focuses on the discourse concerning the MPA.

This opportunity to change the law arose via a *Members’ Bill*, outside the government legislative programme, by a Progressive Party MP Matt Robson. Which *Members’ Bills* go before the House is determined by a random balloting process. The two major parties in parliament, Labour and National, confirmed that the SLAB would be subject to a conscience vote, i.e., for MPs to vote in accordance with their consciences rather than their party’s position (Langley & Kypri, 2006a, 2006b), and the Law and Order Select Committee made a public call for submissions.

Between June 2005 and May 2006, the Select Committee (comprising seven MPs from various parties) considered written and oral submissions from members of the public, health experts, community groups, and the alcohol industry, and in October 2006 reported back to Parliament summarising the submissions in terms of the number in favour of or against the proposed changes. On 8 November 2006, the parliament voted 72–49 against the Bill.

In contrast to the United Kingdom where Select Committees’ primary function is executive oversight (Benton and Russell, 2013), in the unicameral New Zealand parliament, their role is legislative review. Select Committees give detailed consideration to Bills following their first reading, calling for written submissions and hearing oral submissions from the public, experts, and affected parties (<http://www.parliament.nz/en-nz/>). Their composition is determined by the Government of the day but committees typically include members of several parties and there is often extensive debate resulting in amendment of Bills at their second reading (<http://www.parliament.nz/en-nz/>). Examining the nature of submissions made to Select Committees is therefore important in understanding how alcohol legislation is developed.

Submitters can make arguments that ignore or cherry pick the evidence base because they have other agendas, think personal opinion is sufficient, do not know the literature, value individual rights above all else and so forth. While there have been numerous studies of Select Committee activity in various parliamentary systems (e.g., Giddings, 1994), there have been no studies concerning the content of submissions concerning alcohol legislation.

We sought to determine who supported and opposed the proposal to increase the MPA, to characterise the basis of arguments

according to who made them, and to reflect on the implications for how submissions on public health policy might be better handled. We hypothesised that government and non-government public health organisations would support the law change citing the research evidence for its likely effect on the health of young people, and that the alcohol industry would oppose it, citing likely negative effects on business and individual freedoms, while public submissions were expected to be more heterogeneous.

## Methods

All 178 written submissions were obtained from the clerk of the committee. Some of these were accessed via requests pursuant to the Official Information Act (1982).

### Procedure

#### Submission eligibility

One reviewer (KK) assessed the eligibility of each submission, i.e., whether it addressed the MPA. It should be noted that some were concerned only with other aspects of the SLAB, e.g., proposed changes to broadcast advertising rules.

#### Characteristics of submissions

We used template analysis to guide the development of a coding scheme and interpretation of data (King, 1998). In this approach, sometimes referred to as “thematic coding”, the investigators produce “a list of codes (a ‘template’) representing themes identified in their textual data. Some of these will usually be defined *a priori*, but they will be modified and added to as the researcher reads and interprets the texts.” (King, 1998, p. 118).

This method can be used to analyse textual data in a range of epistemological contexts (King, 1998), including *common sense realism* (Boas, 1957), which we considered an appropriate framework given the relatively unambiguous nature of the communications in question, namely formal, written submissions on a specific provision in a Bill. Accordingly, priority was given to obtaining reliable agreement between two raters (LW and MH) who were not specialists in the subject matter and who would therefore be less likely to bring strong pre-conceived positions to the analysis. We conducted a sufficient number of iterations in the development of the template to reach consensus on the types of arguments present and code them reliably (King, 1998).

Initially a random sample of 20 submissions was drawn and reviewed by three authors (KK, LW, MH) to determine whether they expressed support or opposition to the MPA amendment and to identify the characteristics of the arguments underpinning the positions taken. Another 20 submissions were then drawn randomly and analysed to refine and finalise the coding system. All eligible submissions were analysed and data were extracted by two reviewers (LW, MH). Disagreements between reviewers were discussed and in all cases, reference to the coding scheme resolved them quickly.

From the 20 randomly selected submissions, four types of arguments in favour of increasing the MPA were identified (Table 1). An *Other* category included a broad range of unclassifiable comments, including those where no justification for a position was presented.

Eleven types of argument used to oppose increasing the MPA were identified from the initial random sample, and a further three were identified during coding of the remaining submissions, giving a total of 14 types of argument (Table 1). An *Other* category included various other comments. Some submissions contained more than one type of argument in which case each argument was categorised such that the number of arguments is not equal to the number of submissions.

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