

Standing Committee on Social Issues

Strategies to reduce alcohol abuse among young people in New South Wales

Ordered to be printed 13 December 2013 according to
Standing Order 231.

New South Wales Parliamentary Library cataloguing-in-publication data:

New South Wales. Parliament. Legislative Council. Standing Committee on Social Issues

Strategies to reduce alcohol abuse among young people in New South Wales / Standing Committee on Social Issues. [Sydney, N.S.W.] : the Committee, 2013. – xii, 148 p. ; 30 cm. (Report ; no. 48)

Chair: Hon. Niall Blair MLC.
“December 2013”.

ISBN: 9781920788636

1. Youth—New South Wales—Alcohol use.
2. Alcohol—Law and legislation—New South Wales.
3. Alcoholism—New South Wales—Prevention.
 - I. Title.
 - II. Blair, Niall.
 - III. Series: New South Wales. Parliament. Legislative Council. Standing Committee on Social Issues. Report ; no. 48.

362.29208 (DDC22)

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Terms of reference

That the Standing Committee on Social Issues inquire into and report on strategies to reduce alcohol abuse among young people in NSW, and in particular:

- a) the effect of alcohol advertisements and promotions on young people, including consideration of the need to further restrict alcohol advertising and promotion
- b) the effectiveness of alcohol harm minimisation strategies targeted at young people
- c) measures to minimise the impact of alcohol in the workplace
- d) the effectiveness of measures to reduce drink driving
- e) measures to reduce alcohol-related violence, including in and around licensed venues
- f) measures to address the impact of alcohol abuse on the health system
- g) any other related matter.¹

These terms of reference were referred to the Committee by the Minister for Mental Health, Healthy Lifestyles and Western New South Wales the Hon Kevin Humphries MP and were adopted by the Committee on 15 November 2012.

¹ *LC Minutes* (20/11/2012) 120, Item 13, p 1392.

Committee membership

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Chair's foreword

I am pleased to present the Report of the Standing Committee on Social Issues Inquiry into strategies to reduce alcohol abuse among young people in NSW.

Alcohol is often talked about as part of Australian culture. However, alcohol abuse can destroy lives, wreak havoc on families and communities and cost governments dearly.

Among the many issues raised throughout this Inquiry regarding the nature of alcohol abuse among young people, three behaviours were prominent: binge drinking; the preference for 'shots' and ready-to-drink beverages; and pre-loading. It is apparent that there is a culture of drinking to get drunk, and that some young people see this as a 'badge of honour' or 'rite of passage' to adulthood.

The Committee is alarmed at the rising incidence of pre-loading, which is the consumption of alcohol, often at home, before going out to licensed premises or other venues. It was clear to the Committee that pre-loading and associated binge drinking can contribute to alcohol-related violence, including sexual assault. Hence we have recommended that the NSW Government establish an inter-agency committee to coordinate research and develop effective policy responses to reduce the impact of pre-loading.

Another significant issue was that of alcohol advertising and promotion, on which the Committee received conflicting evidence as to its contribution to alcohol abuse. We are mindful of the increasing role that social media plays in the promotion of alcohol, and that social media is particularly attractive to young people. Advertising is regulated nationally, with a limited role for State governments.

Of all the alcohol-related harms, violence clearly causes the most anxiety and distress, particularly where young people are involved. We heard a lot of evidence on how to reduce this violence. It is my firm belief that local communities that suffer alcohol-related violence need to develop solutions appropriate to their circumstances. Hence we have recommended that liquor accords be strengthened, and that each accord, in consultation with their community, produce an action plan on how the accord proposes to reduce alcohol-related harms within their area.

I would like to thank the many contributors to this Inquiry who gave their time, either writing submissions or appearing in person to present evidence to the Committee. In particular, I would like to thank the young people of the Northern Rivers Social Development Council for meeting with the Committee. I would like to thank my Committee colleagues for their contribution to this Inquiry. I would also like to thank Stewart Smith, Samuel Griffith, Rhia Victorino, Ian Young and Emma Rogerson in the Committee Secretariat for their assistance in supporting this Inquiry.

I commend this Report to the Government.



The Hon Niall Blair MLC
Committee Chair

Summary of recommendations

- Recommendation 1** **35**
 That the NSW Government establish an inter-agency committee to coordinate research into the issue of pre-loading, and publish a discussion paper which identifies the most effective policy responses to help reduce its occurrence and impact.
- Recommendation 2** **36**
 That the NSW Government collect and report on alcohol sales data to help understand the true extent of alcohol-related harm in NSW.
- Recommendation 3** **47**
 That the NSW Office of Liquor, Gaming and Racing investigate ways to ensure the views of communities and local councils are reflected in the assessment of liquor licences in their local areas.
- Recommendation 4** **67**
 That the NSW Office of Liquor, Gaming and Racing investigate emerging industry trends regarding point-of-sale promotions, and that the results of this review be reflected in any future update of the liquor promotion guidelines.
- Recommendation 5** **90**
 That the NSW Government require all liquor licensees within an area covered by a local liquor accord to be a member of that accord.
- Recommendation 6** **90**
 That the NSW Office of Liquor, Gaming and Racing require each liquor accord to produce, in consultation with their local community, transparent, accountable action plans which identify how the accord proposes to reduce any alcohol-related harms within their area. These action plans should be published on the OLGR website.
- Recommendation 7** **90**
 That the NSW Government consider increasing the penalties for people consuming alcohol in alcohol free areas, and providing legislative powers for the confiscation and disposal of all alcohol.
- Recommendation 8** **91**
 That the NSW Government consider the merits of introducing a risk based licensing fee system which provides licensees with financial incentives to reduce alcohol-related harm and adopt more responsible business models.
- Recommendation 9** **100**
 That any alcohol education programs developed by the NSW Office of Liquor, Gaming and Racing or the NSW Department of Education and Communities be evaluated and the results of that evaluation be published.
- Recommendation 10** **100**
 That the NSW Government consider amendments to legislation to enable controlled purchase operations for alcohol.

Chapter 1 Introduction

This Chapter provides an overview of the Inquiry process including the methods used by the Committee to facilitate participation by members of the public, government agencies and relevant organisations. It includes a brief outline of the structure of the report.

Conduct of the inquiry

- 1.1 The inquiry terms of reference were referred by the Minister for Mental Health, Healthy Lifestyles and Western New South Wales, the Hon Kevin Humphries MP, on 31 October 2012 and required the Committee to inquire into and report on strategies to reduce alcohol abuse among young people in NSW.
- 1.2 The terms of reference can be found on page iv.

Submissions

- 1.3 The Committee invited submissions by advertising in the *Sydney Morning Herald* and *The Daily Telegraph* on Wednesday 28 November 2012. A media release announcing the Inquiry and a call for submissions was sent to all media outlets in New South Wales. The Committee also sought submissions by writing directly to individuals or organisations with a likely interest in the inquiry, including government agencies, community agencies and industry representatives.
- 1.4 The Committee received a total of 54 submissions and one supplementary submission from a range of stakeholders. A list of submissions is contained in **Appendix 1**.

Hearings

- 1.5 The Committee held three public hearings at Parliament House on 29 April, 6 May and 17 June 2013, and one hearing at Byron Bay on 8 October 2013.
- 1.6 A list of witnesses is set out in **Appendix 2** and published transcripts are available on the Committee's website.² A list of documents tabled at the public hearings is provided in **Appendix 3**. A list of witnesses who provided answers to questions taken on notice during the hearings and/or supplementary questions is provided in **Appendix 4**.

Roundtable discussion

- 1.7 On the 8 October 2013 the Committee met with members of the Youth Council from the Northern Rivers Social Development Council to discuss various issues related to the nature and consequences of harmful drinking by young people.
- 1.8 The Committee would like to thank all those who participated in the Inquiry for their valuable contributions.

² The Committee's website can be found at <www.parliament.nsw.gov.au/socialissues>

Structure of the report

- 1.9** **Chapter 2** provides background information on a range of alcohol-related issues, including the impacts of alcohol consumption, and the policy and legislative framework around alcohol supply and consumption.
- 1.10** **Chapter 3** considers the prevalence of alcohol consumption, including patterns of alcohol abuse among young people. It includes a discussion of three harmful behaviours associated with young people: ‘binge’ drinking, the consumption of ‘shots’ and ready-to-drink beverages, and pre-loading.
- 1.11** The potential link between the density of alcohol outlets and alcohol-related violence is examined in **Chapter 4**, with concerns raised about how community views on outlet density are considered in the liquor licensing process. The Chapter notes that the cost of alcohol may influence consumption patterns, and in particular, that the availability of cheap alcohol may contribute to pre-loading among young people.
- 1.12** **Chapter 5** addresses the issue of alcohol advertising and promotion, including regulation. The evidence on the impact of alcohol advertising is canvassed, and in particular, its impact on young people.
- 1.13** **Chapter 6** examines harm minimisation measures designed to reduce alcohol-related violence, including the responsible service of alcohol and the role of liquor accords and restricted trading hours. There is also a discussion of other measures introduced by the NSW Government to combat alcohol-related violence.
- 1.14** The effectiveness of education programs that seek to reduce harmful drinking is considered in **Chapter 7**. In addition, the Chapter examines the secondary supply of alcohol to minors by their parents and other adults.
- 1.15** The final chapter, **Chapter 8**, focuses on the effectiveness of measures to reduce drink driving, and concludes with a discussion of two remaining challenges in this area: drink driving among young people, and drink driving by repeat offenders.

Chapter 2 Background

This Chapter provides background information on a range of alcohol-related issues. It describes the significant health, economic and social impacts of alcohol consumption, and concludes by outlining the policy and legislative framework around alcohol supply and consumption in New South Wales.

Terminology

- 2.1** Alcohol abuse or ‘harmful drinking’ refers to the consumption of alcohol at levels that are ‘likely to cause significant injury or ill health’.³ During the course of the Inquiry, stakeholders often used the term ‘alcohol abuse’ interchangeably with harmful drinking and throughout this Report, both terms will be used.
- 2.2** It has been noted that the terms ‘binge drinking’, ‘heavy drinking’, ‘problem drinking’, or ‘risky drinking’ are difficult to define or may be considered pejorative.⁴ As such, these terms are avoided where possible in this Report.
- 2.3** While there is no universal definition of ‘young people’, guidance was taken from the definitions of ‘young people’ used in legislation and other sources to determine the age range of ‘young people’ for this Inquiry. Therefore, for the purposes of this Report, ‘young people’ refers to persons aged between 15 and 24 years.

Cultural context

- 2.4** The enjoyment of alcohol is a significant aspect of Australian culture. Alcohol is not only used to relax, socialise and celebrate, but makes a considerable contribution to our economy, generating substantial employment, retail activity, export income and tax revenue.⁵
- 2.5** There are however strong community concerns about the misuse of alcohol in our community, particularly by young people. Indeed, the Preventative Health Taskforce referred to a recent survey of Australians which revealed that 84 per cent of people are concerned about the impacts of alcohol on the community.⁶
- 2.6** The *National Alcohol Strategy 2006-2011* describes Australia’s relationship with alcohol as ‘paradoxical’, noting the ‘affinity that Australians have for a drug that is harmful to so many...’.⁷

³ National Health and Medical Research Council (Cth), *Australian Guidelines to Reduce Health Risks from Drinking Alcohol*, 2009, p 11.

⁴ National Health and Medical Research Council (Cth), *Frequently Asked Questions: Australian Guidelines to Reduce Health Risks from Drinking Alcohol*, 2009, p 8.

⁵ Ministerial Council on Drug Strategy (Cth), *National Alcohol Strategy 2006-2011*, p 4.

⁶ Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020, Technical Report 3 – Preventing alcohol-related harm in Australia: a window of opportunity*, 2009, p 2.

⁷ Ministerial Council on Drug Strategy (Cth), *National Alcohol Strategy 2006-2011*, p 4.

- 2.7 The Ministerial Council on Drug Strategy notes that the mounting concern about alcohol-related harms, together with a heightened willingness from all levels of government to take action to address the harmful consumption of alcohol, appears to present a unique window of opportunity in Australia for profound, innovative and deep-seated action to address the many dangers of alcohol that are too often ‘misunderstood, tolerated or ignored’.⁸

Impacts of alcohol abuse

- 2.8 Following a recent spate of alcohol-related assaults resulting in fatalities and serious injury across the State, alcohol abuse by young people has garnered significant media attention. Alcohol abuse has many far-reaching consequences for individuals and the community as a whole. This section examines the various health, social and economic impacts that stem from harmful drinking.

Variability of individual responses to alcohol

- 2.9 There are a number of biological factors that play a role in the effect of alcohol on an individual, including sex, body size and composition, age, experience of drinking, genetics, nutrition, and individual metabolism.⁹ Variability is also accounted for by a range of social determinants, such as whether an individual already engages in risk-taking behaviour, or the circumstances and setting within which they drink.¹⁰
- 2.10 The NHMRC maintains that alcohol-related harm to an individual stems not only from the amount of alcohol consumed but also from ‘a complex interaction between the age and experience of drinkers, their social environment, their genetics and general health’.¹¹
- 2.11 Significantly, the NHMRC conclude that because of individual variability, ‘there is no amount of alcohol that can be said to be safe for everyone’.¹² Rather, standards guiding alcohol consumption – such as the recommended number of standard drinks on any day or on a single occasion – centre around reducing the risk of alcohol-related harm. These standards are outlined later in this Chapter.

Health impacts

- 2.12 The consumption of alcohol has both immediate and cumulative health effects. Of particular concern is the potential impact of harmful drinking on adolescent brain development.

⁸ Ministerial Council on Drug Strategy (Cth), *National Alcohol Strategy 2006-2011*, p 4.

⁹ National Health and Medical Research Council (Cth), *Australian Guidelines to Reduce Health Risks from Drinking Alcohol*, 2009, p 20.

¹⁰ National Health and Medical Research Council (Cth), *Australian Guidelines to Reduce Health Risks from Drinking Alcohol*, 2009, p 20; NSW Health, *Factsheet – Alcohol*, accessed 25 July 2013, <<http://www0.health.nsw.gov.au/factsheets/drugAndAlcohol/alcohol.html>>

¹¹ National Health and Medical Research Council (Cth), *Australian Guidelines to Reduce Health Risks from Drinking Alcohol*, 2009, p 20.

¹² National Health and Medical Research Council (Cth), *Australian Guidelines to Reduce Health Risks from Drinking Alcohol*, 2009, p 20.

Immediate effects

- 2.13** The impact of alcohol on a person's physical health is largely determined by the amount of alcohol in that person's blood stream. This amount is referred to as the Blood Alcohol Concentration (BAC). On average, due to both body weight and body composition, women attain a given blood alcohol level with a lower amount of alcohol than men.¹³
- 2.14** At lower BAC levels, alcohol produces feelings of relaxation, wellbeing and loss of inhibitions. As BAC levels increase, however, these effects are counterbalanced by less pleasant effects, such as drowsiness, loss of balance, nausea and vomiting.¹⁴
- 2.15** Other typical reactions to alcohol include the dampening of the brain's arousal, motor and sensory centres, in turn reducing reactions to stimuli and affecting coordination, speech, and cognitive performance. Increasing BAC levels also result in the suppression of hormone production, subsequently reducing water reabsorption by the kidneys and causing dehydration.¹⁵
- 2.16** At high enough BAC levels, life-threatening events can take place such as unconsciousness and, eventually, inhibition of normal breathing, which in itself can potentially prove fatal for a person who vomits and then suffocates when the vomit is inhaled.¹⁶
- 2.17** In addition to the physical effects of alcohol on the body, higher BAC levels reached during a single occasion of drinking significantly increases the risk of accidents and injury for the drinker as well as others. For example, alcohol consumption increases the likelihood and extent of aggressive behaviour, whilst also reducing the cognitive or verbal capacity to resolve conflicts, thereby increasing the probability of fights and assaults as well as other forms of physical violence. These impacts are most likely during or immediately after a single drinking occasion when BAC levels increase with every additional drink.¹⁷
- 2.18** Harmful drinking can immediately impact on young people in specific ways; for example, the Southern NSW Medicare Local & Eurobodalla Shire Council gave evidence on the potential for harmful drinking to lead to high-risk sexual behaviour:

Risky alcohol use by young people can also result in other health related consequences such as risky behaviour in relation to sexual health (increase the risk of sexually transmitted infections and unwanted pregnancy). Studies indicate an association between students' use of alcohol with higher rates of sexual behaviour. Students were four times more like to have sex that they later regretted compared to students who had not drunk compulsively.¹⁸

¹³ National Health and Medical Research Council (Cth), *Australian guidelines to reduce health risks from drinking alcohol*, 2009, p 55.

¹⁴ National Health and Medical Research Council (Cth), *Australian guidelines to reduce health risks from drinking alcohol*, 2009, pp 21-22.

¹⁵ National Health and Medical Research Council (Cth), *Australian guidelines to reduce health risks from drinking alcohol*, 2009, p 22.

¹⁶ National Health and Medical Research Council (Cth), *Australian guidelines to reduce health risks from drinking alcohol*, 2009, pp 21-22.

¹⁷ National Health and Medical Research Council (Cth), *Australian guidelines to reduce health risks from drinking alcohol*, 2009, pp 21-22.

¹⁸ Submission 34, Southern NSW Medicare Local & Eurobodalla Shire Council, p 2.

Cumulative effects

- 2.19** Over the long-term, the cumulative effects of harmful alcohol consumption have been associated with a range of diseases and health issues. These range from cardiovascular diseases and cancers to mental health conditions, cognitive impairment and alcohol dependency.¹⁹ The Cancer Council NSW advised that an estimated five per cent of all cancer cases in Australia are attributable to long-term alcohol use.
- 2.20** It is noteworthy that Inquiry participants, including the Cancer Council NSW, advised that many people who drank at harmful levels when they were young went on to be problem drinkers as adults:
- ... studies surveying the same group of participants over many years have traced patterns of use from adolescence to adulthood. Those who drank most as teenagers went on to become the heaviest drinkers as adults, and those who drank moderately as teenagers had the greatest increase in drinking during the transition into adulthood.²⁰
- 2.21** Dr Robert Graham, Chair, Addiction Medicine Policy and Advocacy Committee, Royal Australasian College of Physicians – NSW Branch, remarked that in treating people with severe alcohol dependency ‘a very common story among my patients is that they all started drinking early, almost without exception’.²¹
- 2.22** The Department of Health, Central Coast Local Health District supported this view arguing that ‘once heavy drinking behaviour is established at any age, it can be very difficult to reverse this pattern’.²²

Hospitalisations and deaths

- 2.23** It is reported that between 1993 and 2001 there were over 500,000 hospitalisations caused by risky and high-risk drinking in Australia. Among these hospitalisations, the most numerous conditions presented were for alcohol dependence (87,186), injuries caused by assault (76,115), road crash injuries (47,167) and attempted suicide (20,374). In addition, approximately 10,000 hospitalisations were attributable to some form of ‘alcoholic overdose’ from very high BAC levels, including alcohol poisoning and the aspiration of vomit.²³
- 2.24** Research has also shown that 35 per cent of all injuries presenting to emergency departments are alcohol-related, two-thirds are sustained by males under 30 years of age, while females aged less than 30 years are the group most likely to be the victims of alcohol-related violence.²⁴

¹⁹ National Health and Medical Research Council (Cth), *Australian guidelines to reduce health risks from drinking alcohol*, 2009, p 23.

²⁰ Submission 24, Cancer Council NSW, p 3.

²¹ Dr Robert Graham, Chair, Addiction Medicine Policy and Advocacy Committee, Royal Australasian College of Physicians – NSW Branch, Evidence, 29 April 2013, p 44.

²² Submission 5, Department of Health, Central Coast Local Health District, p 6.

²³ Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020, Technical Report 3 – Preventing alcohol-related harm in Australia: a window of opportunity*, 2009, pp 11-12.

²⁴ National Health and Medical Research Council (Cth), *Australian guidelines to reduce health risks from drinking alcohol*, 2009, p 86.

- 2.25** The NSW Audit Office found that alcohol caused an estimated 50,950 hospitalisations in the State during 2010-2011.²⁵ Alcohol was reportedly responsible for 17,762 treatment episodes in 2011-2012 and 1,224 deaths in 2007 across New South Wales.²⁶
- 2.26** A number of Inquiry participants noted that the majority of alcohol-related hospitalisations in Australia are due to short-term, acute alcohol consumption, rather than the effects of long-term consumption. Indeed, of the half a million hospitalisations as being caused by harmful drinking in the period 1993 to 2001, the majority were for acute alcohol-related conditions rather than chronic alcohol-related illness.²⁷
- 2.27** Some suggested that this trend is particularly true of young people who tend to present at hospitals with problems arising from short-term, acute alcohol-related harm, rather than long-term, chronic alcohol-related harm.
- 2.28** Associate Professor Nadine Ezard, Clinical Director of the Inner City Health Program Alcohol & Drug Service, St Vincent's Hospital, Sydney, observed that current health statistics may under-represent alcohol-related hospitalisations for young people:

The major problem that we see in the hospitals is alcohol-related injury. I think in my submission here one in five hospitalisations of young people is alcohol-related. Given that not many hospitals hospitalise young people, it is a very important cause of hospitalisation among young people, mainly injury related. It can be accidental or deliberate, self-harm or harm to others ... We have looked at our own hospital data and tried to measure the proportion of alcohol-related presentations. We know we are grossly underrepresenting the real presentation.²⁸

- 2.29** Alcohol also plays a significant role in the deaths of young people in Australia. According to the National Drug Research Institute (NRDI), alcohol is often associated with 'the three leading causes of death among young people: unintentional injuries, homicide and suicide'.²⁹

Young peoples' brain development

- 2.30** One of the key concerns raised by Inquiry participants was the adverse impact of alcohol on the developing brain of young people. While it was previously believed that brain development ended at 20 years of age, more recent evidence suggests that it extends to the late twenties. Professor Michael Farrell, Director, National Drug and Alcohol Research Centre, University of New South Wales, explained that the maturation process occurs in the frontal lobe, the part of the brain most affected by alcohol.³⁰

²⁵ Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, August 2013, p 8.

²⁶ Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, August 2013, p 8.

²⁷ Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020, Technical Report 3 – Preventing alcohol-related harm in Australia: a window of opportunity*, 2009, p 12.

²⁸ Associate Professor Nadine Ezard, Clinical Director, St Vincent's Hospital, Inner City Health Program, Alcohol and Drug Service, Evidence, 29 April 2013, p 47.

²⁹ Submission 3, National Drug Research Institute, p 2.

³⁰ Professor Michael Farrell, Director, National Drug and Alcohol Research Centre, University of New South Wales, Evidence, 29 April 2013, p 35.

2.31 Young people are exposed to alcohol most during this period when the brain is maturing. Dr Farrell was especially concerned about the relationship between alcohol and the impairment of the forward planning function of the brain in young people:

... we are particularly concerned that the period of maximum exposure to alcohol is from around 18 to 26 ... may have some significant impact for some people in relation to the basically forward planning function of the brain that may get slightly impaired. I am not saying it is totally knocked off but it may have consequences. So it is an important area for us to learn more about.³¹

2.32 Ms Caterina Georgi, Manager of Policy and Research, Foundation for Alcohol Research and Education (FARE), also noted recent research which suggests that ‘weekly heavy drinking can affect the visual memory of young people’.³²

Economic impacts

2.33 Alcohol-related harms can result in significant economic costs to individuals, governments and business. The NSW Audit Office estimated the total cost of alcohol-related abuse to be \$3.87 billion per year in 2010.³³ Of this, an estimated \$1.029 billion was the reported cost to NSW Government services, with \$474.2 million spent on the criminal justice system (including policing - \$372 million), \$263.1 million on community services, \$87.3 million on the health system and \$204.2 million on productivity.³⁴

2.34 The NSW Audit Office stated that ‘drunkenness is like a parasite drawing the very lifeblood out of government services’.³⁵

2.35 Figure 1 demonstrates the proportion of overall economic cost to the NSW Government borne by each service area. It can be clearly seen that the largest overall cost is borne by the police (36 per cent).

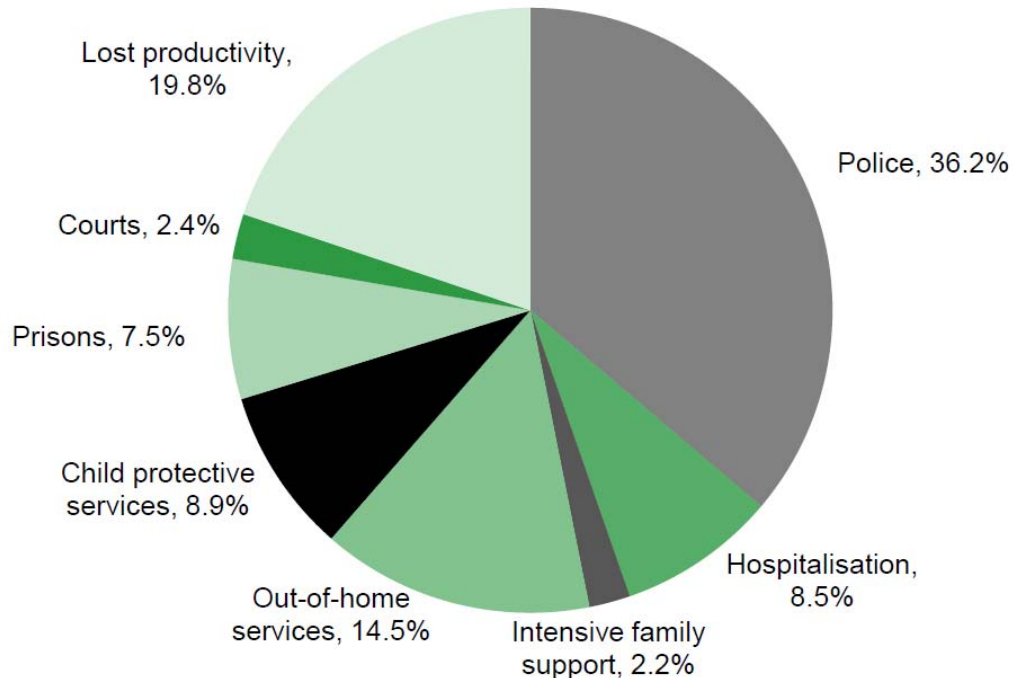
³¹ Professor Farrell, Evidence, 29 April 2013, p 35.

³² Ms Caterina Georgi, Manager of Policy and Research, Foundation for Alcohol Research and Education, Evidence, 29 April 2013, p 35.

³³ Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, August 2013, p 12.

³⁴ Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, August 2013, pp 11-12.

³⁵ Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, August 2013, foreword.

Figure 1 The cost of alcohol abuse to the NSW Government³⁶***Impact on Police***

- 2.36** As shown in Figure 1, the economic burden of alcohol abuse on policing resources is substantial. In light of the demands placed on police to attend to alcohol-related incidents, such as assaults, there is a growing expectation and need for a strong police presence in many drinking locations. A number of Inquiry participants suggested that this in turn has had a negative impact on the ability of police to cater to the needs of the wider community.
- 2.37** According to Mr Scott Weber, President, Police Association of New South Wales, ‘nothing good happens after midnight, and if nothing good happens after midnight it is usually all alcohol-related’.³⁷
- 2.38** Indeed, Mr Peter Remfrey, Secretary, Police Association of NSW, explained that in some area commands alcohol-related after-dark calls for assistance accounted for 70 to 80 per cent of their workload:

... in our hot spot areas the local area commanders would say that their after dark calls for assistance, calls for service if you will, are well above 70, 80 per cent. The average, I think, across New South Wales is 70 per cent....³⁸

³⁶ Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, August 2013, p 11.

³⁷ Mr Scott Weber, President, Police Association of New South Wales, Evidence, 29 April 2013, p 21.

³⁸ Mr Peter Remfrey, Secretary, Police Association of New South Wales, Evidence, 29 April 2013, p 22.

- 2.39** Mr Weber advised that harmful drinking has significant implications on police time as each alcohol-related incident takes officers off the street and potentially prevents other offences from being attended to:

This is where all of a sudden police officers are not tied up with one of those incidents, they are tied up with 100. The charging process, even writing a ticket, all of a sudden 20 or 30 minutes just for the ticket alone, because you are dealing with an inebriated person. If they cannot understand the ticket it goes through a charging process and those officers are off the streets for two hours. In the meantime, there are 100 other offenders ... It is not that police want to do it, it is just the lack of resources or the physical numbers to deal with those problems.³⁹

Impact on local government

- 2.40** Some Inquiry participants suggested that the economic burden of alcohol abuse at the local government level has increased in recent years. Ms Leanne Martin, Community Safety Coordinator, Manly Council, advised that spending by Manly Council on the 'night time economy' had grown significantly:

In the late 1990s I would suggest Manly Council spent nothing on the night-time economy. There was no recognition of it whatsoever. The general manager has indicated that now, 10-plus years later, he is spending more than a million dollars per annum particularly on the night-time clean-up, the night-time environment. That is direct costs and not indirect costs...⁴⁰

- 2.41** Mr Simon Richardson, Mayor, Byron Shire Council, also noted the impact of harmful drinking on the Council's budget :

Last year we spent nearly \$50,000 more than budgeted to clean up the mess from New Year's Eve alone. As I said, there has been damage to the roundabout in Byron Bay where some of the fencing has been destroyed. Certainly as far as infrastructure damage goes, the cost is considerable. Of course we are also allocating \$25,000 for a shuttle bus service.⁴¹

- 2.42** Mr Greg Ironfield, Manager, Sustainable Communities, Byron Shire Council, noted the impact of alcohol abuse on staffing:

There is also the cost of staff time and resources. Obviously we are stretched across a number of different areas in what we would call community services. Community safety has really started to dominate a lot of the allocation of staffing and resources, and that is in response to the clean ups, the vandalism and the violence that is on the streets. There is damage to both community property and private property.⁴²

- 2.43** Ms Lizette Twishton, Youth and Community Development Officer, Lismore City Council, outlined some of the costs of providing street security to Lismore as a response to alcohol fuelled crime:

³⁹ Mr Weber, Evidence, 29 April 2013, p 28.

⁴⁰ Ms Leanne Martin, Community Safety Coordinator, Manly Council, Evidence, 6 May 2013, p 24.

⁴¹ Mr Simon Richardson, Mayor, Byron Shire Council, Evidence, 8 October 2013, p 35.

⁴² Mr Greg Ironfield, Manager, Sustainable Communities, Byron Shire Council, Evidence, 8 October 2013, p 35.

Lismore City Council has a city safe program which council funds, and there is a special rate that businesses pay as well. We have put in closed-circuit television [CCTV] that is monitored both at the police station and by independent security. On Thursday, Friday and Saturday nights it is monitored until around 4.30 a.m. or when the last people leave town. There are also two security guards on foot until the cameras are turned off. So that is a cost to council, as is the malicious damage and vandalism that occurs.⁴³

Workplace productivity

- 2.44** A number of Inquiry participants discussed the impact of harmful drinking on the workplace. FARE noted a 2004 study which found over the preceding 12 months, 7.6 per cent of 14 to 19 year olds and 9.2 per cent of 20 to 29 year olds had been absent from work due to alcohol use.⁴⁴
- 2.45** FARE also noted the finding of the 2010 National Drug Strategy Household Survey that found 3.7 per cent of people that consume alcohol had nominated the workplace as a usual place of consumption and that this figure rose to 5.9 per cent in the 20 to 29 year age group.⁴⁵
- 2.46** In addition, FARE advised that young workers were also much more likely to attend work under the influence of alcohol, citing evidence that 10.6 per cent of 14 to 19 year olds and 11.8 per cent of 20 to 29 year olds did so.⁴⁶
- 2.47** Harmful drinking can also lead to workplace accidents and injuries, and even death.⁴⁷ According to FARE, one study found that 16 per cent of victims of fatal workplace injuries were found to have alcohol in their system.⁴⁸
- 2.48** ClubsNSW noted that alcohol poses significant social and economic costs to the workplace through lost productivity, absenteeism, reduced job performance, accidents and injuries, and death. However, ClubsNSW cautioned that while some of these costs were due to alcohol consumption within the workplace, the 'majority of costs are attributable to consumption outside the workplace, such as at night or on weekends'.⁴⁹

⁴³ Ms Lizette Twishton, Youth and Community Development Officer, Lismore City Council, Evidence, 8 October 2013, p 35.

⁴⁴ Submission 13, The Foundation for Alcohol Research and Education, p 16.

⁴⁵ Submission 13, p 16.

⁴⁶ Submission 13, p 16.

⁴⁷ Submission 45, ClubsNSW, p 18.

⁴⁸ Submission 13, p 16.

⁴⁹ Submission 45, p 18.

Social impacts

- 2.49** Beyond the adverse health and economic impacts of harmful drinking, there are significant social harms. These adverse social consequences can impact not only on the drinker, their family and friends, but on bystanders and others in the wider community.⁵⁰
- 2.50** Among the social impacts are alcohol-related disturbance and anti-social conduct, such as public disorder, noise, litter, offensive behaviour, aggression, and bodily fluid spills.⁵¹ Other harms result from recklessness and accidents involving drinking, including road accidents and drink driving, falls, drownings, poisonings and burns.⁵²
- 2.51** While many social harms are highly visible, impacting on the drinker's immediate environment, others are hidden from the general public and are manifested in the domestic sphere. Other social harms are unseen but are experienced by others in the community who may no longer feel safe where alcohol is being consumed.⁵³

Alcohol-related violence

- 2.52** While the data regarding alcohol abuse and violence is fragmented, all the evidence points to the close relationship between alcohol and violence.
- 2.53** At a national level, the Preventative Health Taskforce (PHT) reported on a study that estimated 47 per cent of all perpetrators of assault and 43 per cent of all victims of assault were intoxicated prior to the event.⁵⁴ Another study noted by the PHT stated that alcohol was a factor in 50 per cent of cases of domestic physical and sexual violence. A further 34 per cent of homicide perpetrators and 31 per cent of homicide victims were reportedly affected by alcohol at the time of the homicide.⁵⁵
- 2.54** In NSW the Bureau of Crime Statistics and Research (BOCSAR) found that in 2011, 40 per cent of all assaults in the State were identified as alcohol-related.⁵⁶ Similarly, the NSW Audit Office found that alcohol was a factor in 13,900 non-domestic assaults, 37 per cent of all domestic violence assaults, and 1,323 assaults on police in 2012.⁵⁷ However, the Audit Office

⁵⁰ National Health and Medical Research Council (Cth), *Australian Guidelines to Reduce Health Risks from Drinking Alcohol 2009*, p 27; Ministerial Council on Drug Strategy (Cth), *National Alcohol Strategy 2006-2011*, p 16.

⁵¹ National Health and Medical Research Council (Cth), *Australian Guidelines to Reduce Health Risks from Drinking Alcohol 2009*, p 28; Ministerial Council on Drug Strategy (Cth), *National Alcohol Strategy 2006-2011*, p 16.

⁵² Ministerial Council on Drug Strategy (Cth), *National Alcohol Strategy 2006-2011*, p 16.

⁵³ Ministerial Council on Drug Strategy (Cth), *National Alcohol Strategy 2006-2011*, p 16.

⁵⁴ Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020, Technical Report 3 – Preventing alcohol-related harm in Australia: a window of opportunity*, 2009, p 14.

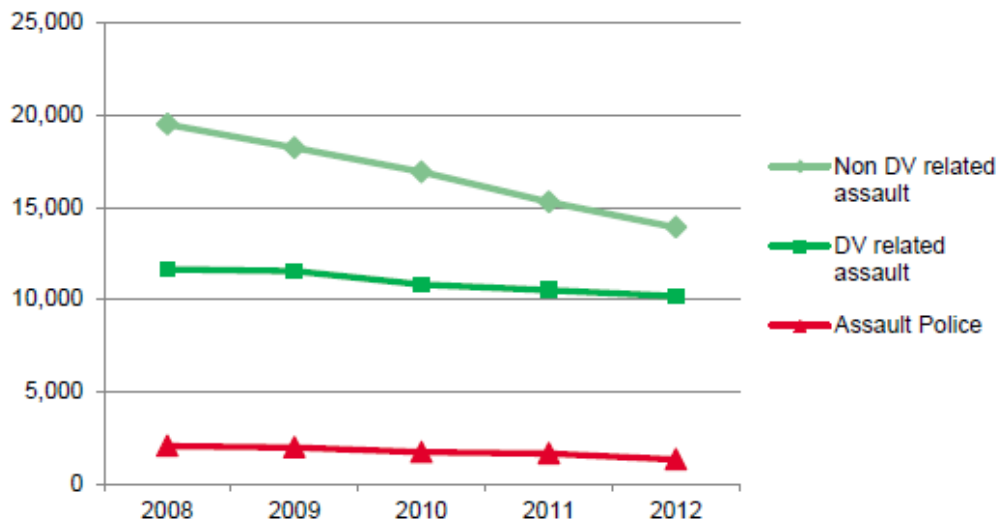
⁵⁵ Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020, Technical Report 3 – Preventing alcohol-related harm in Australia: a window of opportunity*, 2009, p 14.

⁵⁶ Know when to say when, The numbers behind what we drink (Drinking Statistics), accessed 2 October 2013, < <http://www.whentosaywhen.com.au/the-numbers-behind-what-we-drink-drinking-statistics>>

⁵⁷ Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, p 8.

also found that the number of alcohol-related assaults in NSW has fallen in New South Wales over the last four years, as show in Figure 2.

Figure 2 The number of alcohol-related assaults in NSW⁵⁸



2.55 According to the PHT most alcohol-related violence generally takes place on weekend nights and in and around city centre hotels:

Australian studies have generally confirmed that alcohol related violence most commonly occurs in and around inner-city hotels, in the early hours of Saturday and Sunday mornings, and usually among young adult males. Furthermore, it has been shown that the majority of alcohol-related incidents occur in a minority of high-risk licensed venues.⁵⁹

2.56 This view was reflected by the Alcohol and Other Drugs Council of Australia (ADCA), which argued that several investigations point to ‘licensed premises posing a high risk in terms of alcohol-related violence and injury’ and that a large number of assaults occurred ‘in or within close proximity to hotels and nightclubs’.⁶⁰

2.57 The *2010 National Drug Strategy Household Survey* reported that males and people aged 18–19 were more likely than women to be victims of alcohol-related verbal and physical abuse.⁶¹

2.58 In evidence to the Committee however, Mr Scott Weber, President of the Police Association of NSW, suggested that he had observed a ‘massive movement in regards to females’ becoming both perpetrators and victims of crime. Expressing his concern, Mr Weber stated:

⁵⁸ Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, p 19.

⁵⁹ Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020, Technical Report 3 – Preventing alcohol-related harm in Australia: a window of opportunity*, 2009, p 14.

⁶⁰ Submission 47, The Alcohol and Other Drugs Council of Australia, p 11.

⁶¹ Australian Institute of Health and Welfare (Cth), *2010 National Drug Strategy Household Survey report*, 2011, p 70.

... it is demonstrated in regards the amount of females that are coming across the board in alcohol related violence crimes and also being victims, which is a scary trend ... We are starting to see a trend to more female offenders and victims, and probably a lot more to offenders.⁶²

2.59 The Commission for Children and Young People suggested that a significant proportion – one third – of alcohol-related violence occurs in private settings in New South Wales:

Despite the attention that is given to violence at licensed venues ... a significant proportion of alcohol related assaults occur in a private setting. According to an analysis of NSW recorded crime data, more than one-third of assault incidents (38%) that were flagged as being alcohol related took place in residential locations, compared to 28% in outdoor locations (such as outside venues) and 26% inside licensed premises ... Alcohol-related homicides most frequently involve a male offender and victim who will likely know one another and almost half (44%) of all intimate partner homicides, and the majority (87%) of intimate partner homicides involving Indigenous people, are alcohol related.⁶³

2.60 The link between drinking and domestic violence was also noted by the National Health and Medical Research Council (NHMRC) which observed that, while there appear to be ‘multiple contributory and causal mechanisms’ involved, alcohol increases the risk of violence for men who are already ‘predisposed towards domestic violence’. Furthermore, alcohol consumption ‘also increases the risk of being a victim of domestic violence’.⁶⁴

2.61 Professor Sandra Jones, Director, Centre for Health Initiatives, University of Wollongong, stated that there is a ‘direct association’ between alcohol and the likelihood of sexual assault or unwanted sexual encounters. Professor Jones also explained that research had found young women did not complain about these incidences:

We have looked at unsafe and unwanted sexual encounters with university students. There is a direct association between how regularly people drink excessive amounts of alcohol and how likely they are to have been in a sexual assault or unwanted sex situation. One of the things that I found really disturbing about that ... is they do not complain to the police. They do not complain to anyone.

When we did follow up interviews with the young women the view is: If I was really drunk and I cannot really remember exactly what happened then I cannot really call it assault; I did not want it to happen but I cannot remember exactly what I said; or I got so drunk I cannot remember anything. There are those sorts of things that make it really complicated. I think probably a lot of young women do not understand the definition of the word rape and the fact that you were too drunk to say no does not mean you said yes.⁶⁵

⁶² Mr Weber, Evidence, 29 April 2013, pp 26-27.

⁶³ Submission 46, Commission for Children and Young People, p 31.

⁶⁴ National Health and Medical Research Council (Cth), *Australian Guidelines to Reduce Health Risks from Drinking Alcohol*, 2009, p 28. The National Health and Medical Research Council caution that there appear to be ‘multiple contributory and causal mechanisms’ (for example, ‘the characteristics of the drinker, the effects of alcohol, the drinking environment, and the cultural expectations surrounding alcohol and violence’).

⁶⁵ Professor Sandra Jones, Director, Centre for Health Initiatives, University of Wollongong, Evidence, 6 May 2013, p 38.

2.62 The NSW Audit Office reported that just over 800 alcohol-related sexual offences were reported in 2012.⁶⁶

2.63 The devastating effect of alcohol-related sexual assault was emphasised by evidence received from one young woman from the Northern Rivers Social Development Council's Youth Council, who informed the Committee that she had friends who had been sexually assaulted:

I will not walk around Lismore at night by myself ... I do not feel safe walking along the street. Ultimately it is better if you can walk with someone anyway. One of my friends was raped because she was really drunk. I believe it is a really important issue that we should address. Another one of my friends was date raped. So for women it is a huge concern. It is really not okay what is happening.⁶⁷

The industry view on alcohol-related violence

2.64 Representatives from the alcohol industry highlighted that rates of alcohol-related violence were decreasing and suggested that the relationship between alcohol and violence is complicated and influenced by a number of factors.

2.65 ClubsNSW argued that a small number of licensed venues 'are responsible for a disproportionate amount of alcohol-related violence' and highlighted the assault figures for Sydney CBD to show the types of venue involved:

In the Inner Sydney statistical division, an area which includes Kings Cross, Oxford Street, George Street and the wider Sydney CBD ... BOCSAR recorded 930 assaults in 2011 ... Of these 930 incidents, 680 (73 per cent) occurred in pubs and hotels, and 210 (22 per cent) occurred in on-premises locations, most notably nightclubs- many of which do not trade seven days a week and generate most of their patronage in a small amount of time- usually Friday and Saturday evenings.⁶⁸

2.66 While acknowledging the significant levels of existing alcohol-related violence, a number of Inquiry participants affiliated with the alcohol industry gave evidence that the rate of violence was decreasing. For example, Mr David Cass of the Australian Hotels Association (AHA) stated that alcohol-related violence in or around licensed premises had 'substantially decreased' in the last decade:

... when you look at alcohol-related violence in or around licensed premises, particularly hotels, it has substantially decreased, and quite rapidly decreased, in the time that these statistics have been gathered ... According to the New South Wales Bureau of Crime Statistics and Research, alcohol-related violence in licensed premises is at the lowest levels in more than a decade—20 per cent lower than 2008, 25 per cent lower than 1975 and in the two years to September 2012, which is the latest BOCSAR data that I have available, assaults on licensed premises across the State fell again by another 11.5 per cent.⁶⁹

⁶⁶ Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, p 19.

⁶⁷ Young person 9, Northern Rivers Social Development Council, Youth Council, Roundtable, 8 October 2013, p 8.

⁶⁸ Submission 45, p 10.

⁶⁹ Mr David Cass, Australian Hotels Association, Evidence 6 May 2013, p 58.

- 2.67** The Liquor Stores Association of New South Wales (LSA NSW) also observed that levels of alcohol-related crime were decreasing and suggested it was important to distinguish between the majority who consume alcohol ‘which is a normal enjoyable aspect of life for the vast majority of adults, with the misuse of alcohol by a small minority’:

... NSW crime statistics for 2011 demonstrate that alcohol related crime has decreased compared to previous reporting periods (assault of police (-3.7%), non-domestic related violence (-5.3%) and domestic violence (-2.6%) and offensive behaviour (stable).⁷⁰

- 2.68** Diageo Australia asserted that the relationship between alcohol and violence is ‘extremely complex’ and is ‘influenced by a number of factors such as personality, expectancy of violence, situational factors and social norms’,⁷¹ and insisted that alcohol was not solely responsible for violent incidents around licensed venues:

Any consideration or response for dealing with alcohol-related violence needs to balance the interests of the responsible majority who should be able to enjoy the benefits of a late-night economy without risk of harm from others.

Intoxication alone does not cause violence and often alcohol is not a factor in violent incidents that take place in and around licensed premises in New South Wales. The NSW Bureau of Crime Statistics data indicates that incidents attributed to alcohol have remained stable across the state. It is also worth noting that the recent BOCSAR quarterly report shows assaults on licensed premises are down by 11.5% in the last two years.⁷²

- 2.69** ClubsNSW argued that when consumed responsibly ‘alcohol is not associated with harm’. While they acknowledged that intoxicated people can ‘can hurt themselves and others and have done so since alcohol has first been consumed’, ClubsNSW stipulated that the overwhelming majority of alcohol consumption ‘does not lead to violence, nor do most violent episodes involve alcohol’.⁷³ They gave evidence that the relationship between alcohol and violence is a complex interaction of a number of factors:

... the relationship between alcohol consumption and violent behaviour is a complex interaction of biochemical, psychological, situational and cultural factors. There is a fundamental issue as to the definition of ‘alcohol related violence’. As highlighted by the UK Social Issues Research Centre (2002), the term ‘alcohol related’ is sometimes taken to imply a direct causal relationship between alcohol and certain behaviours. More often, the term is used as a partial causal factor, with alcohol interacting with individual, social and environmental factors to influence predisposed behaviour.⁷⁴

- 2.70** The Distilled Spirits Industry Council of Australia described research by the US National Institute on Alcohol Abuse and Alcoholism whose ‘findings ... are consistent with the real-world observation that intoxication alone does not cause violence’.⁷⁵ Further, the Distilled

⁷⁰ Submission 52, Liquor Stores Association of New South Wales, p 5.

⁷¹ Submission 41, Diageo Australia, p 12.

⁷² Submission 41, p 13.

⁷³ Submission 45, p 7.

⁷⁴ Submission 45, p 7.

⁷⁵ Submission 42, Distilled Spirits Industry Council of Australia, p 14.

Spirits Industry Council of Australia referred to the Australian Institute on Criminology which, in their 2009 report *Key Issues in Alcohol-related Violence*, found that:

Despite this strong body of evidence, the relationship between alcohol and violence, like many other complex social phenomena, is not a simple or straightforward one ... Research shows that heavy drinking and intoxication are associated with physical violence, however, the majority of people who drink alcohol do not become offenders or victims of violent crime and consuming alcohol does not necessarily act as a precursor to violent behaviour.⁷⁶

- 2.71** The issue of alcohol-related violence, and the effectiveness of measures which have been introduced to reduce it, is examined further in Chapter 6.

Personal responsibility

- 2.72** A number of Inquiry participants from the alcohol industry noted that individuals have a responsibility to behave in a way which does not lead to alcohol-related harms. For instance, the Liquor Stores Association NSW noted that while liquor outlets have a responsibility to minimise alcohol-related harms, it argued that ‘alcohol consumption is ultimately an issue of individual responsibility’.⁷⁷ Diageo Australia argued that promoting a culture of individual responsibility amongst young people through targeted education and enforcement was key to reducing harmful drinking and related harm amongst young people.⁷⁸
- 2.73** Other Inquiry participants disagreed with this view and argued that relying on personal responsibility would not be enough to resolve the problems created by harmful drinking. For example, Dr Graham, Royal Australasian College of Physicians, argued that debates around personal responsibility are ‘a form of air cover or diversionary tactics’ and that the policy focus should remain on ‘evidence based public health measures’.⁷⁹ The Police Association agreed and suggested the arguments about personal responsibility were a ‘smoke screen’.⁸⁰

The policy and legal framework around alcohol supply and consumption

New South Wales policies

- 2.74** Alcohol supply and consumption in Australia is principally controlled at the state and territory level. In New South Wales, this is manifested in a range of policies, plans and initiatives including the State Plan – NSW 2021, State Health Plan Towards 2010, Drug and Alcohol Plan 2006-2010, Alcohol Services Plan 2009-2013, Youth Health Policy 2011-2016, and the Youth Alcohol Action Plan 2009-2013. While most are current, it is understood that a number of policies are currently under review or are prospective and awaiting endorsement. Each of the plans are briefly reviewed in this section.

⁷⁶ Submission 42, p 15.

⁷⁷ Submission 52, p 8.

⁷⁸ Submission 41, p 6.

⁷⁹ Dr Graham, Evidence, 29 April 2013, p 44.

⁸⁰ Submission 29, The Police Association of New South Wales, p 25.

State Plan – NSW 2021

2.75 The NSW Government’s State Plan – *NSW 2021: A plan to make NSW number one* – presents a number of priority areas for action and change. Among these are goals to ‘keep people healthy and out of hospital’ and to ‘prevent and reduce the level of crime’. The State Plan has identified targets to reduce the impact of harmful drinking. These include:

- Reducing total risk drinking to below 25 per cent by 2015 by preventing high risk alcohol abuse in public places and reducing risky drinking in the home through State-wide alcohol education campaigns, including *Know when to say when* and *What are you doing to yourself?*⁸¹
- Reducing alcohol-related assaults by implementing a suite of legislative measures, including strengthening police ‘move-on powers’ and enacting the ‘Three Strikes’ disciplinary scheme for licence holders, to support a prevention and early intervention approach to alcohol-related anti-social behaviour.⁸²
- Reducing alcohol-related assaults by monitoring licensed premises with a history of high numbers of reported assaults, and implementing and evaluating measures to tackle this issue, including the introduction of ‘sobering up’ centres.⁸³

State Health Plan Towards 2010

2.76 The State Health Plan addresses the challenges being faced by the New South Wales health system by applying seven key Strategic Directions. These include making prevention ‘everybody’s business’, creating better experiences for people using health services, and strengthening primary health and continuing care in the community.⁸⁴

2.77 As part of the Strategic Direction to ‘make prevention everybody’s business’, the State Health Plan presents a range of risk factors it seeks to reduce, including drugs and alcohol. The Plan aims to reduce harm related to drug and alcohol use (particularly among young people), increase awareness and engagement of communities to tackle drug and alcohol issues, and continue to work with the criminal justice system to ensure early referral of defendants into drug and alcohol treatment.⁸⁵

2.78 A new State Health Plan – NSW State Health Plan 2013-2023 – is currently being developed.⁸⁶

Drug and Alcohol Plan 2006-2010

2.79 The NSW Health Drug and Alcohol Plan 2006-2010 outlines the State’s response to drug and alcohol trends in New South Wales. The Plan’s goals include providing a policy framework for drug and alcohol services and health programs within the State, and ensuring that there are equitable and effective clinical services to assist people with drug and alcohol problems. The

⁸¹ Department of Premier and Cabinet, *NSW 2021: A Plan to Make NSW Number One*, 2011, p 23.

⁸² Department of Premier and Cabinet, *NSW 2021: A Plan to Make NSW Number One*, 2011, p 34.

⁸³ Department of Premier and Cabinet, *NSW 2021: A Plan to Make NSW Number One*, 2011, p 34.

⁸⁴ NSW Health, *A new direction for NSW – State Health Plan Towards 2010*, pp 4 and 11.

⁸⁵ NSW Health, *A new direction for NSW – State Health Plan Towards 2010*, p 14.

⁸⁶ NSW Health, NSW State Health Plan 2023, accessed 22 August 2013, <<http://www.health.nsw.gov.au/statehealthplan/Pages/default.aspx>>

Plan also seeks to set directions based on the best scientific evidence for treatment and increase the capacity and competency of the drug and alcohol workforce. Three priority areas for future action that have been identified are prevention, brief and early intervention, and treatment and extended care.⁸⁷

Alcohol Services Plan 2009-2013

2.80 The Alcohol Services Plan 2009-2013 documents NSW Health's approach to developing and implementing strategies that focus on early intervention and treatment to minimise and prevent alcohol-related harm and diseases. The Plan identifies a range of areas it seeks to improve so that alcohol-related services can be effectively delivered across the State. These areas include early intervention, consultation liaison services, shared care, planning for effective tertiary intervention, and involvement by non-government organisations.⁸⁸

2.81 The Plan is currently awaiting endorsement prior to its release.⁸⁹

Youth Health Policy 2011-2016

2.82 The NSW Health Youth Health Policy 2011-2016: *Healthy Bodies, Healthy Minds, Vibrant Futures* provides a guide for encouraging and supporting young people to achieve optimal health and wellbeing. The Policy sits within a broader framework of policies and plans that support young people in New South Wales and sets the direction for the development of more specific policies that consider the different needs of young people, including in the area of alcohol and drug use. It is on this basis that the Youth Alcohol Action Plan 2009-2013, discussed below, was developed.⁹⁰

Youth Alcohol Action Plan 2009-2013

2.83 The Youth Alcohol Action Plan 2009-2013 provides a framework for strategies that aim to prevent and reduce alcohol-related harm in youth aged 12 to 24 years. The Plan was developed in consultation with an extensive range of key government agencies and is consistent with the recommendations of the 2003 NSW Summit on Alcohol Abuse and State Plan priorities.⁹¹

2.84 The Plan is currently awaiting endorsement prior to its release.⁹²

⁸⁷ NSW Health, *Drug and Alcohol Action Plan 2006-2010*, p 4.

⁸⁸ NSW Health, Mental Health and Drug & Alcohol Office – Key plans and strategies, accessed 25 July 2013, <http://www0.health.nsw.gov.au/mhdao/plan_strategy.asp>

⁸⁹ NSW Health, Mental Health and Drug & Alcohol Office – Key plans and strategies, accessed 25 July 2013, <http://www0.health.nsw.gov.au/mhdao/plan_strategy.asp>

⁹⁰ NSW Health, *Youth Health Policy 2011-2016: Healthy Bodies, Healthy Minds, Vibrant Futures*, p 3

⁹¹ NSW Health, Mental Health and Drug & Alcohol Office – Key plans and strategies, accessed 25 July 2013, <http://www0.health.nsw.gov.au/mhdao/plan_strategy.asp>

⁹² NSW Health, Mental Health and Drug & Alcohol Office – Key plans and strategies, accessed 25 July 2013, <http://www0.health.nsw.gov.au/mhdao/plan_strategy.asp>

Recent NSW Government initiatives

- 2.85** In addition to the various policies and plans currently in place to address alcohol supply and consumption in New South Wales, the NSW Government has recently introduced further measures to reduce the impact of alcohol abuse on the community. These include strategies to address alcohol-related issues in Kings Cross and a trial of sobering up centres.
- 2.86** As a response to the impact of alcohol-related harm in Kings Cross, the Government has undertaken a range of actions, including expanding the areas covered by special licence conditions, continuing the freeze on new liquor licences in Kings Cross, imposing new licensing conditions on venues, and increasing late night transport options. Moreover, the NSW Government has introduced legislation to mandate identification scanners in high risk venues and the power to impose temporary and long-term precinct-wide bans on individuals.⁹³
- 2.87** The NSW Government is also currently trialling three sobering up centres to deal with intoxicated persons who are creating a public nuisance.⁹⁴ One mandatory sobering up centre is currently located in Sydney's Central Business District, whilst non-mandatory sobering up centres have been established in Coogee and Wollongong.⁹⁵

Liquor Act 2007

- 2.88** The *Liquor Act 2007* (the Act) regulates the sale, supply and consumption of alcohol in New South Wales. It provides for control of trading hours, the prohibition of underage drinking, training requirements in the responsible service of alcohol, and measures to prevent intoxication and violent conduct.⁹⁶
- 2.89** The policy objectives of the Act acknowledge that the manufacture, sale and supply of alcohol, as well as the operation of licensed premises, contributes significantly to the economy and to society, whilst recognising that there is a need to minimise the risk of harm arising from the sale, supply and consumption of alcohol.⁹⁷
- 2.90** To ensure responsible conduct by premises and patrons, the Act also provides for licence conditions and directions, including those applicable to the State's most violent venues, closure orders, lock outs and curfews, support for liquor accords, provisions to address local issues, the ability for licensed venues to 'self-exclude' and issue banning orders, and the control of undesirable liquor products and promotions.⁹⁸ The NSW Liquor Promotion

⁹³ *Liquor Amendment (Kings Cross Plan of Management) Act 2013*; Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, August 2013, p 6.

⁹⁴ Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, August 2013, p 6.

⁹⁵ NSW Police Force, *Fact Sheet – Sobering Up Centres*, accessed 27 August 2013, <http://www.police.nsw.gov.au/__data/assets/pdf_file/0009/254295/Sobering_Up_Centres_Fact_Sheet.pdf>

⁹⁶ NSW Office of Liquor, Gaming and Racing, *Statutory Review of the Liquor Act 2007 and the Gaming and Liquor Administration Act 2007 – Explanatory Paper*, July 2013, pp 9-10.

⁹⁷ NSW Office of Liquor, Gaming and Racing, *Statutory Review of the Liquor Act 2007 and the Gaming and Liquor Administration Act 2007 – Explanatory Paper*, July 2013, p 3.

⁹⁸ NSW Office of Liquor, Gaming and Racing, *Statutory Review of the Liquor Act 2007 and the Gaming and Liquor Administration Act 2007 – Explanatory Paper*, July 2013, pp 11-12.

Guidelines, as an extension of the Act's provisions, will be discussed together with alcohol advertising later in Chapter 5.

2.91 The *Liquor Act 2007* is currently under a five-year statutory review, together with the *Gaming and Liquor Administration Act 2007* (discussed below) to determine whether their respective policy objectives remain valid and whether the terms of the Acts remain appropriate for securing those objectives.⁹⁹

2.92 Administration of the *Liquor Act 2007* is primarily undertaken by the NSW Office of Liquor, Gaming and Racing (OLGR), a branch within NSW Trade and Investment. OLGR is accountable for 'the development, implementation and integrity of the overall regulatory framework across alcohol, licensed clubs, charitable fundraising and gambling activities in New South Wales'.¹⁰⁰ Its role includes policy direction and advice, regulation of the sale and consumption of alcohol, and the operation of licensed clubs.¹⁰¹

Gaming and Liquor Administration Act 2007

2.93 The *Gaming and Liquor Administration Act 2007* supports the operation of the *Liquor Act 2007* by providing a legislative basis for constituting the Independent Liquor and Gaming Authority (ILGA), and establishing its role, functions and enforcement powers.¹⁰² ILGA is responsible for performing regulatory and other independent decision-making functions on behalf of government with respect to casinos, registered clubs, gaming machines and liquor. This includes licensing the liquor and gaming industries in New South Wales.¹⁰³

2.94 ILGA is responsible for receiving and granting applications for liquor licences. The *Liquor Act 2007* provides for seven categories of liquor licence in New South Wales:

- Hotel licence (includes general bar hotel licence)
- Club licence
- Small bar licence
- Packaged liquor licence
- On-premises licence (for example, for restaurants)
- Producer/wholesaler licence (for example, a brewery or winery)
- Limited licence (for example, one off events such as trade fairs).¹⁰⁴

⁹⁹ NSW Office of Liquor, Gaming and Racing, Liquor Act review, accessed 17 September 2013, <http://www.olgr.nsw.gov.au/liquor_review.asp>

¹⁰⁰ NSW Office of Liquor, Gaming and Racing, About us, accessed 29 August 2013, <http://www.olgr.nsw.gov.au/about_us_home.asp>

¹⁰¹ NSW Office of Liquor, Gaming and Racing, About us, accessed 29 August 2013, <http://www.olgr.nsw.gov.au/about_us_home.asp>

¹⁰² NSW Office of Liquor, Gaming and Racing, *Statutory Review of the Liquor Act 2007 and the Gaming and Liquor Administration Act 2007 – Explanatory Paper*, July 2013, p 3.

¹⁰³ NSW Office of Liquor, Gaming and Racing, Independent Liquor and Gaming Authority, accessed 26 August 2013, <http://www.olgr.nsw.gov.au/liquor_ILGA.asp>

¹⁰⁴ NSW Office of Liquor, Gaming and Racing, Licence types, accessed 26 August 2013, <http://www.olgr.nsw.gov.au/liquor_license_apps.asp>

- 2.95** The process of obtaining a liquor licence involves the applicant firstly (and where necessary) lodging and receiving approval for a Development Application to operate a licensed venue on the site from the local council, and then applying for and receiving a liquor licence from ILGA.¹⁰⁵ ILGA cannot grant a licence, authorisation or approval unless it is ‘satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community’.¹⁰⁶

Law Enforcement (Powers and Responsibilities) Act 2002

- 2.96** The *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPRA) provides police with powers to give directions to people, also known as ‘move-on powers’, in a public place to ensure public safety and to prevent crime.¹⁰⁷ A series of amendments to the Act have since been passed to further strengthen police powers with respect to dealing with intoxicated persons.

- 2.97** In June 2011, LEPRA was amended to authorise a police officer to direct an intoxicated person to move-on from a public place and not return for a specified period. Prior to this, such a direction could only be given to an intoxicated person who was in a group of three or more. LEPRA was further amended in September 2011 under the *Summary Offences Amendment (Intoxicated and Disorderly Conduct) Act 2011* discussed below, to allow police to give a direction to an intoxicated person on the grounds that their behavior is ‘disorderly’. Prior to this, a police officer could only give such a direction if the person’s behaviour was likely to cause injury, damage to property or risk public safety.¹⁰⁸

Summary Offences Amendment (Intoxicated and Disorderly Conduct) Act 2011

- 2.98** In addition to allowing police the power to direct an intoxicated person on the grounds of their ‘disorderly’ conduct, the *Summary Offences Amendment (Intoxicated and Disorderly Conduct) Act 2011* amended the *Summary Offences Act 1988* by creating a new offence for an intoxicated and disorderly person who has been given a move-on direction. Under this Amendment Act, a person who has been given a move-on direction may be guilty of an offence if they are intoxicated and disorderly in the same or another public place within six hours of the move-on direction.¹⁰⁹

National measures

- 2.99** While the states and territories are primarily responsible for regulating the supply and consumption of alcohol in Australia, a broader policy framework exists at the national level. This framework is characterised by key policy instruments such as the National Preventative

¹⁰⁵ NSW Office of Liquor, Gaming and Racing, *Fact sheet – Liquor licence application process*, accessed 26 August 2013, <http://www.olgr.nsw.gov.au/pdfs/L_FS_Application_Process.pdf>

¹⁰⁶ Tabled document, NSW Independent Liquor and Gaming Authority, *Consideration of social impact under Section 48(5) of the Liquor Act 2007*, p 2.

¹⁰⁷ NSW Ombudsman, *Summary Offences Act 1998, Section 9: Continuation of intoxicated and disorderly behavior following move on direction – Issues Paper*, December 2012, p 1.

¹⁰⁸ NSW Ombudsman, *Review of the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Act 2011 – Information Sheet*, March 2012, p 1.

¹⁰⁹ NSW Ombudsman, *Review of the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Act 2011 – Information Sheet*, March 2012, p 1.

Health Strategy 2009, the *Australian Guidelines to Reduce Health Risks from Drinking Alcohol 2009*, the National Drug Strategy 2010-2015 and National Alcohol Strategy 2006-2011, and the National Binge Drinking Strategy 2008. These strategies and guidelines are outlined below.

National Preventative Health Strategy

- 2.100** Produced by the Preventative Health Taskforce, the National Preventative Health Strategy was released in 2009. Directed at primary prevention and addressing all relevant arms of policy in both the health and non-health sectors, the Strategy recommends a range of interventions aimed at reducing the chronic burden of disease associated with three lifestyle risk factors – obesity, tobacco and alcohol. The Strategy is comprised of three parts – an overview, ‘a road map for action’ and three technical reports based on the focus areas.¹¹⁰
- 2.101** The Strategy’s technical report on alcohol-related harm focuses on identifying the key trends in alcohol consumption and related harm in Australia, determining the most effective approaches to preventing and reducing alcohol-related harm, and identifying the gaps and opportunities for preventative action in Australia.¹¹¹ As part of the Strategy, a number of targets are also set, including reducing the proportion of Australians who drink at short-term ‘risky/high-risk’ levels as well as long-term ‘risky/high-risk’ levels.¹¹²

Australian Guidelines to Reduce Health Risks from Drinking Alcohol 2009

- 2.102** The *Australian Guidelines to Reduce Health Risks from Drinking Alcohol 2009* were developed by the National Health and Medical Research Council (NHMRC) and are a revision of the 2001 edition.¹¹³ The Guidelines are generally accepted by all stakeholders and are referred to by Commonwealth, State and Territory governments as the benchmark for alcohol consumption in Australia.
- 2.103** The Guidelines aim to provide clear guidance based on the most current and best available scientific research and evidence so that Australians can make informed decisions about the amount of alcohol they choose to drink.¹¹⁴ There are four guidelines recommending the following:
- *Guideline 1* For healthy men and women, drinking no more than two standard drinks on any day reduces the lifetime risk of harm from alcohol-related disease or injury.
 - *Guideline 2* For healthy men and women, drinking no more than four standard drinks

¹¹⁰ Preventative Health Taskforce (Cth), National Preventative Health Strategy, accessed 27 August 2013, <<http://www.preventativehealth.org.au/internet/preventativehealth/publishing.nsf/Content/national-preventative-health-strategy-1lp>>

¹¹¹ Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020, Technical Report 3 – Preventing alcohol-related harm in Australia: a window of opportunity*, 2009, p 1.

¹¹² Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020 – Overview*, 2009, p 7.

¹¹³ National Health and Medical Research Council (Cth), *Australian Guidelines to Reduce Health Risks from Drinking Alcohol*, 2009, p 7.

¹¹⁴ National Health and Medical Research Council (Cth), *Australian Guidelines to Reduce Health Risks from Drinking Alcohol*, 2009, p 1.

on a single occasion reduces the risk of alcohol-related injury arising from that occasion.

- *Guideline 3* (a) Parents and carers should be advised that children under 15 years of age are at the greatest risk of harm from drinking and that for this age group, not drinking alcohol is especially important.
- (b) For young people aged 15-17 years, the safest option is to delay the initiation of drinking for as long as possible.
- *Guideline 4* (a) For women who are pregnant or planning a pregnancy, not drinking is the safest option.
- (b) For women who are breastfeeding, not drinking is the safest option.¹¹⁵

2.104 Under the Guidelines, the Australian ‘standard drink’ is defined as containing 10 grams of alcohol (equivalent to 12.5 millilitres of pure alcohol). It is noted that a serving of alcohol frequently differs from a ‘standard drink’ and, as such, all bottles, cans and casks containing alcoholic beverages are required by law to state on the label the approximate number of standard drinks they contain.¹¹⁶

National Drug Strategy 2010-2015 and National Alcohol Strategy 2006-2011

2.105 The former Ministerial Council on Drug Strategy (MCDS) was the peak policy and decision-making body in relation to licit and illicit drugs in Australia.¹¹⁷ An intergovernmental venture, the Council was comprised of representatives from Commonwealth, state and Territory governments, and produced the National Drug Strategy 2010-2015 and the National Alcohol Strategy 2006-2011.¹¹⁸

2.106 The National Drug Strategy 2010-2015 aims to ‘build safe and healthy communities by minimising alcohol, tobacco and other drug-related health, social and economic harms among individuals, families and communities’.¹¹⁹ The Strategy promotes an overarching approach of harm minimisation which encompasses three pillars: demand reduction, supply reduction and harm reduction. Currently in its sixth iteration, the Strategy has been regularly updated to reflect the contemporary trends of Australia’s drug-related environment.

2.107 Supplementing and reflecting the principles of the National Drug Strategy is the National Alcohol Strategy 2006-2011, a plan for coordinated action ‘to develop drinking cultures that

¹¹⁵ National Health and Medical Research Council (Cth), *Australian Guidelines to Reduce Health Risks from Drinking Alcohol*, 2009, pp 2-5.

¹¹⁶ National Health and Medical Research Council (Cth), *Australian Guidelines to Reduce Health Risks from Drinking Alcohol*, 2009, p 31.

¹¹⁷ National Drug Strategy (Cth), Ministerial Council on Drug Strategy, accessed 21 August 2013, <<http://www.health.gov.au/internet/drugstrategy/publishing.nsf/Content/mclds-lp>>; Please note: The Ministerial Council on Drug Strategy was discontinued on 30 June 2011.

¹¹⁸ National Drug Strategy (Cth), Ministerial Council on Drug Strategy, accessed 21 August 2013, <<http://www.health.gov.au/internet/drugstrategy/publishing.nsf/Content/mclds-lp>>

¹¹⁹ Ministerial Council on Drug Strategy (Cth), *National Drug Strategy 2010-2015*, p ii.

support a reduction in alcohol-related harm in Australia'.¹²⁰ The strategy identified four priority areas – intoxication, public safety and amenity, health impacts, and cultural place and availability.¹²¹ A range of responses to these priority areas are recommended in the Strategy, including: increasing community awareness and understanding of the extent and impacts of intoxication; preventing and reducing alcohol-related injuries; improving the capacity and encouraging a system-wide health response to people at risk of alcohol-related problems; and strengthening the regulation of alcohol availability, including the enforcement of liquor licensing controls.¹²²

National Binge Drinking Strategy 2008

- 2.108** In 2008, the Commonwealth Government announced the National Binge Drinking Strategy which focuses on 'raising awareness of the short and long-term impacts of "risky" drinking among young people, and over time, contributing to the development of a more responsible drinking culture within Australian society'.¹²³ The Australian National Preventative Health Agency (ANPHA), established in 2011, is currently responsible for implementing the Strategy.¹²⁴
- 2.109** Between 2008 and 2012 the Department of Health and Ageing was responsible for developing partnerships between local governments, sporting organisations, police and the non-government sector to try to change the culture of alcohol abuse among young people. This involved promoting community level initiatives (particularly in sporting organisations), an early intervention program for young people, and an advertising campaign which highlighted the costs and consequences of binge drinking.¹²⁵
- 2.110** In 2010, additional funds were committed and responsibility for the strategy moved to the Australian National Preventive Health Agency. The ANPHA administers the Community Sponsorship Fund, which offers an alternative to alcohol sponsorship for community sporting organisations, and also the Good Sports Program, an initiative supporting local sporting clubs to build a culture of responsible drinking. The ANPHA also oversees grants for projects which aim to develop local solutions to the problem of alcohol abuse among young people, and provides a telephone counseling and referral service for people with alcohol concerns.¹²⁶

¹²⁰ Ministerial Council on Drug Strategy (Cth), *National Alcohol Strategy 2006-2011*, p 4.

¹²¹ Ministerial Council on Drug Strategy (Cth), *National Alcohol Strategy 2006-2011*, p 6.

¹²² Ministerial Council on Drug Strategy (Cth), *National Alcohol Strategy 2006-2011*, pp 14, 19,25 and 30.

¹²³ Department of Health (Cth), National Binge Drinking Strategy, accessed 22 August 2013, <<http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/Content/cli>>

¹²⁴ Promoting a Healthy Australia (Cth), accessed 22 August 2013, <<http://www.anpha.gov.au/internet/anpha/publishing.nsf/Content/about-us>>

¹²⁵ The Department of Health (Cth), National Binge Drinking Strategy, accessed 4 November 2013, <<http://www.health.gov.au/internet/main/publishing.nsf/content/health-pubhlth-strateg-drugs-alcohol-index.htm>>

¹²⁶ The Department of Health (Cth), National Binge Drinking Strategy, accessed 4 November 2013, <<http://www.health.gov.au/internet/main/publishing.nsf/content/health-pubhlth-strateg-drugs-alcohol-index.htm>>

Alcohol taxation

- 2.111** Under the *Constitution Act 1900*, the Commonwealth Government is responsible for regulating the taxation of alcohol and imposing excise duties on the manufacture and importation of alcohol in Australia.¹²⁷
- 2.112** The tax structure on alcohol is complex. Alcohol produced commercially for human consumption is taxed through a number of different regimes, resulting in different products being taxed at different rates. For example, beer and spirits are subject to excise at eight different rates, while wine is subject to the wine equalisation tax based on the value of the wine. Ultimately, different amounts of tax are payable on a standard drink depending on beverage type, alcohol concentration, container size, size of producer and the pre-tax price of the product.¹²⁸
- 2.113** The taxation of alcohol is particularly relevant to this Inquiry given the argument that young people are ‘price sensitive’ and that pricing has a significant impact on consumption. The price of alcohol and calls for an increase in alcohol taxation or a minimum price per unit of alcohol as a deterrence strategy will be examined in Chapter 4.

¹²⁷ *Constitution Act 1900, Section 51.*

¹²⁸ Australia’s Future Tax System Review Panel (Cth), *Australia’s Future Tax System – Consultation Paper*, 2008, accessed 21 August 2013, <http://www.taxreview.treasury.gov.au/content/ConsultationPaper.aspx?doc=html/publications/Papers/Consultation_Paper/section_11.htm#P24_3265>

Chapter 3 Young people and alcohol abuse

This Chapter provides an overview of alcohol consumption, with a focus on three specific behaviours relevant to harmful drinking among young people: ‘binge drinking’, product preference (namely the consumption of ‘shots’ and ready-to-drink beverages), and ‘pre-loading’.

Alcohol consumption

- 3.1** Alcohol is the most widely used drug in Australia.¹²⁹ An estimated 9.88 litres of alcohol was consumed per capita in 2007 – ‘high by world standards’, according to the PHT. Indeed, the PHT reported that Australia’s current per capita consumption grew rapidly in the 1970s and has not returned to low levels since.¹³⁰
- 3.2** According to the Australian Institute of Health and Welfare (AIHW) approximately 7.2 per cent – or 1.3 million Australians – drink on a daily basis.¹³¹ The PHT notes that the majority of Australians who drink regularly do so in moderation. Approximately three-quarters or 72.6 per cent of the population drink below levels for long-term risk of harm.¹³²
- 3.3** In their submission, Lion noted that it was important to also acknowledge that ‘the majority of Australians do not suffer harm as a consequence of their consumption of alcohol’.¹³³ Similarly, Clubs NSW argued that ‘the majority of Australians consume alcohol responsibly and in moderation.’¹³⁴
- 3.4** The Liquor Stores Association NSW also suggested that the ‘majority of Australian adults (82.4% of Australians aged over 18 years) consume alcohol responsibly and it is important... to distinguish between the moderate consumption of alcohol, which is a normal enjoyable aspect of life for the vast majority of adults, with the misuse of alcohol by a small minority’.¹³⁵

Patterns of alcohol abuse in young people

- 3.5** A significant proportion of young people consume alcohol. A 2011 NSW Health study found that 69 per cent of 12 to 17 year olds had consumed an alcoholic drink.¹³⁶ This figure had decreased from the previous 2008 NSW Health study which reported 77 per cent of 12 to 17

¹²⁹ NSW Health, *Factsheet – Alcohol*, accessed 25 July 2013, < <http://www0.health.nsw.gov.au/factsheets/drugAndAlcohol/alcohol.html> >

¹³⁰ Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020, Technical Report 3 – Preventing alcohol-related harm in Australia: a window of opportunity*, 2009, p 5.

¹³¹ Australian Institute of Health and Welfare, *2010 National Drug Strategy Household Survey report*, 2011, p 46.

¹³² Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020, Technical Report 3 – Preventing alcohol-related harm in Australia: a window of opportunity*, 2009, p 2.

¹³³ Submission 37, Lion, p 4.

¹³⁴ Submission 45, Clubs NSW, p 4.

¹³⁵ Submission 52, Liquor Stores Association NSW, p 5.

¹³⁶ NSW Health, *NSW School Students Health Behaviours Survey 2011 Report, Part 1: Nutrition, Physical activity and Alcohol*, March 2013, p 6.

year olds had consumed an alcoholic drink.¹³⁷ A comparison of the results from the survey in 2008 and 2011 is shown in Table 1.

Table 1 NSW School Students Health Behaviours Survey 2008 and 2011

Per cent of 12 to 17 year olds who had:	2008 (per cent)	2011 (per cent)
Consumed an alcoholic drink	77	69
Drunk alcohol in the last 12 months	56	47
Drunk alcohol in the last four weeks	33	27
Drunk alcohol in the last seven days	20	16

- 3.6** A national household survey by the AIHW found that the proportion of minors abstaining from alcohol increased in the years between 2007 and 2010. For example, for 12-15 year olds, abstinence increased from 70 per cent in 2007 to 77 per cent in 2010. For 16-17 year olds abstinence increased from 24 per cent to 32 per cent.¹³⁸
- 3.7** Juvenile Justice reported that for young people in custody lifetime experience with alcohol is close to universal. Almost two-thirds of young people in custody reported that they were drunk at least weekly in the year before coming into custody, with over a fifth reporting this daily or almost daily. Nearly 70 per cent were intoxicated at the time of their offence.¹³⁹
- 3.8** In relation to data on alcohol consumption and harmful drinking by young people, a number of Inquiry participants acknowledged that data on alcohol abuse among young people is incomplete and not readily available.¹⁴⁰
- 3.9** For example, the Preventative Health Taskforce (PHT) commented on the limitations and lack of publicly available information about alcohol consumption:

Information on levels and patterns of alcohol consumption is diverse, and it can be difficult to identify the key features for the purposes of monitoring trends in drinking and related harm, and the possible opportunities for intervention. Unfortunately, in Australia at the current time, some of the most significant and valuable data is not readily available to the public health field.¹⁴¹

¹³⁷ NSW Health, *NSW School Students Health Behaviours Survey 2008 Report*, November 2009, p 97.

¹³⁸ Australian Institute of Health and Welfare (Cth), *2010 National Drug Strategy Household Survey report*, 2011, p 45.

¹³⁹ Answers to questions taken on notice during evidence 17 June 2013, Ms Suellen Lembke, Director of Programs, Juvenile Justice NSW, Department of Attorney General and Justice, p 1.

¹⁴⁰ Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020, Technical Report 3 – Preventing alcohol-related harm in Australia: a window of opportunity*, 2009, p 5; Ministerial Council on Drug Strategy (Cth), *National Alcohol Strategy 2006-2011*, p 9; Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, August 2013, pp 2-3.

¹⁴¹ Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020, Technical Report 3 – Preventing alcohol-related harm in Australia: a window of opportunity*, 2009, p 5.

- 3.10** The NSW Audit Office recently stated that data on alcohol abuse is fragmented at best.¹⁴² Acknowledging the limitations of available data, the following section provides a snapshot of patterns of harmful drinking across Australia and among young people.
- 3.11** This section documents the level of alcohol abuse especially among young people and the associated risks of harm they place themselves in. Where possible, statistics specific to New South Wales have been referred to.
- 3.12** The 2010 AIHW national household survey found that a significant number of people drink at levels which put them at risk of harm in the short or long-term. For example, almost 40 per cent of people aged 14 years or older drank at least once in the past year in a pattern that placed them at risk of alcohol-related injury from a single drinking occasion. Furthermore, 16 per cent of those aged 14 years or older put themselves at risk of an alcohol-related injury from a single drinking occasion at least once a week.¹⁴³ The AIHW also found that men were far more likely than women to consume alcohol in harmful quantities.¹⁴⁴
- 3.13** In New South Wales, the NSW Audit Office concluded that currently one in three people aged over 16 in New South Wales consume more than the recommended two standard drinks in any one day, thereby drinking at levels which put them at risk of long-term alcohol-related harm.¹⁴⁵
- 3.14** The NMHRC guidelines recommend that children and young people under 18 years of age either avoid or delay the onset of drinking altogether, consuming alcohol in itself could be considered as ‘harmful drinking’ by minors.¹⁴⁶ Drinking in excess of the standards set for adults causes even greater harms when undertaken by young people.
- 3.15** The PHT found that, for both males and females, younger age groups were more likely than any other age group to drink at levels every month that would place them at risk of short-term alcohol-related harm.¹⁴⁷
- 3.16** The 2010 National Drug Strategy Household Survey found that nearly two-thirds of males aged 18–19 years, and more than half aged 20–29 years, placed themselves at risk of an alcohol-related injury at least once a month.¹⁴⁸

¹⁴² Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, August 2013, p 3.

¹⁴³ Australian Institute of Health and Welfare (Cth), *2010 National Drug Strategy Household Survey report*, 2011, p 54.

¹⁴⁴ Australian Institute of Health and Welfare (Cth), *2010 National Drug Strategy Household Survey report*, 2011, p 45.

¹⁴⁵ Audit Office of New South Wales, *Performance Audit – Cost of alcohol abuse to the NSW Government*, August 2013, p 8.

¹⁴⁶ National Health and Medical Research Council (Cth), *Australian Guidelines to Reduce Health Risks from Drinking Alcohol*, 2009, p 4.

¹⁴⁷ Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020, Technical Report 3 – Preventing alcohol-related harm in Australia: a window of opportunity*, 2009, p 7.

¹⁴⁸ Australian Institute of Health and Welfare (Cth), *2010 National Drug Strategy Household Survey report*, 2011, p 54.

- 3.17** The Survey concluded that the demographic group most likely to consume alcohol in quantities that placed them at risk of an alcohol-related injury and of alcohol-related harm over their lifetime were males in the 18 to 29 age group.¹⁴⁹ The Liquor Stores Association NSW remarked that the consumption habits of young people and especially younger women is concerning:

Whilst the steady continued increase in abstinence from minors is encouraging, there are real and legitimate concerns about the consumption habits of certain risk groups, being young people and especially younger women. 20% of Australians aged 14 years or over consumed alcohol at levels that put them at risk of harm.¹⁵⁰

Drinking-related behaviours

- 3.18** Among the many issues raised throughout this Inquiry regarding the nature of alcohol abuse among young people, three behaviours were prominent: binge drinking, the preference for ‘shots’ and ready-to-drink beverages, and pre-loading. Each of these are discussed below.

Binge drinking

- 3.19** The term ‘binge drinking’ was used by a number of Inquiry participants to describe the practice of drinking large quantities of alcohol in a short amount of time, generally with the intention to get drunk. The Committee heard a substantial amount of evidence on the culture of youth binge drinking.
- 3.20** Ms Caterina Giorgi, Manager, Policy and Research, Foundation for Alcohol Research and Education, reflected on the disturbing proportions of young people who are ‘drinking to get drunk’:

One of the most concerning consumption trends among young people is the culture of drinking to get drunk. Over one-third of young people aged 12 to 17 years consume alcohol with the aim of getting drunk most times or every time. For people aged 18 to 24 years this increases to 62 per cent.¹⁵¹

- 3.21** Mr Scott Weber, President, Police Association of New South Wales, explained that Australia has a binge drinking culture, and that young people imitate this:

There is a massive culture of binge drinking in Australia. It occurs across all facets of the community and of course young people are going to take that on board.¹⁵²

- 3.22** Professor Sandra Jones Director, Centre for Health Initiatives, University of Wollongong, described research conducted on young people attending ‘schoolies week’ on the Gold Coast, where young people’s attitudes to drinking, both before and after the event, were assessed.¹⁵³

¹⁴⁹ Australian Institute of Health and Welfare (Cth), *2010 National Drug Strategy Household Survey report*, 2011, p 45.

¹⁵⁰ Submission 52, p 7.

¹⁵¹ Ms Caterina Giorgi, Manager, Policy and Research, Foundation for Alcohol Research and Education, Evidence, 29 April 2013, p 32.

¹⁵² Mr Scott Weber, President, Police Association of NSW, Evidence 29 April 2013, p 23.

- 3.23** The survey found that before the week began 74 per cent of all young people expected to drink more than five drinks per night and 59.2 per cent expected to drink more than ten drinks per night. In addition, 44 per cent of males and 35.7 per cent of females reported expecting to vomit from drinking.¹⁵⁴
- 3.24** When questioned following the week, 86.4 per cent of young people indicated they had drunk more than five drinks per night and 64.1 per cent indicated they had consumed more than ten drinks per night. Furthermore, 34.1 per cent reported that they had been involved in a fight or argument and 30.8 per cent reported that they had slapped someone.¹⁵⁵
- 3.25** The Australian Hotels Association (AHA) also commented on the culture of binge drinking among youth:
- ...the concept of 'binge drinking' for some is seen as a badge of honour or, for some is seen as a rite of passage - a practice accepted during a time when people did not understand the cost to self and community of excessive and rapid consumption of alcohol.¹⁵⁶
- 3.26** Concern about harmful drinking was expressed by both metropolitan and rural and regional stakeholders. Leeton Shire Council also expressed concern regarding the drinking culture in Australia and binge drinking in rural communities, particularly the role played by sporting clubs:
- It is acknowledged that there is an entrenched culture and attractiveness to binge drinking that is beginning at much younger ages. This culture seems to be inherent in some sporting clubs, not just in Leeton, but also the wider rural communities of NSW.¹⁵⁷
- 3.27** Ms Leanne Martin, Community Safety Coordinator, Manly Council, commented on an increasing tendency for young people to drink to excess:
- They drink to get drunk. I suggest it used to be incidental to going out, but it now seems to be the intention of going out. ...the overwhelming social concern evidenced in our current community strategic plan, ...is alcohol binge-drinking and late night safety issues ... All of that means that we do have a drinking problem.¹⁵⁸

Product preference – shots and ready to drink beverages

- 3.28** The choice of alcoholic drink consumed by young people can also have an impact on harmful drinking related behaviours. The consumption of straight spirits, or 'shots', and ready-to-drink beverages (RTDs) were considered problematic by the police and health professionals. RTD's

¹⁵³ Tabled document, Professor Sandra Jones, Director, Centre for Health Initiatives, University of Wollongong, *Results from schoolies week survey*, p 1.

¹⁵⁴ Tabled document, *Results from schoolies week survey*, p 1.

¹⁵⁵ Tabled document, *Results from schoolies week survey*, p 1.

¹⁵⁶ Submission 4, Australian Hotels Association (NSW), p 9.

¹⁵⁷ Submission 35, Leeton Shire Council, p 3.

¹⁵⁸ Ms Leanne Martin, Community Safety Coordinator, Manly Council, Evidence, 6 May 2013, p 21.

are made with a spirit or wine base and a non-alcoholic mixer, such as juice or soft drink, served in a pre-mixed package.¹⁵⁹ They are also sometimes referred to as ‘alcopops’.

- 3.29** Mr Gregory Chilvers, Director, Research and Resource Centre, Police Association of New South Wales, expressed concern over the growing preference for ‘shots’, particularly by young women:

Part of the problem I think is the movement amongst young people towards shots. I have personal experience of this. I was at an event not long ago where I saw a line of shot glasses on the bar and a line of young girls probably 18 or 19. I turned around to get a beer and turned back and they were all empty. They just throw them down and go off. We all know that physiologically women get drunk a lot quicker than men do and they keep up with the guys, drink the drink—unfortunately, high alcohol shots.¹⁶⁰

- 3.30** A 2006 study found that ‘25 per cent of 12 to 15 year olds and 34 per cent of 16 to 17 year olds who were “current drinkers” identified RTDs as their usual drink’.¹⁶¹ Professor Jones, Director, highlighted a variety of reasons why young people consume RTDs, including the fact they have a strong alcohol content which is masked by a non-alcoholic mixer:

[T]he sweet taste, attractive design and packaging, low price—and more recently, the strong alcohol content—of these products have contributed to the rates of alcohol consumption by young people in Australia and internationally. As these drinks mask the flavour of alcohol, they serve as a bridge from soft drinks to alcohol, and are thus particularly appealing to young people.¹⁶²

- 3.31** Camden Youth Council also expressed concern about the potency of RTDs observing that ‘Alcopops are particularly hazardous because some pre-mixed drinks may contain up to three standard drinks of alcohol, a fact that many young people and their parents may be unaware of’.¹⁶³

- 3.32** The Police Association of NSW also expressed concern regarding the consumption of alcohol mixed with energy drinks which, like RTDs, mask the alcohol content with a secondary mixer. According to the Association, energy drinks coupled with alcohol allows drinkers to carry on drinking ‘whereas in days gone by if you had a lot to drink, you tended to go to sleep’.¹⁶⁴

- 3.33** Further, the Police Association of NSW also noted the diversity and potency of alcohol currently on offer:

¹⁵⁹ Tabled document, Professor Sandra Jones, Director, Centre for Health Initiatives, University of Wollongong: Professor Jones and Mr Barry, ‘RTDs in Australia: Expensive designer drinks or cheap rocket fuel?’ (January 2010) 30 *Drug and Alcohol Review*, p 4.

¹⁶⁰ Mr Gregory Chilvers, Director, Research and Resource Centre, Police Association of New South Wales, Evidence, 29 April 2013, p 28.

¹⁶¹ Tabled document, Professor Sandra Jones, Director, Centre for Health Initiatives, University of Wollongong: Professor Jones and Dr Reis, ‘Not just the taste: why adolescents drink alcopops’ (2012) 112(1) *Health Education*, p 61.

¹⁶² Tabled document, ‘RTDs in Australia: Expensive designer drinks or cheap rocket fuel?’ (January 2010) 30 *Drug and Alcohol Review*, p 4.

¹⁶³ Submission 6, Camden Youth Council, p 7.

¹⁶⁴ Mr Peter Remfrey, Secretary, Police Association of New South Wales, Evidence, 29 April 2013, p 26.

When you went out 15 or 20 years ago there would be two beers on tap perhaps and there would be six basic spirits, no pre-mixed drinks. So if you did not like that, you would probably struggle. These days there is a drink that caters for everyone and they all have alcohol in them and they are all quite strong and readily available.¹⁶⁵

Pre-loading

- 3.34** Pre-loading, sometimes referred to as pre-fuelling, is the consumption of alcohol, often at home, before going out to a licensed premise. A number of Inquiry participants referred to pre-loading as a growing problem among young people and commented on its particular impact, not only on licensed premises who receive pre-loaded patrons, but also its contribution to disorderly behaviour on the streets.
- 3.35** Mr David Cass of the Australian Hotels Association noted research which found that approximately 71 per cent of 18 to 24 year olds drink an average of six drinks before going out.¹⁶⁶
- 3.36** Likewise, Mr Peter Remfrey, Secretary, Police Association of NSW, referred to research by Deakin University which estimated an even higher level of pre-loading:
- Some of the statistics about preloading are very interesting. There is some work out of the Deakin University... in which people were saying they drank between 11 and as much as 25 standard drinks before they went out.¹⁶⁷
- 3.37** The Deakin study, published in 2012, noted various reasons given for preloading, including social and convenience factors, but concluded that the price differential between packaged liquor and alcohol purchased in venues was by far the most common reason for pre-loading, as can be seen in Table 2.¹⁶⁸
- 3.38** This view was also shared by a number of Inquiry participants who suggested that the preference for pre-loading as opposed to drinking at a licensed premise was a matter of pricing, and that many chose to consume alcohol purchased elsewhere because it was cheaper. For instance, Mr Scott Weber, President of the Police Association of NSW, argued that it was 'a lot cheaper' to pre-load before going out to licensed premises.¹⁶⁹

¹⁶⁵ Mr Scott Weber, President, Police Association of New South Wales, Evidence, 29 April 2013, p 29.

¹⁶⁶ Mr David Cass, Australian Hotels Association, Evidence, 6 May 2013, p 56.

¹⁶⁷ Mr Remfrey, Evidence, 29 April 2013, p 26.

¹⁶⁸ A/Professor Peter Miller, Ms Jenifer Tindall et al, 'Dealing with alcohol-related harm and the night-time economy: Final Report', April 2012, pp 103-104. Available online <http://www.ndlrf.gov.au/pub/Monograph_43.pdf>

¹⁶⁹ Mr Weber, Evidence, 29 April 2013, pp 26-27.

Table 2 Reasons for pre-loading¹⁷⁰

	Geelong		Newcastle		Total	
	N	%	N	%	N	%
Price	566	34.8	689	35.3	1255	35.1
Chance to catch up with friends	280	17.2	191	9.8	471	13.2
Other	217	13.4	168	8.6	385	10.8
Convenience	73	4.5	147	7.5	220	6.2
Don't want to go out too early	20	1.2	18	0.9	38	1.1

- 3.39** A number of the young people from the Northern Rivers Social Development Council's Youth Council suggested that price is not the only factor driving the decision to pre-load. For example, one young person asserted that pre-loading can help young people feel more confident when going out:

[M]y friends and I would drink quite a bit before we went out. It was a confidence thing because when you walk into a nightclub you think that people are looking at you and things like that, but when you have those extra drinks under your belt, you are feeling more confident.¹⁷¹

- 3.40** According to another young person, although price is a factor, there is also a social element to pre-loading:

... It is also the social aspect. You can talk more when you are at home or at someone's house than when you are at a club. It is noisier, so you get a more social thing from drinking at home.¹⁷²

- 3.41** Members of the Commission for Children and Young People's Young People Advisory Group suggested a number of reasons for pre-loading, including cost, peer pressure, and the ability to be in control of what they were drinking. Minors in the Group also noted that alcohol may not be available at the venue to which they were going.¹⁷³

- 3.42** Ms Nicky Sloan, Chief Executive Officer, Illawarra Forum, highlighted some of the problems with pre-loading, particularly for bar and security staff who must assess a patron's level of intoxication when they enter a licensed venue:

The reality for people working in security in those venues... Often they are dealing with young people who are already fairly intoxicated before they come into the licensed venue and that makes it really difficult for them ... So even if you are

¹⁷⁰ A/Professor Peter Miller, Ms Jenifer Tindall et al, 'Dealing with alcohol-related harm and the night-time economy: Final Report', April 2012, p 104. Available online <http://www.ndlrf.gov.au/pub/Monograph_43.pdf>

¹⁷¹ Young person 9, Northern Rivers Social Development Council, Youth Council, Roundtable, 8 October 2013, p 2.

¹⁷² Young person 1, Northern Rivers Social Development Council, Youth Council, Roundtable, 8 October 2013, p 2.

¹⁷³ Answers to questions taken on notice during evidence 17 June 2013, Ms Kerryn Boland, Acting Commissioner, Commission for Children and Young People, p 6.

counting drinks, it is very difficult if you do not know what else they have been taking.¹⁷⁴

- 3.43** Mr Chilvers referenced studies from Deakin University which suggested that restrictions in trading hours would help to tackle the problem of ‘pre-loading’ by encouraging people to go out earlier:

One of the things that they discovered as a side issue was that when they reduced the opening hours or the lock outs were brought forward one of the effects was that young people went out earlier. That had the flow-on effect of reducing the preloading. They are still going out and having a good time but they are doing it a bit earlier now. Whereas at the moment if they can get in at any time, they preload, they go out at midnight and then they have all the problems.¹⁷⁵

- 3.44** ClubsNSW also expressed its concern about the growing trend in ‘pre-loading’, stating it is a difficult issue to combat and requires further investigation:

Anecdotal evidence suggests that young people are increasingly likely to consume heavy amounts of alcohol prior to going to licensed premises, in order to avoid paying higher prices for drinks and to become rapidly intoxicated. While we acknowledge that this activity is not new, it does appear to be gaining popularity. It is not apparent how licensed premises can prevent or discourage pre-loading other than to deny entry, and ClubsNSW believes this issue needs to be recognised by policy makers and requires further research.

Committee comment

- 3.45** A culture of drinking to get drunk manifests itself in harmful drinking behaviours including preloading, ‘binge drinking’, a predilections for shots and ready-to-drink beverages. The Committee expresses concern that these harmful drinking behaviours contribute to alcohol-related violence, risk taking behaviour and unsafe and unwanted sexual activity.
- 3.46** The Committee notes the increasing trend of pre-loading, and believes that this issue requires further research. Hence the Committee recommends that the NSW Government establish an inter-agency committee to coordinate research into the issue of pre-loading, and publish a discussion paper which identifies the most effective policy responses to help reduce its occurrence and impact.

Recommendation 1

That the NSW Government establish an inter-agency committee to coordinate research into the issue of pre-loading, and publish a discussion paper which identifies the most effective policy responses to help reduce its occurrence and impact.

- 3.47** The Committee believes more data is required to determine a correlation between alcohol sales and alcohol-related harm. The collection of data on alcohol sales would provide useful

¹⁷⁴ Ms Nicky Sloan, Chief Executive Officer, Illawarra Forum, Evidence, 6 May 2013, p 13.

¹⁷⁵ Mr Chilvers, Evidence, 29 April 2013, p 24.

information on what the people of NSW drink and the harms associated with alcohol. This information would enable researchers and policy makers to develop, implement and track the progress of evidence based alcohol policies.

Recommendation 2

That the NSW Government collect and report on alcohol sales data to help understand the true extent of alcohol-related harm in NSW.

Chapter 4 Outlet density and the cost of alcohol

This Chapter examines the potential link between the density of alcohol outlets and the incidence of alcohol-related violence. Consideration is given to the evidence from some Inquiry participants that community concerns around outlet density are not adequately taken into account in the assessment of liquor licence applications. The Chapter then examines the cost of alcohol, and how the relative affordability of alcohol affects consumption patterns, including the practice of pre-loading by young people.

Outlet density and alcohol-related harm

- 4.1 Some Inquiry participants believe that there is a link between higher concentrations of alcohol outlets in an area and the likelihood for alcohol-related violence to occur, with some arguing that an increased density of licensed venues contributes to an increased level of alcohol-related violence.
- 4.2 In this Chapter ‘outlet’ refers to any premises with a liquor licence, for instance a hotel, pub, club, restaurant or premises selling takeaway liquor such as a bottle shop.

Is there a link between outlet density and alcohol-related harm?

- 4.3 Mr Christopher Sidoti, Chairperson, Independent Liquor and Gaming Authority (ILGA), described to the Committee how the passage of the *Liquor Act 2007* made it cheaper and easier to receive a liquor licence:

The 2007 Liquor Act ... certainly represented a more expansive or more liberal approach to liquor licencing than existed under the prior Liquor Act. The two biggest areas of liberalisation concerned, first, licencing of bottle shops or more formally known as package liquor licencing, which has seen an expansion in the number of those outlets particularly into supermarkets not just since 2008 but principally since 2008. The second is the introduction of the, formal title, hotel licence general bar or if you like bar licence, which did not exist prior to the 2007 legislation. We have gone from zero in terms of these general bars to a significant number of them.¹⁷⁶

- 4.4 Some Inquiry participants argued that the number of pubs, clubs and bottle shops per capita in a community were a reliable predictor of higher rates of alcohol-related violence. For instance, Associate Professor Anthony Shakeshaft, Deputy Director, National Drug and Alcohol Research Centre, University of New South Wales argued that:

There are characteristics of whole communities that predict higher rates of alcohol-related crime. There were two significant factors that came out of that analysis and the number of pubs and clubs per capita was the key one. That reinforces the idea that the more alcohol that is available, the more problems you will have with it.¹⁷⁷

¹⁷⁶ Mr Christopher Sidoti, Chairperson, Independent Liquor and Gaming Authority, Evidence, 29 April 2013, p 51.

¹⁷⁷ Associate Professor Anthony Shakeshaft, Deputy Director, National Drug and Alcohol Research Centre, University of New South Wales, Evidence, 29 April 2013, p 33.

- 4.5** The Alcohol and Other Drugs Council of Australia (ADCA) agreed and stated that there was a ‘strong correlation’ between outlet density and violent incidents:

Research demonstrates a strong correlation between liquor outlet density and the incidence of multiple forms of social disruption, including assault, injury and drink driving.¹⁷⁸

- 4.6** The Preventative Health Taskforce (PHT) raised similar concerns:

Recent research from three states, has demonstrated consistent links between the availability of alcohol in a region and the alcohol-related problems experienced there. In particular, these studies have linked rates of violence to density of alcohol outlets. A longitudinal study in Melbourne has highlighted that changes in the number of outlets in an area are directly related to changes in the rates of night-time assaults occurring there.¹⁷⁹

- 4.7** According to Local Government NSW the number of liquor outlets is also ‘an important risk factor in increasing the availability of alcohol to minors’.¹⁸⁰

- 4.8** Illawarra Shoalhaven Local Health District Drug and Alcohol Service suggested that licensing authorities provide inconsistent guidance with regard to how outlet density should be taken into account when making decisions on liquor outlets:

... there is a need for national guidelines on alcohol outlet density and opening hours. There remains a lack of cohesive policy guidance among liquor licensing agencies, planning departments and local government over the relationship between alcohol outlet density, opening hours and alcohol related problems and on how this relationship should inform decision making.¹⁸¹

- 4.9** Ms Caterina Giorgi, Manager, Policy and Research, Foundation for Alcohol Research and Education (FARE), argued that it was a ‘myth’ that small bars are associated with fewer harms, as these venues still contribute to overall density:

I think at the moment one of the biggest myths going around is that things like small bars are associated with fewer harms, and there is no evidence to support that. It is quite concerning because it really does just increase the overall density of outlets. If you are taking away big nightclubs and potentially replacing them with a couple of small bars, then we are talking about a different issue, but you are adding just more and more to the density.¹⁸²

- 4.10** Ms Giorgi argued that there is a relationship between outlet density and street violence, but for bottle shops there is an association with domestic violence:

¹⁷⁸ Submission 47, The Alcohol and Other Drugs Council of Australia, p 11.

¹⁷⁹ Preventative Health Taskforce (Cth), *Australia: The Healthiest Country by 2020, Technical Report 3 – Preventing alcohol-related harm in Australia: a window of opportunity*, 2009, p 20.

¹⁸⁰ Submission 51, Local Government NSW, p 13.

¹⁸¹ Submission 14, Illawarra Shoalhaven Local Health District Drug and Alcohol Service, p 4.

¹⁸² Ms Caterina Giorgi, Manager, Policy and Research, Foundation for Alcohol Research and Education, Evidence, 29 April 2013, p 34.

An Australian researcher, Michael Livingston, looked into outlet density and found that for off-licence premises there is of an association between more with domestic violence, and for on-licence there is an association of more with violence that you see on the streets.¹⁸³

4.11 Ms Giorgi considers that the City of Sydney has reached a saturation point:

... in relation to a 3.00 a.m. closure and outlet density, there are over 2,000 licensed premises in the city of Sydney. Six hundred and sixty six of those trade beyond midnight and over 200 have 24-hour licences. We need to say at some point, “We’ve hit saturation. We can’t have any more licences”.¹⁸⁴

4.12 Not all Inquiry participants agreed that there is a strong correlation between liquor outlet density and alcohol-related violence.

4.13 The Liquor Stores Association of New South Wales (LSA NSW) remarked that ‘despite a growing population, and an increase in the number of outlets, the overall apparent per capita consumption has declined for the fourth year in a row’. They also reported that the overall volume of pure alcohol sold has ‘dropped in the last reported year’. The LSA NSW asserted that this suggested that new alcohol outlets do not ‘introduce new drinkers’ they simply provide ‘the existing drinkers with more choice’.¹⁸⁵

4.14 The LSA NSW stated that the impact of outlet density differs from one area to another. It is not, they argued, only the number of licences that need to be taken into account:

... it is about the type of liquor licence, the individual operators, the customers they attract, how the business is operated, the local community and the level of enforcement within that community, plus the nature of other controls ... while the number of outlets has risen significantly ... there is clearly no evidence that a consumer drinks more because there are more places to drink or to purchase alcohol.¹⁸⁶

4.15 According to ClubsNSW, it is not just outlet density that influences alcohol-related violence, but also the type and nature of licensed premises:

... it is unwise to assume that all licensed premises types are equal- the type and nature of different licensed premises is inherently relevant to the level and type of alcohol related violence recorded and is influenced by a number of individual, societal and environmental factors, some of which are beyond the control of the licensee.¹⁸⁷

4.16 A note of caution was also expressed by Mr Sidoti, who noted that there is not a simple correlation between the number of outlets in an area and increases in alcohol-related harm:

There are some areas where the density is very heavy and yet there is not a preponderance of alcohol-related violence. Density alone is not the determining

¹⁸³ Ms Giorgi, Evidence, 29 April 2013, p 34.

¹⁸⁴ Ms Giorgi, Evidence, 29 April 2013, p 33.

¹⁸⁵ Answers to questions taken on notice during evidence 17 June 2013, Mr Terrence Mott, Chief Executive Officer, Liquor Stores Association of New South Wales, Question 1, p 2.

¹⁸⁶ Answers to questions taken on notice during evidence 17 June 2013, Mr Mott, Question 1, p 2.

¹⁸⁷ Submission 45, ClubsNSW, p 7.

factor, but density is a contributing factor. We have rejected applications on the basis that density combined with hot spots and sociodemographic data has not satisfied us that there would be no negative impact. So we take density into account. But at other times density is a relatively minor factor. Where there is a large number of outlets and there is no criminal data that goes with it and no particular socioeconomic indicators that would cause concern, we would be inclined to say, "Okay, we will licence." But it is the aggregation of a number of different indicators that we use. There is no doubt that density is an issue.¹⁸⁸

- 4.17** Mr Sidoti noted the difficulty of determining when outlet density reaches saturation level in an area, and the need to also look at other factors in making licensing decisions:

There is also no doubt that there is a tipping point even though no-one knows what it is. I personally get frustrated that often the argument that comes before us from an applicant is, "There are so many outlets in this area that one more will not make any difference". That is not a particularly helpful argument. There is a tipping point and one more can make a difference. If one more was not going to make a difference, then we would never say no. But we need to look not just at density but at the other relevant statistics around it in making that decision.¹⁸⁹

Licensing decisions and community consultation

- 4.18** In assessing and approving licence applications, ILGA must be satisfied that the licence will not be detrimental to the wellbeing of the local or broader community. According to Mr Sidoti the social impact was the most fundamental criterion considered during the assessment process and licence applicants are required to prepare a Community Impact Statement to assist ILGA to make this decision.¹⁹⁰ Mr Sidoti indicated that community impact statements received during the licensing process provide ILGA with 'valuable material for decision making'.¹⁹¹

- 4.19** When considering a licence, ILGA takes note of whether the community contains groups which are known to be vulnerable either to alcohol abuse or to immediate impact from alcohol abuse, for example young people. Mr Sidoti advised:

We have to look at social impact generally but our guidelines that we have adopted refer to particular groups that are vulnerable, and they certainly include young people. There are a number of demographic factors identified by research of particular groups in the community that are more susceptible to alcohol or alcohol abuse or the consequences of alcohol abuse and we look at that.¹⁹²

- 4.20** In 2009 'social profile' reports of local government areas were produced in order to assist with the assessment of potential social impact. However, Mr Sidoti explained that although both ILGA and the NSW Office of Liquor, Gaming and Racing (OLGR) saw the production of

¹⁸⁸ Mr Sidoti, Evidence, 29 April 2013, p 56.

¹⁸⁹ Mr Sidoti, Evidence, 29 April 2013, p 56.

¹⁹⁰ Mr Sidoti, Evidence, 29 April 2013, p 54.

¹⁹¹ Mr Sidoti, Evidence, 29 April 2013, p 54.

¹⁹² Mr Sidoti, Evidence, 29 April 2013, p 55.

these reports as a 'high priority' they are now 'almost irrelevant they are so outdated' and resources are not available to update them.¹⁹³

4.21 This means the ILGA now often has to rely on material such as the latest census data, socioeconomic indexes and NSW Bureau of Crime Statistics and Research crime data when assessing the social impact that new licence applications would have on a local government area.¹⁹⁴ Further, Mr Sidoti explained that socio-economic data was needed at the sub-local government level when assessing the potential social impact of an individual application, as many areas of the State that are most susceptible to the social harms of alcohol were at this lower level classification level.¹⁹⁵

4.22 Representatives from local government raised concerns regarding community involvement in the licensing process. For example, Ms Leanne Martin, Community Safety Coordinator, Manly Council, explained that as a result of concerns that the social impact of higher outlet density would not be adequately considered during the licensing approval process, local councils have attempted to address outlet density by imposing conditions on development applications:

Often we try to address it through the development application [DA]. We cannot rely on the liquor licence process, so we try to address the issues that we anticipate through the DA conditions ... It can work, but it is not easy and it is complicated and it is not transparent. Anything to improve that would be welcome.¹⁹⁶

4.23 Ms Martin went on to explain that local councils do not always receive notification of a new licence application, which made it difficult for them to raise concerns and influence the licensing process (and thus outlet density):

At the moment it is really complicated. Council gets a notification of a liquor licence, sometimes. We do not even always receive them. The information we get on that liquor licence is sometimes one page, so we get very little information.¹⁹⁷

4.24 Ms Julie Hegarty, Vice-President General, Local Government NSW, stated that this led to a feeling that community involvement is 'often lacking' in the licensing process. Ms Hegarty argued that local government needed more of a role:

I think that the process up to date has been not very consistent with the way that it is advertised to councils and it often does not relate at all to the community directly ... There has to be a way for our community to find out about these. Currently that is often lacking. That needs to be strengthened.¹⁹⁸

4.25 Ms Hegarty asserted that it is 'imperative' that local councils and their communities have a say in the development process as they were the ones affected by the impact of licensed venues:

It is imperative for our communities who, as ratepayers, are affected by the impact of a number of these venues, be it through noise amelioration, through parks, through

¹⁹³ Mr Sidoti, Evidence, 29 April 2013, p 56.

¹⁹⁴ Mr Sidoti, Evidence, 29 April 2013, p 56.

¹⁹⁵ Mr Sidoti, Evidence, 29 April 2013, p 56.

¹⁹⁶ Ms Leanne Martin, Community Safety Coordinator, Manly Council, Evidence, 6 May 2013, p 31.

¹⁹⁷ Ms Martin, Evidence, 6 May 2013, p 31.

¹⁹⁸ Ms Julie Hegarty, Vice-President General, Local Government NSW, Evidence, 6 May 2013, p 31.

lighting, through crime prevention, the provision of road safety officers—all these things the council provides so we should have the right to have a say in the development process.¹⁹⁹

Possible solutions to managing outlet density

- 4.26** A possible tool to help determine the appropriate density of licensed outlets is currently being considered by OLGR. Ms Elizabeth Tydd, Executive Director, OLGR, advised the Committee that OLGR are currently piloting the Environment and Venue Assessment Tool (EVAT), ‘... which was developed following research into alcohol outlet density.’²⁰⁰
- 4.27** The tool looks at a range of factors, both about the licence itself and external factors such as transport and whether the prospective licensee will sign up to the local liquor accord, and provides an ‘objective assessment’ of risk for those making licensing decisions and submissions to licence applications.²⁰¹ Ms Tydd explained that the tool:
- ... contains various factors that help provide a risk rating and an assessment of harm mitigation strategies that are used then to determine the effect of a new licence in that particular locality ... It looks at the existence and number of licensed premises in that locality. It looks at the issue of whether those licensed premises are late traders—so trading post-12 midnight. It considers the type of licence application being applied for—is it a non-premise, that is, a restaurant or is it a hotel licence.²⁰²
- 4.28** The Alcohol and other Drugs Council of Australia saw some merit with the EVAT tool, especially the identification of risk and different outlets given different risk ratings. However, the Council expressed concern about the allocation of the risk ratings – such as bottle shops automatically receiving a low risk weighting. The Council recommended that the tool be developed further to take into consideration: the long term risk associated with alcohol consumption; and the high risk of pre-loading and domestic violence associated with bottle shops, particularly in suburban areas.²⁰³
- 4.29** According to OLGR the EVAT provides a ‘consistent and transparent basis on which to make licensing decisions’ and is currently being trialled for new liquor licence applications in the City of Sydney and City of Newcastle local government areas.²⁰⁴ A further decision regarding the use of the EVAT tool will be made following an evaluation of the twelve month trial and release of the research findings.²⁰⁵

¹⁹⁹ Ms Hegarty, Evidence, 6 May 2013, p 24.

²⁰⁰ Ms Elizabeth Tydd, Executive Director, NSW Office of Liquor, Gaming and Racing, Evidence, 29 April 2013, p 15.

²⁰¹ Ms Tydd, Evidence, 29 April 2013, p 15.

²⁰² Ms Tydd, Evidence, 29 April 2013, p 15.

²⁰³ Answers to questions on notice during evidence 6 May 2013, Mr David Templeman, Chief Executive Officer, Alcohol and other Drugs Council of Australia, p 2.

²⁰⁴ Ms Tydd, Evidence, 29 April 2013, p 15.

²⁰⁵ NSW Office of Liquor, Gaming and Racing, Liquor, accessed 25 October 2013, <http://www.olgr.nsw.gov.au/liquor_home.asp>

The cost of alcohol

4.30 A number of Inquiry participants put forward the view that altering the price of alcohol presented one of the most effective strategies to reduce demand for alcohol among young people, and the wider population, and thus consumption and its associated harms. However, Inquiry participants cautioned that the relationship between price and consumption levels may not be straightforward and alterations in price would need to form a part of a wider policy framework of other measures to reduce harmful consumption.

The relative affordability of alcohol and its consequences

4.31 Some Inquiry participants argued that alcohol has become relatively more affordable over the last few decades and that this has changed consumption patterns, especially among young people. Of particular relevance to this Inquiry is the argument that cheap alcohol is driving the practice of pre-loading.

4.32 Mr Peter Remfrey, Secretary of the Police Association of New South Wales, highlighted this point by noting that some supermarkets are now selling alcohol cheaper than water:

Some alcohol is being sold in some supermarkets now—Aldi is an offender— where it is cheaper than water at 80 cents a can. Is it any wonder that kids are going “Oh wow, I can get smashed on Aldi beer and then try to get into a nightclub”? That is the culture that was not around. You never had a drink before you went out previously. Now it is what you do.²⁰⁶

4.33 Ms Martin asserted that the cheap price of alcohol may be affecting the way people, particularly young people, are socialising and may be strongly linked to the culture of ‘drinking to get drunk’:

Access to an abundance of cheap alcohol is of great concern and has impacted on the way in which young people socialise in our area. They drink to get drunk. I suggest it used to be incidental to going out, but it now seems to be the intention of going out. This change seems to strongly be linked to price factors.²⁰⁷

4.34 The relationship between pre-loading and the price of alcohol was emphasised during a roundtable discussion with young people from the Northern Rivers Social Development Council’s Youth Council, with one young person stating that it is ‘substantially cheaper to have a few drinks beforehand and then go out’.²⁰⁸

4.35 According to Manly Council there is a ‘direct correlation between price and consumption of alcohol’, observing that often ‘young people will change their choice of drink depending on what is the cheapest’. Further, they also expressed concern regarding the ‘massive price

²⁰⁶ Mr Peter Remfrey, Secretary, Police Association of New South Wales, Evidence, 29 April 2013, p 29.

²⁰⁷ Ms Martin, Evidence, 6 May 2013, p 21.

²⁰⁸ Young person 1, Northern Rivers Social Development Council, Youth Council, Roundtable, 8 October 2013, p 2.

disparity' between 'the cost of alcohol from a discount bottle shop to that of a nightclub' and suggested that this disparity was behind the trend in pre-loading among young people.²⁰⁹

Volumetric taxation or a minimum floor price

4.36 Some Inquiry participants contended that the relative affordability of alcohol meant that price was one of the most effective means of reducing alcohol consumption. As noted in Chapter 2, alcohol taxation is the responsibility of the Commonwealth Government.

4.37 For example, the ADCA asserted that taxation of alcohol is seen as 'one of the most cost-effective policy interventions to reduce the level of alcohol-related harms, including mortality, road crashes, violence and other crimes'²¹⁰ at a population level – and argued that, simply put, 'the price goes up; demand comes down'.²¹¹

4.38 Associate Professor Shakeshaft echoed this view: 'you get a relatively small impact across the whole population, which has big health benefits'.²¹²

4.39 The impact of increasing price is particularly significant for young people, according to some Inquiry participants. Mr Gregor Macfie, Director of Policy and Research, Commission for Children and Young People contended that studies had shown that:

... children and young people are sensitive to price and even though they are not supposed to be buying the alcohol themselves if they have got friends or older friends who are buying it then an increase in the price is another strategy that has been shown to be effective in terms of prevention.²¹³

4.40 This opinion was also expressed by the YMCA NSW who reported that their youth-led think-tank had commented that 'the ultimate way to block access to alcohol for young people was higher taxes and prices on certain alcoholic beverages' as young people are 'often particularly price sensitive'.²¹⁴

4.41 The Illawarra Shoalhaven Local Health District Drug and Alcohol Service also supported attempts to reduce consumption through price, stating that it could also delay the onset of drinking for young people:

Studies highlight that increase cost of alcohol correlates with a decrease in both alcohol consumption and alcohol-related harm ... Whilst international studies demonstrating the success of price based strategies in both reducing occasions of binge drinking and delaying the intention to commence drinking among young people

²⁰⁹ Submission 38, Manly Council, p 2.

²¹⁰ Answers to questions on notice taken during evidence 6 May 2013, Mr David Templeman, Chief Executive Officer, the Alcohol and other Drugs Council of Australia, Question 4, Attachment 3, p 3.

²¹¹ Answers to questions on notice taken during evidence 6 May 2013, Mr Templeman, Question 4, Attachment 3, p 4.

²¹² Associate Professor Shakeshaft, Evidence, 29 April 2013, p 37.

²¹³ Mr Gregor Macfie, Director of Policy and Research, Commission for Children and Young People, Evidence, 17 June 2013, p 4.

²¹⁴ Submission 44, YMCA NSW, p 10.

... Increased price of alcohol could potentially support parental willingness to reduce availability of alcohol and delay initiation of alcohol use for minors.²¹⁵

- 4.42** In addition to increasing taxation on alcohol, Inquiry participants examined an alternative mechanism for achieving an increase in price: the setting of a minimum or 'floor' price for alcohol. In its submission to the 2012 consultation by the Australian National Preventive Health Agency exploring issues around a minimum floor price for alcohol, the ADCA suggested that 'the better the deal, the more people are likely to buy'. A minimum floor price, the ADCA insisted, 'would work counter to that'.²¹⁶
- 4.43** The ADCA suggested to the Committee that a number of international studies had shown that a floor price had 'far reaching effects'. They asserted that a floor price would affect some drinkers, such as young people and heavy drinkers, more than light drinkers who 'would hardly be affected at all'.²¹⁷
- 4.44** The Commission for Children and Young People stated that 'consumers have a tendency not only to reduce consumption as prices increase' but also to switch to cheaper beverages. This, they insisted, means 'that price increases should be accompanied by measures to deter consumption of cheaper products', that is, a minimum price per unit, in order to successfully reduce consumption.²¹⁸

The effectiveness of increasing the cost of alcohol

- 4.45** Not all Inquiry participants agreed that there is a straightforward link between increasing the price of alcohol and reducing consumption, particularly among young people.
- 4.46** Mr Terry Mott, Chief Executive Officer, Liquor Stores Association of New South Wales, questioned whether levels of alcohol consumption could be influenced by price, stating that availability and price were not affecting consumption, as overall levels of consumption were reducing:

The facts say that overall alcohol consumption on a per capita consumption basis has been declining for the last five years in a row and the overall volume of alcohol sold, that is litres of pure alcohol, has also declined in the last measured cycle. The macro numbers suggest that alcohol consumption is not rising with availability, is not rising with advertising and price discounting.²¹⁹

²¹⁵ Submission 14, p 2.

²¹⁶ Answers to questions on notice taken during evidence 6 May 2013, Mr Templeman, Question 4, Attachment 3, p 4. See also: Australian National Preventive Health Agency, *Exploring the Public Interest Case for a Minimum (floor) Price for Alcohol*, accessed 6 September 2013, <<http://www.anpha.gov.au/internet/anpha/publishing.nsf/Content/draft-report-minimum-price-alcohol>>; Answers to questions on notice taken during evidence 29 April 2013, Police Association of New South Wales, Question 2, Attachment 1, pp 27 and 55.

²¹⁷ Answers to questions on notice taken during evidence 6 May 2013, Mr Templeman, Question 4, Attachment 3, p 5.

²¹⁸ Submission 46, Commission for Children and Young People, p 15.

²¹⁹ Mr Terrence Mott, Chief Executive Officer, Liquor Stores Association of New South Wales, Evidence, 17 June 2013, p 27.

- 4.47** The Distilled Spirits Industry Council of Australia argued that although governments have adopted measures to control alcohol consumption, such as increasing the cost of alcohol, resulting in a decline in overall consumption levels, crucially there appears to be ‘no impact’ on the harmful consumption patterns of some parts of the population:

Advocates for population-based measures have long argued that reducing overall consumption across all alcohol consumers will impact on the levels of alcohol-related harm. To the contrary, governments have increasingly adopted control policy measures, alcohol consumption has consequently fallen, and yet there appears to be no impact on the levels of excessive drinking amongst certain subsets of the community.²²⁰

- 4.48** Associate Professor Shakeshaft, from the National Drug and Alcohol Research Centre, University of New South Wales, suggested that although increasing the cost of alcohol was one of the most cost-effective strategies government could implement,²²¹ he also observed that the relationship between price and consumption might not be a straight forward. Referring to one study he had undertaken, he noted that increasing the cost of alcohol may lead to people drinking less on certain days, not necessarily undertaking less harmful drinking:

Of all the people who drink in a problematic way the majority of that is binge drinking on the weekends. The analysis we did looked at what people do over time when the price of alcohol goes up or when they have less money to spend on alcohol. Given that binge drinking culture, what you would expect to happen is what happens. What people do in response to a price increase is have more days where they do not drink at all or increase the number of days where they just drink a little bit in order to preserve their ability to go out and get drunk on the weekends.²²²

- 4.49** The impact that point of sale promotions have on alcohol consumption is discussed in more detail in the following Chapter.

Committee comment

- 4.50** The Committee accepts that while it may be a contributing factor there is not a simple correlation between outlet density and alcohol-related harm.
- 4.51** The Committee is concerned by evidence suggesting that the views of communities and local councils about outlet density are not taken into account in the assessment of liquor licence applications. The Committee therefore recommends that OLGR investigate ways to ensure the views of communities and local councils are reflected in licensing decisions in their local areas.

²²⁰ Submission 42, Distilled Spirits Industry Council of Australia, p 4.

²²¹ Associate Professor Shakeshaft, Evidence, 29 April 2013, p 37.

²²² Associate Professor Shakeshaft, Evidence, 29 April 2013, p 41.

Recommendation 3

That the NSW Office of Liquor, Gaming and Racing investigate ways to ensure the views of communities and local councils are reflected in the assessment of liquor licences in their local areas.

- 4.52** The Committee notes with interest the work being undertaken by OLGR to develop the EVAT tool and looks forward to the publication of the results of the trial.
- 4.53** The Committee acknowledges concerns raised in evidence regarding the link between cheap alcohol and harmful drinking by young people. While a number of Inquiry participants argued that price is one of the most cost-effective means of reducing alcohol-related harms, this relationship is not necessarily straightforward. Further work would need to be done to make the case for government intervention in this area.

Chapter 5 Alcohol advertising and promotion

This Chapter focuses on the issue of alcohol advertising and promotion. It discusses the impact of alcohol advertising and promotion, especially on young people. The Chapter concludes with a discussion on whether further restrictions are needed on the advertising and promotion of alcohol.

Defining advertising

5.1 The Australian Association of National Advertisers (AANA) defines advertising in its 2012 Code of Ethics as:

any material which is published or broadcast using any medium or any activity which is undertaken by, or on behalf of an advertiser or marketer, and

- over which the advertiser or marketer has a reasonable degree of control, and
- that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct.²²³

5.2 Ms Alina Bain, Acting Chief Executive Officer of the AANA, stated that this definition of advertising carries through to the other AANA codes of ethics ‘such as the children’s code and through the beverage code as well’.²²⁴

5.3 Professor Sandra Jones, Director, Centre for Health Initiatives, University of Wollongong, argued that it is important to take a broad view when defining advertising in order to acknowledge all media platforms used to advertise:

I think it is really important that we define advertising in the way that it is interpreted by academics and by lay people, and even defined by the advertising industry... The reason I think that is really important is it means that while advertising includes broadcast and print media, it also includes things like online advertising, social networking, point of sale promotions, sponsorship of sporting and events packaging, and design of alcohol products, and things like being able to go in and buy my Easter eggs and there is a Bacardi and bourbon brand of Easter eggs next to the Bratz ones.²²⁵

5.4 Indeed, there are a number of media platforms now currently available to promote and advertise alcohol. In the past, alcohol advertising and promotion predominantly used traditional media - television, radio, and print.²²⁶ Now alcohol is increasingly being advertised and promoted in ‘new media’ and through a diverse range of strategies.

²²³ Australian Association of National Advertisers, *Code of Ethics*, January 2012, p 1.

²²⁴ Ms Alina Bain, Acting Chief Executive Officer, Australian Association of National Advertisers, Evidence, 6 May 2013, p 44.

²²⁵ Professor Sandra Jones, Director, Centre for Health Initiatives, University of Wollongong, Evidence, 6 May 2013, p 33.

²²⁶ Ms Julie Flynn, Chief Executive, Free TV Australia, Evidence, 17 June 2013, p 39.

The regulation of alcohol advertising

5.5 A significant aspect of alcohol regulation in Australia is the monitoring and control of alcohol advertising. Given the growing concern about the impact of harmful alcohol consumption, the effect of alcohol advertising and promotion, particularly on young people, continues to draw attention and debate. This section outlines the regulatory system and policy framework currently surrounding alcohol advertising in Australia and liquor promotion in New South Wales.

Alcohol advertising regulation in Australia

5.6 Alcohol advertising is described as operating within a national quasi-regulatory advertising system.²²⁷ At the centre of this system is the Alcohol Beverages Advertising (and Packaging) Code (ABAC) Scheme, the key components of which are an advertising pre-vetting service and a complaints handling process.²²⁸ Beyond the ABAC Scheme, alcohol advertisements must also comply with legislation and a number of other relevant advertising codes and industry initiatives.²²⁹

Alcohol Beverages Advertising (and Packaging) Code (ABAC) Scheme

5.7 The Brewer's Association of Australia and New Zealand, the Distilled Spirits Industry Council of Australia and the Winemakers' Federation of Australia established the Alcohol Beverages Advertising (and Packaging) Code Scheme in 1998.²³⁰ The Scheme regulates the content of alcohol advertising in various media, with the aim to:

... ensure that alcohol advertising, naming and packaging will be conducted in a manner which neither conflicts with nor detracts from the need for responsibility and moderation in liquor merchandising and consumption, and which does not encourage consumption by underage persons.²³¹

5.8 The ABAC Scheme is fully funded by industry and is administered by the ABAC Management Committee, which is comprised of: representatives from each of the above peak bodies involved in its establishment; a representative of the Australian Government; and the Chief Executive of the Communications Council Limited – a national peak body for communications organisations.²³²

²²⁷ Australian National Preventative Health Agency, *Alcohol Advertising: The effectiveness of current regulatory codes in addressing community concerns – Issues Paper*, December 2012, p 2; Submission 10, Advertising Standards Bureau, p 3; Submission 9, The Alcohol Beverage Advertising (and Packaging) Code Scheme Ltd, p 12.

²²⁸ Australian National Preventative Health Agency, *Alcohol Advertising: The effectiveness of current regulatory codes in addressing community concerns – Issues Paper*, December 2012, p 2; Submission 9, p 12.

²²⁹ Submission 10, p 2.

²³⁰ Australian National Preventative Health Agency, *Alcohol Advertising: The effectiveness of current regulatory codes in addressing community concerns – Issues Paper*, December 2012, p 2.

²³¹ Submission 9, p 7.

²³² Submission 9, p 5.

5.9 The ABAC is a voluntary Scheme, is not underpinned by legislation, and so regulators have no power to issue penalties or infringements.²³³ Under the Scheme, the Code requires that alcohol advertising must:

- present a mature, balanced and responsible approach to the consumption of alcohol beverages
- not have a strong or evident appeal to children or adolescents
- not suggest that the consumption or presence of alcohol may create or contribute to personal, business, social, sporting, sexual or other success
- not depict any direct association between the consumption of alcohol beverages and the operation of vehicles
- not challenge or dare people to consume or sample a particular alcohol beverage
- not encourage consumption that is in excess or inconsistent with the Australian Alcohol Guidelines issued by the National Health and Medical Research Council
- comply with the Advertiser Code of Ethics adopted by the Australian Association of National Advertisers.²³⁴

5.10 While the ABAC initially covered television, radio and print advertising (including billboards), since its introduction a number of amendments have been made to include Internet and retail or point of sale (POS) promotions, as well as alcohol promotions at events. In 2008, provisions were adopted to extend the Code to cover naming and packaging of alcohol beverages.²³⁵

5.11 The ABAC Scheme includes an advertising pre-vetting service. This is a confidential, user-pays service that allows advertisers to have their proposed advertisement evaluated by independent adjudicators against the Code prior to release.²³⁶ Where an advertisement is deemed to potentially breach any part of the Scheme, the advertiser will be encouraged to amend the advertisement before running the campaign.²³⁷

Other relevant advertising codes

5.12 In addition to the ABAC, alcohol advertisements must be consistent with other applicable laws and codes.²³⁸ Relevant codes that apply to advertising across all media include the:

- AANA Code of Ethics

²³³ Australian National Preventative Health Agency, *Alcohol Advertising: The effectiveness of current regulatory codes in addressing community concerns – Issues Paper*, December 2012, p 4.

²³⁴ Submission 9, pp 7-8.

²³⁵ Australian National Preventative Health Agency, *Alcohol Advertising: The effectiveness of current regulatory codes in addressing community concerns – Issues Paper*, December 2012, p 7.

²³⁶ Australian National Preventative Health Agency, *Alcohol Advertising: The effectiveness of current regulatory codes in addressing community concerns – Issues Paper*, December 2012, p 4; Submission 9, p 3.

²³⁷ Australian National Preventative Health Agency, *Alcohol Advertising: The effectiveness of current regulatory codes in addressing community concerns – Issues Paper*, December 2012, p 4.

²³⁸ Australian National Preventative Health Agency, *Alcohol Advertising: The effectiveness of current regulatory codes in addressing community concerns – Issues Paper*, December 2012, p 2.

- AANA Code for Advertising and Marketing Communications to Children
- Code of Practice administered by the Advertising Standards Board (ASB).

5.13 Alcohol advertisements must also comply with media-specific standards which are required under the *Broadcasting Services Act 1992* and are administered by the Australian Communications and Media Authority (ACMA).²³⁹ These include the:

- Commercial Television Industry Code of Practice
- Australian Subscription Television and Radio Association (ASTRA) Code of Practice
- Commercial Radio Code of Practice.

5.14 Other codes applicable to alcohol advertising include the:

- Outdoor Media Association Code of Ethics
- Publishers' Advertising Advisory Bureau's Guiding Principle for Alcohol Beverage Advertising.²⁴⁰

Complaints

5.15 Complaints about alcohol advertisements are considered by the ASB and the ABAC Scheme. All complaints about alcohol advertising submitted to the ASB are also copied to the ABAC Chief Adjudicator. The Adjudicator determines if the complaint raises issues with the ABAC, and if so it will be considered by the ABAC Complaints Panel. Hence a complaint may be considered by both the ASB and the ABAC Complaints Panel.²⁴¹

5.16 The ASB assesses a complaint and considers the advertisement against the AANA Code of Ethics and Code for Advertising and Marketing Communications to Children. If the complaint only raises issues under these Codes, such as taste and decency or sexism and discrimination, the complaint is only considered by the ASB, which will make a decision as to whether to uphold or dismiss the complaint.²⁴²

5.17 The ABAC Complaints Panel assesses a complaint under the ABAC Scheme, and if upheld, the advertiser is asked to modify or withdraw the advertisement in question.²⁴³

The regulation of liquor promotions in New South Wales

5.18 In addition to the requirements and obligations to which alcohol advertisements are subject at the national level, the *Liquor Act 2007* also restricts or prohibits certain types of liquor

²³⁹ Australian National Preventative Health Agency, *Alcohol Advertising: The effectiveness of current regulatory codes in addressing community concerns – Issues Paper*, December 2012, p 8.

²⁴⁰ Australian National Preventative Health Agency, *Alcohol Advertising: The effectiveness of current regulatory codes in addressing community concerns – Issues Paper*, December 2012, p 8.

²⁴¹ Submission 10, p 3.

²⁴² Submission 10, p 3; Australian National Preventative Health Agency, *Alcohol Advertising: The effectiveness of current regulatory codes in addressing community concerns – Issues Paper*, December 2012, p 4.

²⁴³ Submission 10, p 3.

promotion in New South Wales. These restrictions apply to all licensed premises under the Act that run liquor promotions.²⁴⁴ The Office of Liquor, Gaming and Racing (OLGR) publishes the Liquor Promotion Guidelines to indicate the kinds of activities or promotions that are restricted or prohibited.²⁴⁵

Liquor Promotion Guidelines

5.19 In July 2013 OLGR published an updated version of the Liquor Promotion Guidelines. The Guidelines include principles which detail the types of liquor promotion activity that are considered undesirable. These principles are:

1. The promotion must not have a special appeal to minors because of the design, names, motifs or characters in the promotion that are, or are likely to be, attractive to minors or for any other reason.
2. The promotion must not be indecent or offensive.
3. The promotion must not involve the use of non-standard measures that encourage irresponsible drinking and is likely to result in intoxication.
4. The promotion should not involve the provision of free drinks or extreme discounts or discounts for a limited duration that creates an incentive for patrons to consume liquor more rapidly than they otherwise might.
5. The promotion should not otherwise encourage irresponsible, rapid or excessive consumption of liquor.
6. The promotion should not be otherwise considered to not be in the public interest.²⁴⁶

5.20 Under section 102 of the *Liquor Act 2007*, the Director General of NSW Trade and Investment has the power to issue a notice to restrict or prohibit a licensee who is involved in a liquor promotion considered undesirable in line with the Liquor Promotion Guidelines.

The effectiveness of advertising and promotion regulation

5.21 Some Inquiry participants raised concerns about the adequacy and effectiveness of the current system for regulating alcohol advertising. This section primarily focuses on three areas of concern: self-regulation, a lack of consistency across media platforms and the Liquor Promotion Guidelines.

Industry self-regulation

5.22 Representatives of the alcohol and advertising industry argued that the self-regulation of alcohol advertising is adequate and effective.²⁴⁷ Ms Bain commented that alcohol advertisers

²⁴⁴ NSW Office of Liquor, Gaming and Racing, *Liquor Promotion Guidelines*, July 2013, p 6, accessed 20 August 2013, <http://www.olgr.nsw.gov.au/pdfs/Liquor_promotion_guidelines.pdf>

²⁴⁵ NSW Office of Liquor, Gaming and Racing, *Liquor Promotion Guidelines*, July 2013, p 4, accessed 20 August 2013, <http://www.olgr.nsw.gov.au/pdfs/Liquor_promotion_guidelines.pdf>

²⁴⁶ NSW Office of Liquor, Gaming and Racing, *Liquor Promotion Guidelines – Summary*, July 2013, p 1, accessed 20 August 2013, <http://www.olgr.nsw.gov.au/pdfs/Liquor_promotion_guidelines.pdf>

²⁴⁷ For instance see: Submission 42, Distilled Spirits Industry Council of Australia, pp 8-9.

are not opposed to regulation and take their responsibilities seriously.²⁴⁸ She argued that self-regulation is effective and underpinned by a responsive and transparent complaints-handling system, noting that in 2012 ‘less than 1.47 per cent of all complaints were in relation to alcohol advertisers’.²⁴⁹

5.23 The Distilled Spirits Industry Council of Australia noted that self-regulation was preferred over government legislation because such a system was more timely, flexible and cost effective, with substantially lower compliance costs.²⁵⁰

5.24 The Association for Data-driven Marketing and Advertising (ADMA) argued that only self-regulation of the industry is capable of adapting to meet changing needs of the digital media environment:

Self-regulatory codes and schemes are flexible enough to adapt to changes in the contemporary media landscape. New technology, and marketing innovations that flow from these, are a constant feature of the digital media environment. ADMA is therefore strongly of the view that only principles-based self-regulation is sufficiently adaptable, and effective.²⁵¹

5.25 Ms Julie Flynn, Chief Executive of Free TV Australia, argued that the AANA codes and ASB are a ‘gold standard for an industry or for a self-regulatory system’.²⁵² This view was shared by the ASB who claimed that ‘Australia’s system of advertising self-regulation is recognised as world-class’.²⁵³

5.26 However, non-industry affiliated Inquiry participants argued that the self-regulatory system is flawed. For instance, the Commission for Children and Young People noted that international comparisons showed that ‘self-regulation is largely ineffective in preventing marketing that impacts on children and young people’.²⁵⁴

5.27 Ms Meredith Crane, Manager, Policy and Strategic Communications, The Alcohol and other Drugs Council of Australia (ADCA), declared that effective self-regulation goes against the interests of the industry as their aim is to make money:

If they are trying to self-regulate, then they are trying to prevent themselves from making money. They are in the business of making money ... They are encouraging people to drink more and more often. Any system of self-regulation is going to be flawed on that basis alone.²⁵⁵

²⁴⁸ Ms Bain, Evidence, 6 May 2013, p 42.

²⁴⁹ Ms Bain, Evidence, 6 May 2013, p 42.

²⁵⁰ Submission 42, Distilled Spirits Industry Council of Australia, p 12.

²⁵¹ Submission 22, Association for Data-driven Marketing and Advertising, p 3.

²⁵² Ms Flynn, Evidence, 17 June 2013, p 42.

²⁵³ Submission 10, p 2.

²⁵⁴ Submission 46, Commission for Children and Young People, p 12.

²⁵⁵ Ms Meredith Crane, Manager, Policy and Strategic Communications, The Alcohol and other Drugs Council of Australia, Evidence, 6 May 2013, p 69.

5.28 ADCA also referred to research that demonstrated that young people are exposed to alcohol advertising that encourages and glorifies alcohol consumption, and hence described self-regulation as ‘woefully inadequate’:

... while young people are supposedly protected from television advertisements by a combination of mandatory and voluntary codes, studies consistently show they are exposed to a large number and variety of advertisements that encourage and glorify alcohol consumption.²⁵⁶

5.29 Professor Jones, Director, Centre for Health Initiatives, University of Wollongong, also questioned the effectiveness of the complaints system, primarily because not enough people are aware how to complain. She referenced 2012 Foundation for Alcohol Research and Education (FARE) statistics indicating that ‘83 per cent of people said they had no idea who to complain to about alcohol advertising and only four per cent of people said you would complain to the Advertising Standards Board’.²⁵⁷

5.30 Professor Jones identified another reason for the relatively low level of complaints:

... the system for lodging a complaint ... discourages complaint. When you go on to the website the first thing you are encouraged to do is to search to see if anyone has complained about that ad previously. You are told that if the ASB has made a decision on the ad that is the decision, so if you make a complaint it will not change anything. If I am a busy person why would I waste my time? When I talk to consumers they say, "I saw this ad and it was absolutely appalling but it was no more appalling than the last one I saw or the one before that and nobody does anything."²⁵⁸

5.31 Ms Nicky Sloan, Chief Executive Officer, Illawarra Forum, had received similar feedback about the complaints system:

We did have feedback from people who had been involved in the complaints system and they felt it was quite difficult to complain or to feel that their complaint was adequately addressed and, in some cases they felt that they had complained about a particular advertisement and just had a response that it had already been dealt with. They just felt their responses were inadequate.²⁵⁹

5.32 In response to concerns about the adequacy of the current regulatory system, several health and community sector groups called for a review.²⁶⁰ The Alcohol and Other Drugs Council of Australia went one step further and recommended that the Government support the establishment of an independent, national regulatory body for alcohol advertising which would:

²⁵⁶ Pettigrew, S., Roberts., Pescud, M., Chapman, K., Quester, P. and Miller, C., (2012), ‘The extent and nature of alcohol advertising on Australian television’, *Drug and Alcohol Review*, 31: 797–802. doi: 10.1111/j.1465-3362.2012.00439.x, <<http://onlinelibrary.wiley.com/doi/10.1111/j.1465-3362.2012.00439.x/abstract>>, quoted in Submission 47, p 5.

²⁵⁷ Professor Jones, Evidence, 6 May 2013, p 39.

²⁵⁸ Professor Jones, Evidence, 6 May 2013, p 39.

²⁵⁹ Ms Nicky Sloan, Chief Executive Officer, Illawarra Forum, Evidence, 6 May 2013, p 12.

²⁶⁰ For instance see: Ms Kerry Boland, Acting Commissioner, Commission for Children and Young People, Evidence, 17 June 2013, pp 2-3. Submission 29, Police Association of New South Wales, p 10.

... devise, administer and vary a code of behaviour, with expert membership drawn from the medical, public health, advertising and legal sectors and the power to issue binding determinations and penalties against transgressors.²⁶¹

Calls for consistency across all media platforms

- 5.33** The Committee was presented with conflicting messages about whether the alcohol advertising codes apply to all media platforms.
- 5.34** ABAC and AANA advised that their Codes apply to all media platforms with respect to alcohol advertising, including social media.²⁶²
- 5.35** The Commission for Children and Young People refuted this claim stating that the ABAC does not cover sponsorship, such as for sport and music events.²⁶³ There is also a discrepancy between alcohol advertising on free-to-air and subscription television. For instance, the Commercial Television Industry Code of Practice prohibits alcohol advertisements on free-to-air television before 8.30 pm. In contrast, there are no time of day restrictions on alcohol advertising on subscription TV. The Commission for Children and Young People noted that 32 per cent of 13-17 years olds have access to and spend more time watching pay television than free-to-air television.²⁶⁴
- 5.36** Because of these discrepancies, some Inquiry participants called for greater consistency in alcohol advertising regulation across all media platforms.
- 5.37** For example, Free TV Australia argued that free-to-air television is the most heavily regulated of all media and because of this imbalance they might lose out to other platforms where it is easier to advertise in what they call a 'regulatory bypass'.²⁶⁵

No other platform is regulated like ours. If you go on to Pay TV, there are no restrictions in terms of hours. If you go online there are no restrictions, full stop. One of the things that we found is that if the regulations become too hard on free to air television, then the advertisers ... find somewhere else to advertise. That is just a fact of life.²⁶⁶

- 5.38** Free TV Australia suggested that there should be 'high-level principles' about alcohol advertising that apply to all media.²⁶⁷

²⁶¹ Submission 47, The Alcohol and Other Drugs Council of Australia, p 6.

²⁶² Ms Denita Wawn, Chair, Alcohol Beverages Advertising (and Packaging) Code, Evidence, 6 May 2013, p 45, Ms Bain, Evidence, 6 May 2013, pp 42-43.

²⁶³ Submission 46, p 11.

²⁶⁴ Submission 46, p 11.

²⁶⁵ Ms Flynn, Evidence, 17 June 2013, p 37.

²⁶⁶ Ms Flynn, Evidence, 17 June 2013, p 35.

²⁶⁷ Ms Flynn, Evidence, 17 June 2013, pp 37-38.

The impact of alcohol advertising

- 5.39** This section of the Chapter examines whether alcohol advertising and promotion influences young people to drink harmfully. On the one hand, the alcohol industry argued that advertising is not a major influence on alcohol consumption, while other Inquiry participants argued that alcohol advertising has a very real and significant impact on drinking behaviour, particularly on young people.

The industry view

- 5.40** Many Inquiry participants from the alcohol industry advised that the purpose of alcohol advertising is to promote the range of choice available to consumers and develop brand loyalty while at the same time promoting responsible drinking.²⁶⁸

- 5.41** Ms Denita Wawn, Chair, Alcohol Beverages Advertising (and Packaging) Code (ABAC) Scheme, explained that the focus of alcohol advertising is to promote branding, not consumption:

Advertising is all about brand ... Beer advertising or any type of alcohol advertising is about that brand and targeting your legal consumers and trying to attract them to a certain brand. Advertising has its place in getting your brand recognition, particularly when you are making changes to the brand. It is the way in which you can communicate that change to a particular brand.²⁶⁹

- 5.42** The Distilled Spirits Industry Council of Australia also argued that advertising is about brand loyalty and making sure consumers are making informed product choices:

The purpose of alcohol advertising is to tell potential customers above the legal purchase age who are looking to make an alcohol purchase within a short period of time (the next week or so) about the products available to them, so that they can then make informed choices among competing brands. Advertisers' objectives are to encourage consumers to switch to their brand and to create or maintain brand loyalty.

- 5.43** The Liquor Stores Association of NSW referred to aspects of evidence that found that advertising is not a significant factor in influencing underage drinking, and that there is a lack of evidence to support a relationship between advertising and either levels of drinking or patterns of drinking.²⁷⁰ The Association also referred to research that indicated the major influences on underage drinking are peers and parental drinking behaviour.²⁷¹

²⁶⁸ Ms Bain, Evidence, 6 May 2013, p 53; Ms Wawn, Evidence, 6 May 2013, p 53; Mr Terrence Mott, Chief Executive Officer, Liquor Stores Association of New South Wales, Evidence, 17 June 2013, p 30-31; Submission 45, Clubs NSW, p 16; Submission 39, Brewers Association, p 1; Submission 42, p 9.

²⁶⁹ Ms Wawn, Evidence, 6 May 2013, p 53.

²⁷⁰ Industry View on Beverage Alcohol Advertising and Marketing, with Special Reference to Young People, prepared for WHO by International Center, quoted in Submission 52, p 10.

²⁷¹ Donovan, J.E (2004) *Adolescent alcohol initiation: a review of psychological risk factors*. Journal of Adolescent Health 35(6):529. E7-18, quoted in Submission 52, Liquor Stores Association of New South Wales, p 10.

5.44 ClubsNSW also argued that additional restrictions on alcohol advertising and promotion were not necessary, stating that there is a lack of convincing evidence to suggest a link between alcohol advertising, excessive consumption and alcohol-related violence.²⁷²

5.45 To support this view, ClubsNSW referred to international research that failed to find a link between alcohol consumption and advertising:

In 2010, a United States Federal Trade Commission study found that there is no reliable basis to conclude alcohol advertising significantly affects consumption, let alone abuse.²⁷³ The United States Department of Health and Human Services in its 2000 annual report to Congress submitted that there was little consistent evidence to suggest that alcohol advertising affects drinking beliefs and behaviours.²⁷⁴ A United States Senate sub-committee reported in the Congressional Record that it could not find evidence to conclude that advertising influences non-drinkers to begin drinking or increase consumption.²⁷⁵

5.46 Inquiry participants from the advertising industry argued that they seek out the adult audience and that young people under the age of 18 are not targeted as it is illegal for them to buy and consume alcohol:

[Young people] are not legally able to buy that product until they are 18. It is not until a consumer reaches 18 and can legally purchase the product that an alcohol company may or may not be interested in marketing to them.²⁷⁶

The health sector and community view

5.47 In contrast to these views, other Inquiry participants argued that alcohol advertising has a very real and significant impact, particularly on young people. Professor Katherine Conigrave, Director, Foundation for Alcohol Research and Education (FARE), argued that there 'is good evidence that advertising and promotion affects young people's drinking'.²⁷⁷ Professor Conigrave also noted the pervasive nature of alcohol advertising:

As a parent, as probably are many other parents, you get a bit appalled at how much is pushed at the kids ... but on every occasion it is getting pushed on the internet, on Facebook, on the National Rugby League Grand Final, at the beach, and by banners up above.²⁷⁸

²⁷² Submission 45, p 15.

²⁷³ United States Federal Trade Commission (2008), *Self-regulation in the alcohol industry: Report of the U.S. Federal Trade Commission*, Washington D.C., United States of America, quoted in Submission 45, p 16.

²⁷⁴ National Institute on Alcohol Abuse and Alcoholism, United States Department of Health and Human Services, (2000), *10th Special Report to U.S. Congress on Alcohol and Health*, Publication No.:00-1583, Washington D.C., United States of America, quoted in Submission 45, p 16.

²⁷⁵ Congressional Record, 20 May 1985, quoted in Submission 45, p 16.

²⁷⁶ Ms Bain, Evidence, 6 May 2013, p 50.

²⁷⁷ Professor Katherine Conigrave, Director, Foundation for Alcohol Research and Education, Evidence, 29 April 2013, p 33.

²⁷⁸ Professor Conigrave, Evidence, 29 April 2013, p 33; Professor Jones, Evidence, 6 May 2013, p 40; Submission 46, p 5.

- 5.48** The Commission for Children and Young People was of the view ‘that children and young people are widely exposed to and demonstrably impacted by alcohol marketing’.²⁷⁹ The Commission discussed an Australian study that noted a link between alcohol advertising and children starting to drink alcohol:

Jones and Magee’s cross-sectional study of 1113 NSW adolescents aged 12- 17 years ... found that exposure to alcohol advertising in magazines, bottle-shops, pubs/bars and via promotional materials was associated with alcohol initiation ... This suggests that exposure to alcohol advertising could have different effects across age and gender, with greater effects in regard to initiation on the younger age group.²⁸⁰

- 5.49** Ms Sloan noted that alcohol advertising normalises drinking for young people, ‘as not just a way to celebrate but also a way to cope’.²⁸¹ This view was shared by Local Government NSW and the Commission for Children and Young People.²⁸² Local Government NSW argued that the glamorous portrayal of alcohol in advertising associates alcohol consumption with desirability:

The imagery used in advertising is often enticing to young people and acts to normalise the associated ideas and behaviours (mostly idealised versions of beauty and popularity through a presentation of gendered stereotypes). Alcohol is often conveyed in a glamorous way, making it extremely difficult to disassociate the substance with the desired behaviours and attitudes.²⁸³

- 5.50** Professor Jones referred to her research which found that due to the influence of advertising, young people connected drinking alcohol to popularity and attractiveness:

If you look at the research we did into young people’s current responses to alcohol advertising, they really believe and take on board those messages, “If I drink this brand of alcohol I’m going to be popular, I’m going to be attractive, I’m going to be more intelligent, I’m going to be more interesting, I’m going to have fun”.²⁸⁴

- 5.51** In their submission, Local Government NSW canvassed that this issue needed a whole of government and whole of community approach, and suggested that NSW Ministry of Health take a lead role to ‘acknowledge the link between advertising and its influence on attitudes and behaviours of young people’.²⁸⁵

New media and alcohol advertising

- 5.52** During the course of the Inquiry the Committee heard about the increasing use of advertising alcohol on the internet and via social media.

²⁷⁹ Submission 46, p 4.

²⁸⁰ Submission 46, pp 8-9.

²⁸¹ Ms Sloan, Evidence, 6 May 2013, p 14.

²⁸² Submission 46, p 12.

²⁸³ Submission 51, Local Government NSW, p 5.

²⁸⁴ Professor Jones, Evidence, 6 May 2013, pp 36-37.

²⁸⁵ Submission 51, p 6.

- 5.53** The alcohol industry was strongly of the view that as long as the audience for an advertisement is of legal drinking age then the Internet and social media are legitimate mediums to advertise alcohol.²⁸⁶ Ms Bain further argued that advertisers ‘will place their ads—whether it is outdoor media, magazines or social media—to get the greatest proportion of their targeted adult audience’.²⁸⁷
- 5.54** Online marketing of alcohol is regulated by the AANA codes and the ABAC. The AANA stated that these restrictions are aimed at ensuring websites and other online pages of alcohol brands do not engage with anyone under 18 and that the content is in line with existing codes.²⁸⁸
- 5.55** Ms Bain explained that alcohol-branded websites are gated and in the case of Facebook you need to be an adult in order to access brand pages:

You might be aware that in the social media space and also on the Internet, more generally, alcohol advertisers will do what we call age gate their website and also the Facebook page. If you are not a registered Facebook user over 18, you cannot see, like or access that alcohol page at all ...

I understand that there is no evidence that Facebook users under 18 exaggerate their age to avail themselves of the ability to access over-18 Facebook pages. We do not have any evidence about that behaviour taking place.²⁸⁹

- 5.56** The Association for Data-driven Marketing and Advertising advised that steps to introduce age verification in the online environment are already well underway, with many major brands requiring consumers to verify their age before entering websites and social media sites.²⁹⁰
- 5.57** However, some Inquiry participants expressed concerns about how easy it is for minors to view alcohol advertising online.²⁹¹ Professor Jones explained the results of a recent study which discovered how easy it is to access alcohol-branded websites, regardless of age:

... We did a study looking at alcohol advertising online—alcohol-brand websites. We were looking at the entry pages, the filters—the things that are supposed to stop children getting access. We tested 25 Australian-based alcohol-brand websites. Three of them had no entry requirement at all. You just got in. Seven of them had an entry page but did not actually ask you for your date of birth. It just said, “You have to be over 18. Are you?” and you clicked yes or no. Two of them asked for your full date of birth but let you in regardless of how old that made you. So you could be 12 and you still got in. And for 13 of them, if you typed in your age that you were under 18 it said, “Sorry, you’re not old enough” but you could go straight back and try again. You could try as many times as you liked.²⁹²

²⁸⁶ Mr Mott, Evidence, 17 June 2013, p 30-31.

²⁸⁷ Ms Bain, Evidence, 6 May 2013, p 52.

²⁸⁸ Submission 40, Australian Association of National Advertisers, p 11.

²⁸⁹ Ms Bain, Evidence, 6 May 2013, p 52.

²⁹⁰ Submission 22, p 4.

²⁹¹ Professor Conigrave, Evidence, 29 April 2013, p 42

²⁹² Professor Jones, Evidence, 6 May 2013, p 37.

- 5.58** The Alcohol and Other Drugs Council of Australia submitted that the growing use of social media as a marketing and promotional tool needs closer scrutiny. They argued that the industry is responsible for countless websites and social media campaigns that encourage young people ‘to get on board the alcohol juggernaut and to share (ill-advisedly) their drinking exploits through images and comments’.²⁹³
- 5.59** Professor Jones shared this view that Facebook and other social media sites are effectively making young people co-creators in marketing:

Most of the alcohol brands have Facebook pages. Kids can friend the alcohol brands. They can share. Our young people now are really co-creating alcohol marketing. It is not the passive reception of alcohol messages that we used to have. It is, “I got this from my friend.” We all upload photos of ourselves drinking this brand of alcohol on to the Facebook page. We all liked it. We all shared it. We all sent it to our friends. We can download the ads and screensavers on to our computers. We can play games. We can go on there and interact.²⁹⁴

The impact of advertising during live sport broadcasts

- 5.60** According to the Commercial Television Industry Code of Practice alcohol advertisements on free-to-air television are not permitted before 8.30 pm. However, alcohol advertisements are permitted in the broadcast of live sport on weekends and public holidays, regardless of the time.²⁹⁵
- 5.61** Professor Jones was critical of this rule and noted that watching sport on the TV was a regular part of life, especially for boys. She argued that not only do children watch sport during the times that these advertisements air, but they are able to recognise the advertisements and the products promoted.²⁹⁶
- 5.62** To emphasise this point, Professor Jones described an incident from a study where a young child had learned to associate a brand of beer with sport after viewing an alcohol advertisement aired during a live sports broadcast:

I look at the research we did with quite young children around alcohol advertising during sport and one of the young men—it still sticks in my head—he talked about he watched the sport and he said, “Yeah VB, I know that one. That’s what you drink when you play sport. Like when they are playing and they get really tired then they have a drink and it wakes them up”. These small children believed that when the ad came on and they saw their sporting heroes having a drink they then came back and kept playing. Those are the things that we need to address at an early age—not just

²⁹³ Submission 47, p 5.

²⁹⁴ Professor Jones, Evidence, 6 May 2013, pp 37-38.

²⁹⁵ Commercial Television Industry Code of Practice, January 2010, p 31, accessed 15 August 2013, <http://www.freetv.com.au/media/Code_of_Practice/2010_Commercial_Television_Industry_Code_of_Practice_July%202013.pdf>

²⁹⁶ Tabled document, Professor Sandra Jones, ‘Most men drink... especially when they play sports’ – alcohol advertising during sporting broadcasts and the potential impact on child audiences’, *Journal of Public Affairs*, 2010, 10: 59-73, p 68.

alcohol damages your brain but let us not convince them that in order to play sport, in order to be Australian, in order to have fun, you have got to be drinking.²⁹⁷

- 5.63** In contrast to these views, the industry argued that television live sports audiences are predominately older and that there is in fact a decline in the viewing figures of younger audiences.²⁹⁸ Ms Bain commented that adults make up 90 per cent of the audience that watches live sport.²⁹⁹
- 5.64** Ms Flynn supported this view by stating that children ‘are watching in small numbers, and declining numbers’³⁰⁰ and even ‘with the most popular sports the under-17 audience is less than 12 per cent at its largest’.³⁰¹ Ms Flynn further advised there has been a 3 per cent loss of their child audience in the past 12 months alone.³⁰²
- 5.65** Free TV also commented on the reliance of network stations on advertising revenue to broadcast sports and the need to balance responsible broadcasting with their financial needs:

We are not a specialist children’s channel and we are not a specialist pay TV channel; we are an all-comers channel. As you all probably are well aware sport is very expensive to keep live on free-to-air television and we need to balance the requirement to enable all Australians to see live sport for free with the need to be socially responsible about the advertising that is contained in those programs. As I said, there has been no level of complaint about this over the years, a very low level of complaint generally, and we think that reflects that we are meeting community expectations.³⁰³

The impact of liquor promotions

- 5.66** During the course of the Inquiry the Committee heard evidence concerning the multitude of techniques currently used to promote the consumption of alcohol. This section examines the impact of point of sale (POS) promotions, sponsorship of sporting and cultural events and their effects on the consumption of alcohol by young people.

Point-of-sale promotions

- 5.67** POS promotions refer to special offers available when purchasing alcohol. The Australian National Preventive Health Agency (ANPHA) state that examples of POS promotions include ‘free gifts with purchase, prominent signage, competitions, price discounts for bulk purchases

²⁹⁷ Professor Jones, Evidence, 6 May 2013, p 41.

²⁹⁸ Submission 40, p 9.

²⁹⁹ Ms Bain, Evidence, 6 May 2013, p 50.

³⁰⁰ Ms Flynn, Evidence, 17 June 2013, p 42.

³⁰¹ Ms Flynn, Evidence, 17 June 2013, p 38.

³⁰² Ms Flynn, Evidence, 17 June 2013, p 38.

³⁰³ Ms Flynn, Evidence, 17 June 2013, p 38.

(e.g. 3 for the price of 2), and sale prices'. As well as this, POS 'marketing also occurs in pubs and clubs, often in the form of 'happy hours' or free merchandise with drink purchases'.³⁰⁴

5.68 Inquiry participants noted the prevalence of POS promotions and highlighted that research shows there is an average of 30 POS promotions per liquor outlet.³⁰⁵ However, the Committee heard varying evidence about the effects of POS promotions on young people. For instance, some health sector groups were strongly of the opinion that POS promotions not only increase consumption but encourage excessive consumption and should be restricted.³⁰⁶

5.69 In contrast, the alcohol industry argued that POS promotions are innocuous, do not increase consumption and instead are designed to increase patronage.³⁰⁷ ClubsNSW stipulated that any promotion run in accordance with the responsible service of alcohol should not be restricted as long as it does not encourage excessive consumption.³⁰⁸

5.70 Professor Jones argued that POS promotions are particularly used to entice young people to purchase alcohol:

Particularly in the context of young people, they are marketing quite desirable products in association with alcohol. You buy a six-pack of these and you get a really funky carry bag, or you can win tickets to *Splendour in the Grass*. It is really all of those types of promotions that I am talking about.³⁰⁹

5.71 Ms Caterina Giorgi, Manager, Policy and Research, FARE, expressed concern that young people are circumstantially being exposed to POS promotions as they are often located in shops next to a supermarket or in a shopping mall:

[Y]oung people are seeing that more particularly because you now have alcohol available in supermarkets or at the liquor store right next to a supermarket or at the liquor store in a shopping mall, and young people are walking through these areas. They are not walking through these areas with blinkers; they can see what is happening, and we know what happens when they see these ads.³¹⁰

5.72 The Committee heard diverging views in relation to discount POS promotions by bottle shops. A concern presented was that discounting, and hence consumers bulk-purchasing, led to over-consumption, especially by young people.

5.73 Mr Terence Mott, Chief Executive Officer, Liquor Stores Association of New South Wales, refuted the claim that bulk purchase equals excessive consumption:

³⁰⁴ Australian National Preventative Health Agency, *Alcohol Advertising: The effectiveness of current regulatory codes in addressing community concerns – Issues Paper*, December 2012.

³⁰⁵ Ms Caterina Giorgi, Manager, Policy and Research, Foundation for Alcohol Research and Education, Evidence, 29 April 2013, p 42; Professor Jones, Evidence, 6 May 2013, p 38.

³⁰⁶ Ms Giorgi, Evidence, 29 April 2013, p 33; Professor Jones, Evidence, 6 May 2013, p 34; Submission 46, p 4.

³⁰⁷ Submission 45, p 14.

³⁰⁸ Submission 45, p 16.

³⁰⁹ Professor Jones, Evidence, 6 May 2013, pp 33-34.

³¹⁰ Ms Giorgi, Evidence, 29 April 2013, p 42

I think the Committee needs to be very careful about accepting that purchase equals consumption. There is a decided difference between purchasing a bulk purchase, whether it be toilet paper, whether it be cornflakes or whether it be alcohol. If you see a promotion for a dozen bottles of wine, do you go home and drink those straight away? The answer is no. Unfortunately the work you have described does not discern the difference between consumption and purchase.³¹¹

- 5.74** Professor Jones rejected the assertion by the alcohol industry that people purchase alcohol in bulk and store it. She argued that if people buy more alcohol they drink more:

In terms of effect, what we know from quite a lot of evidence is that they do increase the amount of alcohol that people purchase and often quite substantially, particularly when they are linked to some sort of desirable promotion or when there's bonus alcohol—you know, you spend the same amount of money, but you get more alcohol.³¹²

- 5.75** Professor Jones declared that this is particularly true of children as they will not be able to take alcohol home to store because their parents will find it.³¹³

Sponsorship of sporting and cultural events

- 5.76** Many Inquiry participants commented on the impact of alcohol sponsorship of sporting and cultural events. This issue is important because Australia has both a strong drinking culture and a strong sporting culture and sponsorship is seen by some Inquiry participants as providing a link between the two.

- 5.77** The Commission for Children and Young People noted the close relationship between sport and alcohol, and argued that sponsorship links alcohol with 'sporting prowess, fitness and masculinity'.³¹⁴

- 5.78** Local Government NSW commented that there is evidence to show that alcohol company sponsorship of sporting and cultural events creates a meaningful connection between the event and the brand and this is exacerbated and normalised through the growing use of social media.³¹⁵

- 5.79** The Commission for Children and Young People argued there is a link between alcohol sponsorship and alcohol consumption, asserting that 'alcohol sponsorship has also been shown to increase drinking and hazardous consumption among those sponsored'.³¹⁶

³¹¹ Mr Mott, Evidence, 17 June 2013, p 27.

³¹² Professor Jones, Evidence, 6 May 2013, p 34.

³¹³ Professor Jones, Evidence, 6 May 2013, p 34.

³¹⁴ Submission 46, p 9.

³¹⁵ Submission 51, p 5.

³¹⁶ Submission 46, p 10. The Commission was referring to research by O'Brien et al which had as its primary finding that receipt of alcohol industry sponsorship is associated with increased drinking in Australian sportspeople. O'Brien et al, 'Alcohol Industry and Non-Alcohol Industry Sponsorship of Sportspeople and Drinking', *Alcohol and Alcoholism*, Vol 46 Issue 2.

- 5.80** Some Inquiry participants argued that young people are inappropriately exposed to alcohol advertising through sports, and suggested that children quickly learn an association between sports and alcohol and that sponsorship communicates legitimacy and normalises drinking.³¹⁷
- 5.81** The Inner City Health Program Alcohol & Drug Service, St Vincent's Hospital, Sydney referred to a study that found young people are aware of alcohol sponsorship during sports events:
- Another study of the impact of alcohol advertising on young audiences during sporting broadcasts had similar findings, demonstrating young people have a high level of awareness of alcohol sponsors and brands promoting during sporting telecasts. The association of alcohol products with social and sporting success is an effective promotional strategy. Such advertising is strongly correlated with attitudes towards drinking and risky drinking practices which are linked to high rates of preventable injury, illness and death.³¹⁸
- 5.82** Some Inquiry participants raised concerns about alcohol sponsorship of local sports teams and children's activities. Professor Conigrave stated that often young adult clubs are sponsored by the alcohol industry and this creates a further problem as they tend to be given discount alcohol and the members drink more as a result.³¹⁹
- 5.83** In their submission, the Police Association of New South Wales supported the National Alliance for Action on Alcohol in calling for the 'prohibition of alcohol sponsorship of junior sports teams, clubs or programs'.³²⁰
- 5.84** The alcohol industry strongly supported sponsorship of sport, stating that 'sponsorship is an important avenue for both brand promotion and differentiation' and that 'there is no firm evidence that suggests a ban on sports sponsorship would lead to a reduction in alcohol misuse or underage consumption'.³²¹
- 5.85** Some Inquiry participants stated that there is no clear distinction between sponsorship and advertising and they are arguably synonymous.³²² The National Drug and Alcohol Research Centre recommended that this issue be examined by Government as high profile sports teams are sponsored by alcohol brands. They argued that this contradicts the ABAC Scheme code which 'explicitly states that advertising must not have a strong or evident appeal to children or adolescents'.³²³

³¹⁷ Submission 46, p 9; Submission 47, p 6; Mr David Templeman, Chief Executive Officer, The Alcohol and other Drugs Council of Australia, Evidence, 6 May 2013, pp 68-69; Dr Blake Eddington, Last Drinks at 12, Evidence, 8 October 2013, p 27.

³¹⁸ Submission 15, St Vincent's Hospital, Inner City Health Program, Alcohol & Drug Service, p 2.

³¹⁹ Professor Conigrave, Evidence, 29 April 2013, p 33.

³²⁰ Submission 29, Police Association of New South Wales, p 10.

³²¹ Submission 39, p 1.

³²² Associate Professor Anthony Shakeshaft, Deputy Director, National Drug and Alcohol Research Centre, University of New South Wales, Evidence, 29 April 2013, p 43.

³²³ Submission 21, National Drug and Alcohol Research Centre, University of NSW, p 3.

Should alcohol advertising be further restricted?

5.86 This section reviews the arguments on whether there is a need to further restrict alcohol advertising as a means to combat the prevalence of harmful drinking, particularly among young people. This issue proved divisive among Inquiry participants.

5.87 Professor Jones argued that as there are so many factors involved in alcohol consumption, it is important for Government to actively address the specific areas that it has some level of control over – one of which is alcohol advertising:

I think in terms of what is going to work, what we can do at a policy level, it is about siding with the things that we have some level of control over, like alcohol sponsorship of sport, alcohol advertising, the promotion of alcohol, the price of alcohol, the availability of alcohol, because those other things require changing social norms in order to change all those other positive influences on young people. You will not be able to change those norms in the environment that we currently have; it needs taking some really brave steps and saying, “Let’s reduce some of this exposure”, because then, as a parent, I have a choice. As a parent, if I do not want my kids to see alcohol portrayed as a really positive thing basically I have to become Amish—I have to stop them watching television, I have to stop them walking down the street and stop them talking to other kids.³²⁴

5.88 The National Drug and Alcohol Research Centre (NDARC) referred to research that concluded that the banning of alcohol advertising is the second most cost-effective strategy the Government could introduce:

Banning alcohol advertising is the second most cost-effective strategy that government could introduce to reduce alcohol related harm. Banning advertising is second only to a volumetric tax (taxing all alcohol beverages only by the amount of alcohol they contain) ... If introduced, there is an 85% chance that the resultant savings to the community would outweigh the costs of its implementation.³²⁵

5.89 The Alcohol and other Drugs Council of Australia recommended that NSW support a national model to confine alcohol advertising only to factual information in adult press and the gradual phasing out of alcohol sponsorship of sporting and other cultural events.³²⁶

5.90 A number of Inquiry participants, including the Commission for Children and Young People, called for a complete ban on alcohol advertising and promotion, referencing the banning of tobacco advertising as an example.³²⁷

5.91 Instead of instigating an immediate ban, the NDARC recommended that there be an examination of the implications of an outright ban on alcohol advertising, including reviewing public opinion.³²⁸

³²⁴ Professor Jones, Evidence, 6 May 2013, p 40.

³²⁵ Cobiac, *et al*, 2009, ‘Cost-effectiveness of interventions to prevent alcohol-related disease and injury in Australia.’ *Addiction*, Vol 104 (10), quoted in Submission 21, pp 2-3.

³²⁶ Submission 47, p 6.

³²⁷ Submission 46, p 11; Submission 15, p 2.

³²⁸ Submission 21, p 3.

- 5.92** In contrast to these arguments the alcohol industry argued that advertising is already adequately and effectively, if not heavily, regulated.³²⁹ The Liquor Stores Association NSW argued that the current regulatory system only permits the promotion of responsible alcohol consumption and therefore there is no need for further restrictions.³³⁰
- 5.93** Ms Wawn, Chair, ABAC, asserted that the current system maintains a balance to ensure that the industry does not promote the misuse of alcohol while at the same time maintaining its legitimate right to sell their brands to their target audience.³³¹

Committee comment

- 5.94** The Committee acknowledges the difference of opinion between the alcohol industry and other stakeholders regarding the regulation of alcohol advertising. The Committee did not receive enough evidence to reach a position as to the adequacy of self-regulation.
- 5.95** The Committee notes the discrepancies between the time-of-day restrictions that apply to alcohol advertising on free-to-air and pay television. We believe that there should be further consideration of whether these restrictions should apply to both mediums.
- 5.96** The Committee is mindful of the increasing role that social media plays in the promotion of alcohol, and that social media is particularly attractive to young people. The Committee is seriously concerned about the ease with which minors can access alcohol advertising on the internet.
- 5.97** The Committee acknowledges there are contrasting views as to the impact of alcohol advertising on young people. While some stated that advertising promotes the range of choices available and develops brand loyalty to adults, others argued alcohol advertising impacts on young people's attitudes to drinking and their behaviour. In addition, the Committee acknowledges the different views on whether sponsorship of sport by alcohol companies influences young people.
- 5.98** The Committee notes the proliferation of point-of-sale promotions in liquor outlets, and the evidence from some Inquiry participants that they encourage consumption of alcohol, particularly by young people. To address this issue, the Committee recommends that OLGR investigate emerging industry trends regarding point-of-sale promotions, and that the results of this review be reflected in any future update of the liquor promotion guidelines.

Recommendation 4

That the NSW Office of Liquor, Gaming and Racing investigate emerging industry trends regarding point-of-sale promotions, and that the results of this review be reflected in any future update of the liquor promotion guidelines.

³²⁹ Submission 45, pp 14-15.

³³⁰ Submission 52, p 10.

³³¹ Ms Wawn, Evidence, 6 May 2013, pp 53-54.

Chapter 6 Harm minimisation and alcohol-related violence

This Chapter examines the effectiveness of a range of harm minimisation measures designed to reduce alcohol-related violence. It begins by discussing the responsible service of alcohol. The Chapter then explores the role of liquor accords and restricted trading hours in reducing alcohol-related violence. The Chapter concludes by examining other harm minimisation measures which have been introduced by the NSW Government.

Responsible service of alcohol

6.1 In an effort to reduce alcohol-related harms State-wide, the *Liquor Act 2007* (the Act) requires licensees and staff to serve alcohol responsibly. Section 73 of the Act states that a licensee must not permit, or serve alcohol to, intoxicated persons on their premises. A person is defined as intoxicated if:

- the person's speech, balance, co-ordination or behaviour is noticeably affected, and
- it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.³³²

6.2 Under the Act, everyone in New South Wales involved in the sale and supply of liquor to the public, including licensees, must undergo mandatory training in an accredited Responsible Service of Alcohol (RSA) course.³³³

6.3 The aim of RSA training is to ensure that hospitality employees have the necessary knowledge to identify intoxicated patrons, prevent excessive intoxication and, if required, refuse service.³³⁴

6.4 Licensees, staff and other patrons can be prosecuted if they are found supplying alcohol to an intoxicated patron. If found guilty licensees or staff can be fined up to \$11,000 (or issued on-the-spot fines), while other patrons found to have supplied alcohol to an intoxicated person can have a fine of \$1,100 imposed.³³⁵

Adherence to the RSA guidelines

6.5 Inquiry participants raised concerns that some licensed premises are not adequately adhering to the guidelines and that the guidelines are not being effectively enforced by the relevant authorities.

³³² NSW Office of Liquor, Gaming and Racing, *Fact sheet – intoxication guidelines*, accessed 28 August 2013, <http://www.olgr.nsw.gov.au/pdfs/intox_guidelines.pdf>

³³³ NSW Office of Liquor, Gaming and Racing, 'Responsible Service of Alcohol Course: Student Notes', November 2012, p 4.

³³⁴ RSA Training, accessed 27 November 2013, <<http://www.rsatraining.com.au/>>

³³⁵ NSW Office of Liquor, Gaming and Racing, *Fact sheet – intoxication guidelines*, accessed 28 August 2013, <http://www.olgr.nsw.gov.au/pdfs/intox_guidelines.pdf>

- 6.6** Dr Blake Eddington of Last Drinks at 12 suggested that many venues do not adhere to the responsible service of alcohol guidelines, as demonstrated by the number of intoxicated people who arrive to his emergency department from licensed venues:

... a lot of these people are coming from venues ... They say they were at this or that venue. The responsible service of alcohol is not being upheld. All the data says that. They are drunk and coming out of a venue.³³⁶

- 6.7** Manly Council argued that practices undertaken by licensed venues, such as selling cheap shots which ‘cause rapid intoxication’, are ‘in direct conflict with responsible service of alcohol’.³³⁷

- 6.8** ClubsNSW agreed that in some areas of the industry, responsible service of alcohol practices are not being followed. Where this is happening repeatedly, they suggested, licensed premises should be ‘identified and targeted’:

It is clear that in some areas of the hospitality industry responsible service of alcohol practices are not being followed ... It should be clear to regulators which licensed premises have not met legislative and community standards with regard to amenity, security or safety ... licensed premises which have had repeated serious incidents of alcohol related violence and have consistently failed to mitigate the future risk of such incidents should be identified and targeted appropriately and on a case-by-case basis.³³⁸

- 6.9** The Committee also heard that while venues may be willing to follow the RSA guidelines, aspects of their implementation are particularly problematic. For example, several participants commented on the challenge of assessing levels of intoxication. The Pedestrian Council support the introduction of a maximum Blood Alcohol Concentration (BAC) level for alcohol service and the use of approved breath testing equipment:

To know whether someone is too intoxicated to be served another drink is impossible without a legally defined maximum BAC and an Australian Standards-approved breathalyser. There are legal limits for drivers but no one can agree on a definition of when a patron is legally intoxicated.

This charade has allowed the industry to feign responsibility, while alcohol-related deaths, injuries and mayhem continue unabated. Imagine if police were required to conduct random breath-testing operations by guessing if drivers were over the limit. The violence and carnage will continue until the government legally defines the maximum allowable BAC for the service of alcohol, and mandates the use of approved breath-testing equipment.³³⁹

- 6.10** According to Ms Di Mahoney, Director of Byron Youth Service, young people are able to disguise their intoxication:

The liquor accord has implemented the no alcohol on approach strategy, which is great. I wonder whether we need to go a step further and look at how we breathalyse

³³⁶ Dr Blake Eddington, Evidence, Last Drinks at 12, 8 October 2013, p 30.

³³⁷ Submission 38, Manly Council, p 1.

³³⁸ Submission 45, ClubsNSW, p 11.

³³⁹ Submission 1, The Pedestrian Council, p 2.

people in venues or on the streets. I do not want to control people overly, but at some points the responsible service of alcohol system in venues might need to be reviewed in terms of how young people are presenting intoxicated. They are very good at hiding their intoxication and accessing venues, but it is still an issue that we need to work through.³⁴⁰

6.11 Stakeholders suggested that without adequate enforcement, the harm minimisation principles of the RSA guidelines will not be realised. According to Mr Peter Remfrey, Secretary, Police Association of New South Wales:

All of the academic research has been done around that whole issue of the responsible service of alcohol. Unless it is extremely heavily policed and done in a very strong way by the licensees, it does not work either.³⁴¹

6.12 According to the Commission for Children and Young People, 'it is the extent to which these bans and practices are enforced by police and liquor licensing authorities that determines their success'.³⁴²

Three strikes scheme

6.13 An RSA enforcement mechanism used by the NSW Office of Liquor, Gaming and Racing (OLGR) is the three strikes scheme. Introduced in 2008, it works by imposing a 'strike' when a licensee or approved manager is convicted of one of a range of the most serious offences under the Act. If three strikes are recorded, a licensee may have their liquor licence revoked or suspended. The offences that may incur a strike are prescribed in the Act and include:

- permitting intoxication on licensed premises
- permitting indecent, violent or quarrelsome conduct on licensed premises
- selling or supplying alcohol to an intoxicated person or a minor
- allowing alcohol to be sold or supplied to a minor on licensed premises
- permitting the use or sale of substances which a licensee or manager suspects are illicit drugs
- failure to comply with a direction issued by the Director General to a licensee or staff
- selling or supplying alcohol outside of authorised trading hours
- non-compliance with a closure order issued under the *Liquor Act* to prevent or reduce a significant risk to the public interest where there are serious breaches of the Act, and
- a breach of key liquor licence conditions applying to violent venues listed in Schedule 4 of the *Liquor Act*, or conditions imposed on a venue that has incurred strikes.³⁴³

³⁴⁰ Ms Di Mahoney, Director of Byron Youth Service, Evidence, 8 October 2013, p 17.

³⁴¹ Mr Peter Remfrey, Secretary, Police Association of New South Wales, Evidence, 29 April 2013, p 25.

³⁴² Submission 46, Commission for Children and Young People, p 29.

³⁴³ NSW Office of Liquor, Gaming and Racing, *Fact sheet* – "Three strikes" disciplinary scheme, accessed 8 October 2013, <http://www.olgr.nsw.gov.au/pdfs/three_strikes_fact_sheet.pdf>

- 6.14** The first strike is automatically incurred upon conviction for a single offence. Decisions on whether to impose second or third strikes are discretionary. The second can be imposed upon conviction for a further offence where one strike has already been imposed. Similarly, a third can be imposed upon conviction for an offence committed where two strikes are already in force. The decision to impose a second strike is made by the Director General of the NSW Department of Trade & Investment and the decision regarding a third strike is made by the Independent Liquor & Gaming Authority.³⁴⁴
- 6.15** OLGR is responsible for administering the three strikes disciplinary scheme. Ms Elizabeth Tydd, Executive Director, OLGR informed the Committee that since the scheme's implementation in January 2012, 37 venues have incurred a strike. 21 strikes have been imposed 'in relation to intoxication offences'. A further 14 'have been incurred for selling liquor outside approved trading hours'.³⁴⁵ Only one venue has had a second strike imposed under the scheme.³⁴⁶
- 6.16** Ms Tydd explained that for each strike OLGR 'considers remedial action that should be taken and ensures that that action will minimise the potential for further strikes and curtail irresponsible practices'.³⁴⁷

Liquor accords

- 6.17** This section examines the role of liquor accords in reducing alcohol-related violence.
- 6.18** A liquor accord is an agreement or arrangement between local stakeholders who are committed to minimising the harm associated with alcohol abuse.
- 6.19** There are two types of liquor accord in New South Wales. The first, known as local liquor accords, are voluntary industry-based partnerships working in local communities to resolve alcohol-related problems. These accords reach agreement on measures to improve the operation of licensed venues to ensure the safety and enjoyment of the community. At present there are approximately 130 local liquor accords across New South Wales and most include members from the local business community, local councils, police, Government departments and other community organisations.³⁴⁸
- 6.20** The second type of accord is a precinct liquor accord. Precinct accords operate in a similar way to local liquor accords and aim to reduce alcohol-related violence and ensure community safety. However, where local liquor accords are voluntary, membership and active participation in precinct accords is mandatory for late-night licensed venues within the accord

³⁴⁴ NSW Office of Liquor, Gaming and Racing, *Fact sheet – “Three strikes” disciplinary scheme*, accessed 8 October 2013, <http://www.olgr.nsw.gov.au/pdfs/three_strikes_fact_sheet.pdf>

³⁴⁵ Ms Elizabeth Tydd, Executive Director, NSW Office of Liquor, Gaming and Racing, Evidence, 29 April 2013, p 12.

³⁴⁶ Ms Tydd, Evidence, 29 April 2013, p 12.

³⁴⁷ Ms Tydd, Evidence, 29 April 2013, p 12.

³⁴⁸ NSW Office of Liquor, Racing and Gaming, *Liquor Accords*, accessed 3 September 2013, <http://www.olgr.nsw.gov.au/accords_home.asp>

boundary.³⁴⁹ These accords have been established in areas designated as late-night entertainment precincts – Sydney Central (comprising George Street South, Oxford Street and The Rocks), Manly, the Newcastle CBD and Hamilton areas, Wollongong and Parramatta.³⁵⁰

6.21 The Liquor Accord Delivery Unit within the OLGR is responsible for assisting with the establishment of accords, promoting existing accords and providing resources for accords to aid in their sustainability. The accords themselves are most often initiated by local business, the police or the local council in response to community concerns.³⁵¹

6.22 Inquiry participants examined the role that both voluntary and mandatory liquor accords can play in the suppression of alcohol-related violence and the mechanisms through which they can achieve this.

6.23 Ms Tydd drew the Committee’s attention to the way in which liquor accords can focus whole-of-government responses to alcohol-related problems in an area, and suggested that where supported they can be an effective tool in addressing alcohol-related harms:

Liquor accords are particularly focused on minimising harm and in some of the liquor accords the identification of alcohol issues associated with minors has been identified and strategies implemented to address any particular harm that may be related to alcohol consumption by young people ... The focus from a whole-of-government perspective that is brought to bear in the accords process has developed programs to ensure that consumption by minors is prevented.³⁵²

6.24 Tweed Shire Council explained that liquor accords which have been established in the Tweed area seek to mitigate the problems caused by alcohol-related violence and other related harms:

They do this by providing information on current best practices, coordinating regulatory activities, discussing issues when they arise and liaising with the Police and Council. Admittedly, they have limited resources, and they are not responsible for the wider scope of the law unrelated to alcohol.³⁵³

6.25 Local Government NSW stated that the formation of voluntary liquor accords ‘reinforces a strong emphasis on partnerships within a community, to effectively address the issue of alcohol-related violence’. However, for this to work, they argued that it is essential that all licensees are active members of the local liquor accord.³⁵⁴

6.26 The Distilled Spirits Industry Council of Australia (DSICA) suggested that voluntary liquor accords were successful because they allowed the community to respond to local needs:

³⁴⁹ NSW Office of Liquor, Racing and Gaming, Liquor Accords, accessed 3 September 2013, <http://www.olgr.nsw.gov.au/accords_home.asp>

³⁵⁰ NSW Office of Liquor, Racing and Gaming, Liquor Accords, accessed 3 September 2013, <http://www.olgr.nsw.gov.au/accords_home.asp>

³⁵¹ NSW Office of Liquor, Racing and Gaming, About local liquor accords, accessed 3 September 2013, <http://www.olgr.nsw.gov.au/accords_about.asp>

³⁵² Ms Tydd, Evidence, 29 April 2013, p 14.

³⁵³ Submission 35, Tweed Shire Council, p 3.

³⁵⁴ Submission 51, Local Government NSW, p 51.

DSICA believes that there is considerable scope for communities of interest to formulate a collective approach to reducing alcohol misuse harms, for example local liquor accords. This approach would provide flexibility for local communities to respond to local issues and problems, rather than an overly-rigid regulatory or legislative approach.³⁵⁵

The effectiveness of liquor accords

- 6.27** Inquiry participants expressed varying views on the effectiveness of liquor accords. Ms Julie Hegarty, Vice-President General, Local Government NSW, observed that engagement with voluntary liquor accords is inconsistent across the State:

The response from the licensee to participating in liquor accords, and not only participating by being there but actually participating or engaging with the other providers, such as the police and the local council, and respond to requests, that is not consistent, I do not think, over all local government areas. I think that is quite different, depending on the venue and the engagement with the local council.³⁵⁶

- 6.28** Other participants noted that smaller venues tended not to be part of local accords. According to Ms Leanne Martin, Community Safety Coordinator, Manly Council:

The liquor accord is all very well, but it is perceived to be the domain of the late-night venues ... the bigger the venue the bigger the amount of trouble, therefore, they should be in the accord. The practical issue for the increase of small bars is that often they are just one or two owner/managers who simply do not have time, energy or motivation to be involved in the liquor accord. It is how you would make the small places take some responsibility and be a part of it.³⁵⁷

- 6.29** Ms Hegarty also felt that small bars should participate in accords:

We need to include all the small suppliers in some format ... I guess there are lots of differing factors in small business as opposed to the large suppliers. As far as being good corporate citizens you would think that they should, could and would participate.³⁵⁸

- 6.30** Some venues have been mandated by OLGR, through a condition on their liquor licence, to participate in local liquor accord meetings. However, Ms Martin expressed concern regarding the lack of enforcement by OLGA against venues that fail to do so:

OLGR has actually given us a list of local licensed venues that have on their liquor licence that they are to be a member of the liquor accord. However, the problem is trying to get OLGR to take any action to make them attend a liquor accord.³⁵⁹

- 6.31** Ms Martin concluded by stating that membership of local liquor accords should be made compulsory.³⁶⁰

³⁵⁵ Submission 42, Distilled Spirits Industry Council of Australia, p 5.

³⁵⁶ Ms Julie Hegarty, Vice-President General, Local Government NSW, Evidence, 6 May 2013, p 22.

³⁵⁷ Ms Leanne Martin, Community Safety Coordinator, Manly Council, Evidence, 6 May 2013, p 25.

³⁵⁸ Ms Hegarty, Evidence, 6 May 2013, p 26.

³⁵⁹ Ms Martin, Evidence, 6 May 2013, p 25.

- 6.32** The Australian Hotels Association (AHA) agreed that membership of liquor accords should be made compulsory for all licensed premises in a local community. In addition, the AHA argued that membership should be extended to providers of security services for licensed venues:

This would ensure a more inclusive approach and that all licensed premises, particularly the smaller premises, are more involved in addressing issues relative to their communities. Our other suggestion is that the providers of security services to licensed premises within an accord area be afforded the opportunity to be Liquor Accord members, as this will extend the inclusiveness of Accord membership to those who play a vital role in the good order of premises and local neighbourhoods.³⁶¹

- 6.33** Ms Hannah Spalding, Executive Chairperson, Byron Bay Liquor Accord, also supported mandatory membership as, in Byron, there are ‘definitely people out there who are not members of the accord but who do have an impact on alcohol consumption in Byron Bay’.³⁶²

Case study: Byron Bay Liquor Accord

A liquor accord has existed in Byron Bay for a number of years. However, a more formally constituted liquor accord was established in early 2013, partly following significant concerns regarding alcohol-related violence over the 2012-13 New Year period.³⁶³

The Byron Bay Liquor Accord consists of 23 of the 64 licensed premises in Byron.³⁶⁴ The Accord adopted a formal constitution in March 2013 and agreed to undertake a six month trial of the following restrictions:

- 3 am closing time for all venues
- 1.30 am lockout
- ban on serving doubles, shots, shooters and jugs of alcoholic beverages
- limit of four drinks per patron after midnight
- engagement of a marshal specifically tasked with oversight of responsible service of alcohol practices by venues after midnight on Saturdays
- ban on the sale of takeaway alcoholic energy drinks
- prohibition on the sale of two-litre casks by takeaway venues
- prohibition on takeaway alcohol sales after 11 pm
- an initiative designed to ensure that the external packaging of takeaway liquor contains appropriate warnings.³⁶⁵

³⁶⁰ Ms Martin, Evidence, 6 May 2013, p 25.

³⁶¹ Submission 4a, Australian Hotels Association, pp 10 -11.

³⁶² Ms Hannah Spalding, Executive Chairperson, Byron Bay Liquor Accord, Evidence, 8 October, 2013, p 12.

³⁶³ Ms Spalding, Evidence, 8 October, 2013, p 10.

³⁶⁴ Ms Spalding, Evidence, 8 October 2013, p 10; Answers to questions taken on notice during evidence, 8 October 2013, Detective Superintendent Stuart Wilkins, Tweed-Byron Local Area Command, Question 1.

In addition to these restrictions, and in part to quell the problem of pre-loading, the Accord established a practice of refusing entry to patrons who were seen drinking alcohol on approach to the venue.³⁶⁶

The results of the trial to date have been varied. For example, Detective Superintendent Wilkins informed the Committee that while the Accord had some initial success in reducing alcohol-related violence, the number of assaults had since increased over August and September 2013.³⁶⁷

However, some community members believe that further measures should be taken. Recently a local community group, Last Drinks at 12, began campaigning to restrict late night trading hours to 12 am (from the 3 am currently being trialled) and to limit the supply of high strength drinks. The group is also advocating for a mandatory precinct liquor accord.³⁶⁸

Ms Spalding, Executive Chairperson from the Byron Bay Liquor Accord, said: '[I]f you look at any other liquor accord in the State, they have not put conditions upon themselves ... as severe as the venues in Byron have on themselves'.³⁶⁹ Nonetheless, the Accord acknowledged that more can be done, for example, by developing a stronger collaboration with the Backpacker Association³⁷⁰ or providing education in schools, accommodation and venues.³⁷¹

Both OLGR and the police have been conducting inspections of venues in Byron throughout the trial period. A full understanding of the effectiveness of the trial will not be clear until OLGR reports its findings.

Trading hours and lockouts

- 6.34** Some Inquiry participants argued that altering trading hours and introducing 'lockouts' – where patrons who are in the premises can stay but no one else is allowed to enter – represented one of the most effective strategies to reduce alcohol abuse and alcohol-related violence among young people.
- 6.35** Evidence was presented by some Inquiry participants to suggest that a trial in 2008 of early closing times and lockouts in Newcastle CBD was successful in reducing the level of alcohol-related violence in that area. The impact of restrictions in the Newcastle CBD area is discussed below, followed by consideration of whether these restrictions should be applied state-wide.

The impact of restrictions in the Newcastle CBD area

- 6.36** In March 2008, in response to formal complaints regarding violence, damage to property and disorderly behaviour made by the NSW Police and the local community, the NSW Liquor

³⁶⁵ Ms Tydd, Evidence, 29 April 2013, p 12.

³⁶⁶ Ms Spalding, Evidence, 8 October 2013, p 9.

³⁶⁷ Detective Superintendent Stuart Wilkins, Tweed-Byron Local Area Command, Evidence, 8 October 2013, p 2.

³⁶⁸ Dr Eddington, Evidence, 8 October 2013, p 24; See also Last Drinks at 12, The Plan, accessed 1 November 2013, < <http://www.lastdrinksat12.org.au/feature/the-plan-2/>>

³⁶⁹ Ms Spalding, Evidence, 8 October 2013, p 10.

³⁷⁰ Ms Spalding, Evidence, 8 October 2013, p 10.

³⁷¹ Mr Loren Nowland, Vice Chair, Byron Bay Liquor Accord, Evidence, 8 October 2013, p 13.

Administration Board (now the Independent Liquor and Gaming Authority) imposed additional trading conditions 14 licensed premises with late trading licences in the central business district (CBD) of Newcastle³⁷²

6.37 The restrictions, which came into effect on 21 March 2008, included changing the closure time from 5 am to 3 am, and imposing a ‘lockout’ from 1 am. Following an appeal by eleven of the licensed premises, the lockout and closure times were extended by a further 30 minutes (making the lockout time 1.30 am and closure time 3.30 am).³⁷³

6.38 The main licensing conditions introduced are listed below:

- Imposition of a lockout from 1.30 am for all 14 hotels.
- Bringing forward the closing time to 3.30 am for the 11 premises that were previously licensed to trade until 5 am, and to 2.30 am for the three premises that had previously been licensed to trade until 3 am.
- A supervisor be on the premises from 11 pm until closing with the sole purpose of monitoring responsible service of alcohol.
- From 10 pm there was to be no sale of shots, no sale of mixed drinks with more than 30 mls of alcohol, no sale of ready mixed drinks stronger than five per cent alcohol by volume, no sale of more than four drinks to any patron at one time, and free water stations on every bar.
- Licensees were to ensure patrons did not stockpile drinks.
- The sale of alcohol had to cease 30 minutes prior to closing time.
- A radio network to enable management and security of each hotel to communicate with one another was to be established.³⁷⁴

6.39 Concurrent with the new licensing conditions, BOCSAR and the University of Newcastle conducted a joint study to compare the effect of the restrictions in the Newcastle CBD both before and after the restrictions came into force with the neighbouring district of Hamilton, an entertainment district without restrictions.³⁷⁵

6.40 The study found that with the introduction of the restrictions there was a relative reduction of 37 per cent in assaults per quarter in the Newcastle CBD district (compared with the

³⁷² Kypri K, Jones C, McElduff P, Barker, D, ‘Effects of restricting pub closing time on night-time assaults in an Australian city’, *Addiction*, 2011, 106(2), pp 303-310, p 304.

³⁷³ Kypri K, Jones C, McElduff P, Barker, D, ‘Effects of restricting pub closing time on night-time assaults in an Australian city’, *Addiction*, 2011, 106(2), pp 303-310, p 304; see also, Jones C, Kypri K, Moffatt S, Borzycki C, Price B, ‘The impact of restricted alcohol availability on alcohol-related violence in Newcastle, NSW’, *Crime and Justice Bulletin*, Number 137, NSW Bureau of Crime Statistics and Research, 2009, p 1.

³⁷⁴ Jones C, Kypri K, Moffatt S, Borzycki C, Price B, ‘The impact of restricted alcohol availability on alcohol-related violence in Newcastle, NSW’, *Crime and Justice Bulletin*, Number 137, NSW Bureau of Crime Statistics and Research, 2009, pp 1-2.

³⁷⁵ Kypri K, Jones C, McElduff P, Barker, D, ‘Effects of restricting pub closing time on night-time assaults in an Australian city’, *Addiction*, 2011, 106(2), pp 303-310, p 304.

Hamilton control district) and that 33 assault incidents were prevented per quarter.³⁷⁶ In addition, the study found that there did not appear to have been a geographic displacement of non-domestic violence incidents from the CBD area to the neighbouring Hamilton district.³⁷⁷ It should be noted that the study attached caveats to their results with regard to a number of factors. For example, the comparability of the two districts, the effects only being seen after a time lag, the lack of information regarding patron travel behavior and possible reporting bias.³⁷⁸

6.41 In addition, Associate Professor Nadine Ezard, Clinical Director, Inner City Health Program Alcohol & Drug Service, St Vincent's Hospital, Sydney, referred the Committee to an associated 2012 study by Miller, *et al.* This study found that in the Newcastle area following the interventions, there was a general downward trend in alcohol-related injury presentations to emergency departments.³⁷⁹ Associate Professor Ezard's presentation of this data is shown in Figure 3.

6.42 Mr Peter Remfrey, Secretary, Police Association of NSW suggested that the trial was successful because it targeted late night venues which have higher rates of crime and violence:

Most venues will be shutting at midnight, particularly those in suburban areas and the like. But those that do trade late have a disproportionate relationship with violence and other forms of crime.³⁸⁰

6.43 This was supported by evidence from the City of Sydney Council, which submitted that there is a clear link between trading hours and alcohol-related violence:

International and Australian evidence suggests a clear link between terminal trading hours and levels of alcohol related violence. Trading hours for licensed premises are determined via the respective licensing legislation. Many cities globally do not have 24

³⁷⁶ Kypri K, Jones C, McElduff P, Barker, D, 'Effects of restricting pub closing time on night-time assaults in an Australian city', *Addiction*, 2011, 106(2), pp 303-310, p 307. Assault incidents included common assault, actual or grievous bodily harm, assault of police or shooting with intent other than to murder, as defined under the NSW Crimes Act 1900, and irrespective of whether or not there was a subsequent charge or conviction. Cases were limited to those occurring between 10 p.m. and 6 a.m. within either the CBD postcode areas or the Hamilton postcode area. Such incidents could include any number of people who were recorded as either a person of interest (i.e. a possible perpetrator) or victim. It should be noted that the analysis of the effect of the restriction in closing times was based upon the count of incidents, not of individuals.

³⁷⁷ Kypri K, Jones C, McElduff P, Barker, D, 'Effects of restricting pub closing time on night-time assaults in an Australian city', *Addiction*, 2011, 106(2), pp 303-310, p 307.

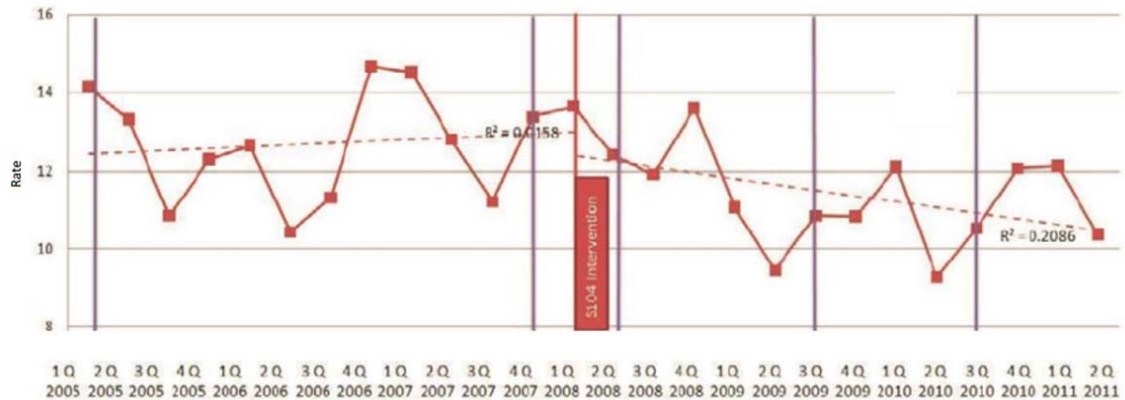
³⁷⁸ Kypri K, Jones C, McElduff P, Barker, D, 'Effects of restricting pub closing time on night-time assaults in an Australian city', *Addiction*, 2011, 106(2), pp 303-310, pp 309-310.

³⁷⁹ Answers to questions taken on notice during evidence 29 April 2013, Associate Professor Nadine Ezard, Clinical Director, St Vincent's Hospital, Inner City Health Program, Alcohol and Drug Service, p 1; referencing Miller P, Tindall J, Sønderlund A, et al. (2012). *Dealing with alcohol-related harm and the night-time economy*. National Drug Law Enforcement Research Fund, Commonwealth of Australia, Canberra, accessed 20 November 2013 <http://www.ndlerf.gov.au/pub/Monograph_43.pdf>

³⁸⁰ Mr Remfrey, Evidence, 29 April 2013, p 23.

hour licensing. Those cities with earlier trading hours tended to have lower levels of alcohol related crime, however many factors influence crime levels.³⁸¹

Figure 3 Rate of injury-related Newcastle emergency department attendances per 10,000 during high alcohol hours of Saturday and Sunday morning, midnight to 5.59 am³⁸²



Source: adapted from Miller *et al* 2012, p38.

- 6.44** Mr Gregory Chilvers, Director, Research and Resource Centre, Police Association of New South Wales, observed that although the Newcastle trial only affected a small number of licensed venues, the small changes implemented had a ‘big impact’:

... most of the Newcastle model would affect only a very small number of venues anyway, and they are usually the very large ones ... We are not talking about closing. We are talking about coming back from 3.30 a.m. to a 1.00 a.m. lockout. It is tiny stuff, but it has a big impact.³⁸³

- 6.45** Mr Remfrey expressed the view that the Newcastle model worked because it encouraged people to leave the area after the lockout times. However he advised that in order for the solution to work, both lockouts and earlier closing times had to be implemented together, otherwise people would simply be pushed out on to the streets together:

... if you introduce a lock out combined with a 3.30 a.m. shut down you avoid a lot of the problems. You cannot do one without the other, I might add. If you have a 3.30 a.m. shut down then everyone is out on the street at the one time, but if you combine that with a lock out at 1.30, for example, then people will leave. They cannot get in anywhere else; the only alternative is to go home.³⁸⁴

³⁸¹ Submission 48, City of Sydney, p 2.

³⁸² Answers to questions taken on notice during evidence 29 April 2013, Associate Professor Nadine Ezard, Clinical Director, St Vincent's Hospital, Inner City Health Program, Alcohol and Drug Service, Question 1, p 1.

³⁸³ Mr Gregory Chilvers, Director, Research and Resource Centre, Police Association of New South Wales, Evidence, 29 April 2013, p 25.

³⁸⁴ Mr Remfrey, Evidence, 29 April 2013, p 24.

- 6.46** The positive effects of lockouts were further highlighted by Associate Professor Ezard, who noted that ‘if you reduce the hours, you reduce the duration of consumption time, so therefore you reduce total volume consumption and all the problems that follow on from that’.³⁸⁵

State-wide applicability

- 6.47** Some Inquiry participants suggested that the measures implemented in the Newcastle trial should be implemented in other areas in the State where problems with alcohol-related violence were occurring, and that the Government should consider a State-wide trial of the restrictions.
- 6.48** The Police Association of New South Wales proposed that the trial of reduced opening hours be extended across New South Wales for a period of twelve months and that lockouts be imposed from 1 am for all hotels across the State.³⁸⁶
- 6.49** Mr Chilvers suggested that, although the Newcastle model may not be a solution to all the problems in terms of alcohol-related violence, it was a ‘no-brainer’, adding: ‘the evidence is so overwhelming that we can address that part of the problem almost immediately’.³⁸⁷
- 6.50** The Foundation for Alcohol Education and Research (FARE) agreed and asserted that the NSW Government should wind back late night trading hours. The Foundation recommended that the Government legislate to introduce a 12 month state-wide trial of the reduction of trading hours based on the model of restrictions used in Newcastle. In addition, FARE argued the trial should be independently evaluated to ascertain the ‘social, health, crime and economic effects of these trading controls’.³⁸⁸
- 6.51** Mr Scott Weber, President, Police Association of New South Wales argued that the restrictions implemented in Newcastle are a ‘model that can work and reduce this violence across the State’.³⁸⁹ Implementing these ‘modest restrictions’ Mr Weber asserted would provide a ‘silver bullet’ to start rectifying the problems associated with alcohol-related violence:

When we see a 37 per cent reduction in alcohol-related assaults this is a strategy that needs to be implemented across the State, and it beggars belief for all police officers that this has not been introduced ... We are sick and tired of police officers being assaulted, but, most importantly, we are sick and tired of the community being injured when we can prevent these crimes ... With these modest restrictions we believe this is a start to tackling this multifaceted problem ... if we want a silver bullet that can actually start to rectify the problem straightaway we believe the Newcastle model is it.³⁹⁰

³⁸⁵ Associate Professor Nadine Ezard, Clinical Director, St Vincent's Hospital, Inner City Health Program, Alcohol and Drug Service, Evidence, 29 April 2013, p 46.

³⁸⁶ Submission 29, p 26.

³⁸⁷ Mr Chilvers, Evidence, 29 April 2013, p 22.

³⁸⁸ Submission 13, The Foundation for Alcohol Education and Research, p 6.

³⁸⁹ Mr Scott Weber, President, Police Association of New South Wales, Evidence, 29 April 2013, p 21.

³⁹⁰ Mr Weber, Evidence, 29 April 2013, p 21.

- 6.52** Dr Robert Graham, Chair, Addiction Medicine Policy and Advocacy Committee, New South Wales Branch, Chapter of Addiction Medicine, Royal Australasian College of Physicians expressed the view that the restrictions imposed in Newcastle would be equally as effective elsewhere:

I think there is every reason to think it would be just as successful. I know the alcohol industry has tried to argue that there are specific local factors that make it successful in the Newcastle area only, but once again it goes back to those basic questions of availability and opening hours, outlet density and so forth. Considering how mild the change was in Newcastle in terms of the opening hour restrictions, it had an enormous reduction in problems ... There is every reason to think that you would see a similar and widespread change if those policies are rolled out across the State.³⁹¹

- 6.53** However not all stakeholders agreed that the model of early closing times and lockouts would be applicable to other areas. For example, Mr David Cass, representative, Australian Hotels Association (AHA), said that while the AHA did not refute the reductions in alcohol-related violence in Newcastle, local solutions should be applied to each situation:

We are not arguing it, we are not refuting it. But in Newcastle, as indeed in other entertainment precincts ... we believe that there has to be a different approach. You have got to look at each individual situation. Newcastle is different to Kings Cross and the mindset of the patrons is different, which is different to Manly or Byron. We are saying that in each instance local solutions for local issues is the way to go. A one-size-fits-all blanket approach that our friends at the Police Association may be suggesting is not the panacea to all these ills.³⁹²

- 6.54** The AHA further suggested that blanket closing times may actually cause more problems as they push many people on to the street at one time:

It is pointed out that there is no current study which has identified that either lockouts or blanket closing times are successful. Lockouts actually cause more conflict at doors of venues and on the streets, and blanket closing hours tip people onto the streets all at the one time and create more neighbourhood disturbances.³⁹³

- 6.55** ClubsNSW also questioned whether measures such as the Newcastle model would be effective across the State and insisted that measures should instead be targeted at particular venues:

The current regulatory and licensing framework is sufficient for licensed clubs and does not require further amendment. While it is clear that the incidence rate of alcohol related violence is more prominent in certain licensed premises types, appropriate, targeted action is needed to address the issue.³⁹⁴

- 6.56** The Distilled Spirits Industry Council of Australia agreed and contended that there was 'growing concern' that blanket trading restrictions imposed hardships on venues which were not associated with alcohol-related harms:

³⁹¹ Dr Robert Graham, Chair, Addiction Medicine Policy and Advocacy Committee, New South Wales Branch, Chapter of Addiction Medicine, Royal Australasian College of Physicians, Evidence, 29 April 2013, p 46.

³⁹² Mr David Cass, Australian Hotels Association, Evidence, 6 May 2013, p 58.

³⁹³ Submission 4a, p 8.

³⁹⁴ Submission 45, pp 11-12.

Use of legislation to this end may seem reasonable, however, there is growing concern that the application of regulations that impact on all licensed premises within an area, whether they have been associated with inappropriate practices and violence or not, imposes considerable hardship on many well-run and managed facilities.³⁹⁵

- 6.57** In addition to concerns regarding trading hour restrictions, some Inquiry participants opposed the ban on selling spirits after 10 pm. For example, Diageo Australia questioned the restrictions in the Newcastle trial on the sale of spirits, contending that there is no ‘specific evidence’ supporting the view that spirits needed to be more restricted than other alcoholic products:

In NSW, spirits restrictions were first introduced as part of a “suite of measures” in Newcastle ... Although there is some data to suggest that the suite of measures has been effective in reducing harm in and around that particular area of Newcastle, albeit at a disproportionate cost to industry and consumers, there is no specific evidence to support the view that spirits are more harmful than other products.

Singling out one product category as the problem fails to reduce or slow down consumption amongst the minority who choose to drink to excess. It only penalises the responsible spirits drinker who should be able to choose a cocktail, a neat serve of spirit ... or a premium strength pre-mixed RTD [Ready to Drink beverages].³⁹⁶

- 6.58** The Distilled Spirits Industry Council of Australia expressed a similar view and asserted that measures such as banning shots were ineffective and that they were a ‘distraction’ from the real problem – i.e. the person who is seeking to get drunk and be violent – and that consumers who prefer distilled spirits were being unfairly penalised:

Such bans on products and serving practices are merely nominating those products/practices as the ‘problems’, and are a distraction from concentrating on the person who is looking to get drunk or into a fight. The product or serving practice bans do nothing to shift that person’s views or goals. Nor are these bans an effective deterrent, given that every other alcohol product is still freely available. All drinkers have preferred types of drinks – but no drinker is exclusively wedded to their preference, and will substitute to their next preference.³⁹⁷

- 6.59** According to the Distilled Spirits Industry Council there has to be a ‘general recognition that the interrelationship between excessive alcohol consumption and violence is complex, multifaceted and requires consideration of a wide set of interacting variables’.³⁹⁸

Other measures to reduce alcohol-related violence

- 6.60** This section examines other measures which have been introduced by the NSW Government to combat alcohol-related violence, including expanded police ‘move-on’ powers, and a new intoxicated and disorderly offence. The role of Alcohol Free Zones in managing street drinking and pre-loading is also explored.

³⁹⁵ Submission 42, p 16.

³⁹⁶ Submission 41, Diageo Australia, p 13.

³⁹⁷ Submission 42, p 17.

³⁹⁸ Submission 42, p 14.

Kings Cross management plan

- 6.61** In September 2012 the NSW Government announced a suite of specific measures to target alcohol-related violence in and around licensed venues in Kings Cross through the *Liquor Amendment (Kings Cross) Regulation 2012*.³⁹⁹ In addition to these measures there is also a freeze on new liquor licences for the Kings Cross precinct until 2015.⁴⁰⁰
- 6.62** Implementation of the Government's measures began in December 2012 and included the following restrictions (though not all measures applied to all venues):
- 'Round the clock' incident registers
 - promotion of late night transport options
 - service of alcohol to cease one hour before late closing time on weekends
 - CCTV systems
 - 'Time outs' for 24-hour premises on weekends
 - glasses prohibited during general late trading
 - notification of violent incidents to police
 - exclusion of outlaw motorcycle gangs
 - removal of litter from outside premises
 - RSA marshals to be on duty during weekend late trading
 - prohibition of certain drinks during weekend late trading
 - provision of alcohol sales data
 - customer responsibility and advice.⁴⁰¹
- 6.63** The Hon George Souris MP, Minister for Tourism, Major Events, Hospitality and Racing, stated that since the regulations had been implemented in December 2012 and the period ending 31 March 2013 there had been a 33 per cent reduction in violent incidents in licensed premises compared to the in the previous year in the Kings Cross precinct.⁴⁰²
- 6.64** Following the reduction in alcohol-related violence in Kings Cross, in August 2013 the NSW Government introduced the second stage of its plan of management for the Kings Cross precinct through the *Liquor Amendment (Kings Cross) Regulation 2013*. This regulation complements the previous regulations for Kings Cross by introducing the following additional measures to reduce alcohol-related violence:

³⁹⁹ Submission 46, p 30; see also NSW Office of Liquor, Gaming and Racing, *Fact sheet - Special licence conditions for premises in Kings Cross*, accessed 6 October 2013, <http://www.olgr.nsw.gov.au/pdfs/kings_cross_spec_cond_factsheet.pdf>

⁴⁰⁰ *LA Debates* (22/8/2013) 22679.

⁴⁰¹ NSW Office of Liquor, Gaming and Racing, *Fact sheet - Special licence conditions for premises in Kings Cross*, accessed 6 October 2013, <http://www.olgr.nsw.gov.au/pdfs/kings_cross_spec_cond_factsheet.pdf>

⁴⁰² *LA Debates* (22/8/2013) 22679.

- The introduction of precinct-wide temporary banning orders to be issued by the police for up to 48 hours.
- Enabling the Independent Liquor and Gaming Authority to issue a long-term precinct-wide banning order to prohibit someone subject to such an order from entering or attempting to enter high-risk licensed premises in the Kings Cross precinct for up to 12 months.
- The introduction of ID scanning facilities of all patrons who enter high-risk venues in the precinct through a linked scanning system.⁴⁰³

Multi-venue barring of patrons

- 6.65** The 2013 regulation introduced proposals for a linked ID scanning system in Kings Cross. This type of system already successfully operates in other areas of the State and allows intoxicated or anti-social patrons to be barred from multiple venues.
- 6.66** ClubsNSW observed that a number of liquor accords have begun ‘multi-venue patron barring’ schemes to stop evicted patrons attempting to enter other premises:

As an additional harm minimisation measure, licensed clubs have recently begun to participate in multivenue patron barring schemes via their liquor accord. Multi-venue patron barring is a system where all licensees in an accord agree to bar troublesome patrons from all venues in an area for a specific period of time, with the intent of stopping patrons who have been evicted from one premises attempting to gain entry to another.⁴⁰⁴

- 6.67** In addition, ClubsNSW informed the Committee that a similar system was already in use at clubs and noted that the scheme allowed them to effectively control patron behaviour:

Unlike other licensed venues, where a patron is essentially anonymous, strict entry requirements and codes of conduct- by which club members must abide by or face disciplinary action or suspension of membership, mean that clubs can more effectively control patron behaviour than any other licensed premises.⁴⁰⁵

- 6.68** Five venues in the Newcastle Liquor Accord are currently trialling the use of ID scanners linked with a radio network to monitor patrons who have been excluded or refused entry at other venues. Ms Tydd told the Committee that feedback from the trial has been positive:

... if the patron is removed from a venue, then the system is updated to ensure that the other venues are alerted to the fact that a particular individual has been removed or banned from that particular premise. That sharing of information has enabled the Newcastle licensees to manage both attendance upon a licensed venue but also when someone has been removed from a licensed venue. The feedback through the accord has been that that particular strategy has been very effective because of its immediacy and because of the fact that there is a sharing of data between those five venues.⁴⁰⁶

⁴⁰³ *LA Debates* (22/8/2013) 22680.

⁴⁰⁴ Submission 45, ClubsNSW, p 9.

⁴⁰⁵ Submission 45, p 8.

⁴⁰⁶ Ms Tydd, Evidence, 29 April 2013, p 19.

- 6.69** The Australian Hotels Association also noted the effectiveness of patron identification scanning as a tool to reduce alcohol-related violence. With particular reference to Newcastle, the Association noted that with the introduction of ID scanning and multi-venue barring, patron behaviour improved:

... Problematic patrons were removed and the behaviour of patrons – who realised their own actions determined what would occur next – also improved. People socialising in night-time Newcastle became responsible for their own actions – and there has been no need for extra sanctions. Targeting the troublemakers - through scanning and barring – is what has actually improved the Newcastle situation.⁴⁰⁷

- 6.70** The AHA argued that the targeting of patron behaviour with ID scanning and multi-venue barring has been more effective in reducing alcohol-related violence than the 2008 trading restrictions.⁴⁰⁸

Move-on powers

- 6.71** As discussed in Chapter 2, the *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPRA) provides police with powers to direct an intoxicated person to move-on from a public place and not return for a specified period.⁴⁰⁹ Failure to comply with a move-on direction for being intoxicated and disorderly is an offence which can result in a fine of up to \$220.⁴¹⁰
- 6.72** LEPRA was further amended in 2011 by the *Summary Offences Amendment (Intoxicated and Disorderly Conduct) Act 2011*, to allow police to give a direction to an intoxicated person on the grounds that their behavior is ‘disorderly’.⁴¹¹ In addition, the Act specifies that a person who has been given a move-on direction may be guilty of an offence if they are intoxicated and disorderly in the same or another public place within six hours of the move-on direction.⁴¹²
- 6.73** In addition to move-on powers, a further offence of ‘failure to leave’ is committed when a patron of a licensed venue refuses to leave when asked to do so by staff. Patrons can be removed from licensed premises for a number of reasons, including being intoxicated, violent, quarrelsome, disorderly, smoking, or using or possessing prohibited drugs.⁴¹³
- 6.74** Once evicted, the person must not re-enter or attempt to re-enter the premises within 24 hours and must not remain in the vicinity of the premises or re-enter the vicinity within six

⁴⁰⁷ Submission 4a, p 7.

⁴⁰⁸ Submission 4a, p 7.

⁴⁰⁹ NSW Ombudsman, *Summary Offences Act 1998, Section 9: Continuation of intoxicated and disorderly behavior following move on direction – Issues Paper*, December 2012, p 1.

⁴¹⁰ NSW Ombudsman, *Review of the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Act 2011 – Information Sheet*, March 2012, p 1.

⁴¹¹ NSW Ombudsman, *Review of the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Act 2011 – Information Sheet*, March 2012, p 1.

⁴¹² NSW Ombudsman, *Review of the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Act 2011 – Information Sheet*, March 2012, p 1.

⁴¹³ NSW Office of Liquor, Gaming and Racing, Patrons, accessed 28 August 2013, <http://www.olgr.nsw.gov.au/liquor_patrons.asp>

hours. People committing a ‘failure to leave’ offence or returning to the vicinity face an on-the-spot fine of \$550 for each offence and maximum court fines of \$5,500.⁴¹⁴

- 6.75** Mr Loren Nowland, Vice Chair, Byron Bay Liquor Accord, stated that the move-on notices were showing ‘real traction’ in Byron. However, he noted that a subsequent issue arises when the refused persons remain on the streets:

The move-on order ... was high in Byron Bay, because as venue owners we know that if we refuse you service then you are going to get refused everywhere else. With one text message every security guard in town will know that the guy in the green coat is not to come in. So that was not our issue; our issue was that those people were stuck out on the streets. Of course when we get off the phone and we use that move-on order they have not been in our venue and we are not liable for anything. So we need to get this guy off our streets. What the police choose to do with this guy is up to them.⁴¹⁵

Sobering up centres

- 6.76** In 2013 the NSW Government introduced the *Intoxicated Persons (Sobering Up Centres Trial) Act*, to establish a trial of three sobering up centres to allow intoxicated people who are at risk of harm to themselves or others. The trial will be evaluated after 12 months.⁴¹⁶

- 6.77** Two different types of sobering up centres are being trialled:

- a mandatory police-run centre established at cells in Central Street Sydney and encompass the local area commands of Kings Cross, City Central, Surry Hills and The Rocks
- two non-mandatory centres, one in Coogee and the other in Wollongong, operated by non-Government providers.⁴¹⁷

- 6.78** Intoxicated people may be forcibly held in the police-run mandatory centre in Sydney if they fail to obey a move-on direction issued by police due to intoxication. Further, the intoxicated person must be over 18, be potentially violent or acting in an anti-social manner, and be at risk of serious harm.⁴¹⁸

⁴¹⁴ NSW Office of Liquor, Gaming and Racing, Patrons, accessed 28 August 2013, <http://www.olgr.nsw.gov.au/liquor_patrons.asp>

⁴¹⁵ Mr Nowland, Evidence, 8 October 2013, p 14.

⁴¹⁶ NSW Department of Family and Community Services, Fact sheet – Sobering up centres, accessed 1 November 2013, <http://www.facs.nsw.gov.au/__data/assets/pdf_file/0020/263261/Sobering_upcentres_Factsheet_JAN2013.pdf>

⁴¹⁷ NSW Department of Family and Community Services, Fact sheet – Sobering up centres, accessed 1 November 2013, <http://www.facs.nsw.gov.au/__data/assets/pdf_file/0020/263261/Sobering_upcentres_Factsheet_JAN2013.pdf>

⁴¹⁸ NSW Police Force, *Fact sheet – Sobering up centres*, accessed 1 November 2013, <http://www.police.nsw.gov.au/__data/assets/pdf_file/0009/254295/Sobering_Up_Centres_Fact_Sheet.pdf>

- 6.79** In order to be admitted to the two non-mandatory centres in Coogee and Wollongong, intoxicated people must be at risk of serious harm to themselves or others and pose a public nuisance but they must also consent to being admitted to the centre.⁴¹⁹
- 6.80** People who are detained in the mandatory, police-run sobering up centre will be issued with an infringement notice for refusing a move-on direction. Further, any intoxicated person who is alleged to have committed an offence will not be admitted to a sobering up centre, rather they will be arrested and taken to a police station to be interviewed, assessed and potentially charged.⁴²⁰
- 6.81** Those detained in the mandatory Sydney sobering up centre will be subject to a cost recovery charge. The first admission is \$200, the second admission \$400, a third admission incurs a \$600 fine and a fourth admission an \$800 fine.⁴²¹

Alcohol free areas

- 6.82** Some Inquiry participants raised concerns regarding young people ‘pre-loading’ and consuming alcohol in public places. Alcohol Free Zones and Alcohol Prohibited Areas are tools by which local councils and police can help reduce alcohol-related harms on public land.⁴²² However, it was suggested that the police require greater powers to seize unopened alcohol and issue fines where people are caught drinking in these areas to effectively enforce them.
- 6.83** The *Local Government Act 1993* originally provided local councils with the power to establish alcohol free zones. The aim of alcohol free zones is to ‘promote the safe use of roads, footpaths and public car parks without interference from anti-social behaviour caused by public drinkers’.⁴²³
- 6.84** Legislative amendments in 2008 enabled police officers or enforcement officers (i.e. employees of a Council authorised in writing by the Commissioner of Police) to seize any

⁴¹⁹ NSW Police Force, *Fact sheet – Sobering up centres*, accessed 1 November 2013, <http://www.police.nsw.gov.au/__data/assets/pdf_file/0009/254295/Sobering_Up_Centres_Fact_Sheet.pdf>

⁴²⁰ NSW Police Force, *Fact sheet – Sobering up centres*, accessed 1 November 2013, <http://www.police.nsw.gov.au/__data/assets/pdf_file/0009/254295/Sobering_Up_Centres_Fact_Sheet.pdf>

⁴²¹ Intoxicated Persons (Sobering Up Centres Trial) Regulation 2013, Regulation 8, accessed 29 October 2013, <http://www.austlii.edu.au/au/legis/nsw/consol_reg/ipuctr2013572/s8.html>

⁴²² Department of Local Government, *Alcohol prohibited areas – Amendments to the Local Government Act 1993, Circular 10-33*, accessed 20 November 2013 <<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Circulars/10-33.pdf>>; Department of Local Government, *Alcohol Free Zones – Amendments to legislation, Circular 08-76*, accessed 5 November 2013 <<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Circulars/08-76.pdf>> Alcohol-Free Zones cover the consumption of alcohol in public roads, footpaths and car parks. Alcohol Prohibited Area prohibit the consumption of alcohol in any public place or part of a public place (such as a park or beach).

⁴²³ Department of Local Government, *Alcohol Free Zones – Amendments to legislation, Circular 08-76*, accessed 5 November 201 <<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Circulars/08-76.pdf>>

alcohol in the immediate possession of a person in an alcohol free zone. (The previous requirement to issue a warning was removed.)⁴²⁴ Further legislation in 2010 provided the police and authorised enforcement officers confiscation and ‘tip-out’ powers for Alcohol Prohibited Areas, providing consistent enforcement powers for all alcohol free areas.⁴²⁵

6.85 Once seized, the alcohol can be disposed of by immediately tipping it out or in accordance with directions given by the Commissioner of Police or council. A fine of \$20 can be issued to persons caught drinking in an alcohol free area.⁴²⁶ If a person does not co-operate with a police officer (or enforcement officer), they can be charged with obstruction, an offence which carries a maximum penalty of \$2,200.⁴²⁷

6.86 Ms Tydd described how OLGR works with local councils to try to discourage drinking in public places by creating alcohol free zones, giving the example of Byron Bay:

... in Byron Bay consumption in public spaces has been identified as an issue ... there are provisions for alcohol free zones in public spaces. Again we are working with councils to identify where those spaces are and ensure they are alcohol free zones which will allow police to intervene.⁴²⁸

6.87 Ms Hegarty supported the use of alcohol free zones to protect the amenity of the community. She illustrated how an alcohol free zone had successfully curbed public drinking in Pittwater, but noted that this had come at a cost to the local community:

On Australia Day we had an issue in Pittwater where there was a large group of young people on the beach. So the following Australia Day we enacted an alcohol-free zone, but it was just for that day. But then that is a cost to the community. The people out there drinking may or may not be from that particular local government area. My local government area and my ratepayers and community are forced to pay for the signage and monitoring of that.⁴²⁹

6.88 One concern with the effectiveness of alcohol free zones, raised by Mr Weber, was that although the police can seize alcohol in open containers and confiscate any unopened containers in an alcohol free area, the unopened alcohol can be reclaimed from the police station. This, Mr Weber argued, meant that people did not have much to lose:

Firstly, when we turn up you pour out the alcohol that has been opened and confiscate the rest of it. If that person is over 18, they can come into the police station

⁴²⁴ Department of Local Government, *Alcohol Free Zones – Amendments to legislation, Circular 08-76*, accessed 5 November 201 < <http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Circulars/08-76.pdf> >

⁴²⁵ Department of Local Government, *Alcohol prohibited areas – Amendments to the Local Government Act 1993, Circular 10-33*, accessed 20 November 2013 < <http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Circulars/10-33.pdf> >

⁴²⁶ Answers to questions taken on notice during evidence 29 April 2013, Police Association of New South Wales, Question 1, p 1.

⁴²⁷ Department of Local Government, *Alcohol Free Zones – Amendments to legislation, Circular 08-76*, accessed 5 November 201 < <http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Circulars/08-76.pdf> >

⁴²⁸ Ms Tydd, Evidence, 29 April 2013, p 17.

⁴²⁹ Ms Hegarty, Evidence 6 May 2013, p 25.

and reclaim it or, if they are under 18, a responsible guardian can. So they have not lost too much really other than the fact that they are moved on. There are fines that we can issue but they are very minor fines.⁴³⁰

6.89 Other police officers similarly felt that the alcohol free areas could be more effective. For example, Detective Superintendent Stuart Wilkins, Tweed-Byron Local Area Command, expressed frustration that although most of Byron Bay is an alcohol-free zone ‘it is really difficult for us because the legislative power is there for us to seize open containers of alcohol but not seize alcohol and it is difficult for us to take action’.⁴³¹

6.90 Mr Weber also expressed frustration that people consuming alcohol in alcohol free areas soon learn the rules and how to avoid police enforcement:

In your coastal areas you would know you get the same people every weekend and they know the rules after two or three weeks. They will hide their alcohol, have their one drink and see the police coming up so they will scull that and move on and come back half an hour later.⁴³²

6.91 Mr Weber recommended that police be authorised to permanently seize alcohol from people drinking in alcohol free zones and issue greater fines. He suggested that doing so would send a more effective message through the community:

... if people are drinking in those non-alcohol designated zones there has to be a punishment a lot more severe than there is— confiscation of the alcohol forever, fines, all those facets, so it stops the behaviour ... alcohol could be taken away and never given back and obviously destroyed ... If it is designated as a zone that has that prohibition, they should highlight the fine straight away. If that occurred it would send a ripple through the rest of the community. Obviously they may move to other places and then the council can designate that, and eventually you would stop that issue.⁴³³

6.92 Ms Spalding of Byron Bay’s Liquor Accord agreed, stating that giving the police more powers with regard to street drinking is ‘definitely something that I would like to see changed’:

The police should have greater powers over people consuming alcohol ... If the police come by, all they can do is grab the bottle they are drinking from. They could have another 24 beers or whatever sitting in the boot of their car.⁴³⁴

Committee comment

6.93 Alcohol-related violence is of significant concern in communities across New South Wales. Of all the alcohol-related harms, violence clearly causes the most anxiety and distress, particularly where young people are involved.

⁴³⁰ Mr Weber, Evidence, 29 April 2013, p 27.

⁴³¹ Detective Superintendent Wilkins, Evidence, 8 October 2013, p 6.

⁴³² Mr Weber, Evidence, 29 April 2013, p 27.

⁴³³ Mr Weber, Evidence, 29 April 2013, pp 27-28.

⁴³⁴ Ms Spalding, Evidence, 8 October, 2013, p 15.

- 6.94** The responsible service of alcohol is an important strategy in the management of alcohol-related harm in licensed venues and associated precincts. We are concerned by evidence that some venues are not adhering to the RSA guidelines, or that these are poorly enforced by the relevant authorities. The Committee also notes the difficulties faced by licensees and staff to determine the level of intoxication of their patrons, especially assessing patrons who have pre-loaded.
- 6.95** The Committee believes that liquor accords can play a key role in reducing alcohol-related violence in a community. They provide a local focus on alcohol-related problems in a community, and can offer tailored solutions to meet the distinctive needs of an area. However, it is apparent from the evidence received that some liquor accords are not working to their full potential. The Committee was convinced by evidence that for a liquor accord to be effective, membership should include all liquor licensees in the accord area. In addition, the Committee believes that each liquor accord should produce, in consultation with their local community, transparent, accountable action plans which identify how the accord proposes to reduce any alcohol-related harms within their area. These should be published on the OLGR website.
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Recommendation 5

That the NSW Government require all liquor licensees within an area covered by a local liquor accord to be a member of that accord.

Recommendation 6

That the NSW Office of Liquor, Gaming and Racing require each liquor accord to produce, in consultation with their local community, transparent, accountable action plans which identify how the accord proposes to reduce any alcohol-related harms within their area. These action plans should be published on the OLGR website.

- 6.96** The Committee notes the evidence that the suite of measures implemented in the Newcastle trial was effective in reducing alcohol-related harms. However, the Committee believes communities would be best served by implementing measures via local liquor accords, tailored to suit local issues of concern. For example, what may be appropriate in a small locality may be inappropriate for a large entertainment precinct such as Kings Cross.
- 6.97** The evidence indicates that alcohol free areas can help reduce alcohol-related harm in public spaces. We therefore believe that consideration should be given to increasing the penalties for people consuming alcohol in alcohol free areas, and providing legislative powers for the confiscation and disposal of all alcohol.
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Recommendation 7

That the NSW Government consider increasing the penalties for people consuming alcohol in alcohol free areas, and providing legislative powers for the confiscation and disposal of all alcohol.

6.98 Given we now know the financial impacts of alcohol abuse to the NSW Government, the NSW Government consider the merits of introducing a licensing structure which reflects a more proactive and preventative approach to alcohol-related harm. This harm minimisation approach will help reduce alcohol-related health, social and economic harm. Risk based licensing fees have been adopted in many jurisdictions in response to the harms which result from the increased availability of alcohol.

Recommendation 8

That the NSW Government consider the merits of introducing a risk based licensing fee system which provides licensees with financial incentives to reduce alcohol-related harm and adopt more responsible business models.

Chapter 7 Alcohol education and secondary supply

This Chapter reviews the effectiveness of education programs that seek to reduce the incidence of harmful drinking, including campaigns targeted at young people. The supply of alcohol to minors by their parents and other adults is then discussed, including the need to educate parents and other adults on their legal responsibility with regard to secondary supply.

Education

7.1 Inquiry participants discussed three types of educational campaign: those which operate at a population level; those which seek to educate specific communities; and those which target young people in particular.

7.2 A number of population based campaigns designed to raise awareness of harmful drinking have been launched in recent years, by both Federal and State governments. The New South Wales Government has recently launched two campaigns to encourage the responsible consumption of alcohol - *Know when to say when* and *What are you doing to yourself*.⁴³⁵

7.3 A number of population based campaigns have also been devised and promoted by non-government and industry organisations. For instance, DrinkWise Australia, an independent, not-for-profit organisation established by the alcohol industry, in 2013 launched the *Kids absorb your drinking* campaign. This campaign highlighted the role of parents in the development of young peoples' drinking habits, and aimed to affect generational change in the way all Australians consume alcohol.⁴³⁶ As the Liquor Stores Association, also a member of DrinkWise Australia, explained:

... The "Kids Absorb Your Drinking" ad campaign ... demonstrates how parents' attitudes and actions around alcohol, especially in a social setting such as the "Great Aussie backyard BBQ" can strongly influence their children and potentially influence the decisions they make towards alcohol in the future.⁴³⁷

7.4 At a community education level, the Committee received evidence from representatives from the Broken Hill Drug Action Team who discussed the 'Drink Safe Community Initiative' which was implemented in Broken Hill in 2009. Mr Jason Hammond, Vice President, stated that the initiative was implemented in response to concerns within the Broken Hill community about the level of alcohol-related violence among young people.⁴³⁸ The initiative, although aimed specifically at young people, reached into all aspects of community life:

The Broken Hill Community Drug Action Team implemented its Drink Safe Community Initiative 2009-2010 ... Over the two-year project true local collaboration focussed on working towards a drink safe town. Although aimed specifically at 15 to

⁴³⁵ NSW 2021: A plan to make NSW number one, p 23, accessed 15 April 2013, <http://www.2021.nsw.gov.au/sites/default/files/NSW2021_WEB%20VERSION.pdf>

⁴³⁶ Submission 52, Liquor Stores Association of New South Wales, p 11.

⁴³⁷ Submission 52, p 11.

⁴³⁸ Mr Jason Hammond, Vice President, Broken Hill Community Drug Action Team, Evidence, 6 May 2013, p 2.

17 years, the project reached all areas of the community and different aspects of citizens' life, including education, leisure, sport and social support...⁴³⁹

- 7.5** Mr Hammond explained that in addition to reducing alcohol-related harms among the targeted 12 to 24 age group, there were also positive outcomes in other age groups:

... positive outcomes were experienced in other age groups, including reductions in alcohol-related crime, ED [emergency department] presentations, community leadership and advocating an empowerment for communities to make informed decisions around alcohol consumption...⁴⁴⁰

- 7.6** Byron Youth Service also highlighted their community based campaign 'Cringe the Binge' which seeks to reduce alcohol abuse among young people. Mr Simon Richardson, Mayor, Byron Shire Council, commented on the success of the campaign:

It is a wonderful program because rather than telling young people not to drink ...it reflects reality. The message is that if they drink, they should drink smarter It reflects what young people think and they are responding to it. It just won a Queensland advertising award for creativity.⁴⁴¹

- 7.7** Local Government NSW offered several examples of community based campaigns, which councils have been involved with, which seek to educate young people on the harm alcohol abuse can cause.⁴⁴²

- 7.8** Education which targets young individuals may take place through health treatment and interventions or through schools-based programs. Ms Elizabeth Tydd, Executive Director, NSW Office of Liquor, Gaming and Racing, explained that their approach includes a 'strong focus' on education, including schools:

Recently we launched the Out Tonight? Party Right interactive game that has been included as part of the secondary school curriculum to educate young people around alcohol-related harm, informed decision-making and responsible drinking practices.

... It is currently being implemented and we will evaluate that after 12 months of operation. It applies from year 9 upwards in the secondary setting.⁴⁴³

Does alcohol education work?

- 7.9** Inquiry participants presented differing views regarding the effectiveness of alcohol education. Some Inquiry participants suggested that mass media campaigns which target whole populations have limited effect due to the significantly greater resources employed in the promotion of alcohol. For instance, the Royal Australasian College of Physicians argued that

⁴³⁹ Mr Hammond, Evidence, 6 May 2013, p 2.

⁴⁴⁰ Mr Hammond, Evidence, 6 May 2013, p 3.

⁴⁴¹ Mr Simon Richardson, Mayor, Byron Shire Council, Evidence, 8 October 2013, p 38.

⁴⁴² Submission 51, Local Government NSW, p 8.

⁴⁴³ Ms Elizabeth Tydd, Executive Director, NSW Office of Liquor, Gaming and Racing, Evidence, 29 April 2013, p 12.

the benefits of population based campaigns usually dissipate rapidly and cannot compete with the size and impact of industry advertising:

Mass media campaigns are known to be of limited effectiveness in reducing the harms associated with alcohol consumption. The limited benefits detected are usually rapidly dissipated. ... Additionally, these campaigns cannot compete with the size and impact of industry advertising.⁴⁴⁴

- 7.10** This view was echoed by the Inner City Health Program Alcohol & Drug Service, St Vincent's Hospital, Sydney, which argued that educational campaigns were often dwarfed by the resources of advertising and industry influence:

Large scale education campaigns are not favoured due to the limited benefits of such campaigns and such campaigns being dwarfed by the resources, reach and impact of alcohol industry advertising and influence.⁴⁴⁵

- 7.11** Other Inquiry participants proposed that although schools-based education should form part of a suite of measures to reduce alcohol abuse, this education needed to be evaluated to assess its effectiveness. According to the City of Sydney Council:

... there is very little evaluation and evidence to suggest that they deliver a reduction in risky drinking or alcohol related harm. The recommendation is for greater longer term evaluations of educational campaigns and consideration be given as to whether education campaigns represent the most effective strategy for reducing risky drinking practices.⁴⁴⁶

- 7.12** Professor Katherine Conigrave, Director of the Foundation for Alcohol Research and Education (FARE) suggested that the evidence in support of the effectiveness of alcohol education is variable:

... there is far stronger evidence for limiting supply than there is for things like education. Education has rather variable evidence. It can have an effect, if done in the proper way—not just any education. It has to be evidence-based and actually changing thinking, behaviour and skills. But the strongest evidence is for things like closing hours.⁴⁴⁷

- 7.13** According to the Inner City Health Program Alcohol & Drug Service, St Vincent's Hospital, Sydney, 'school-based campaigns have been shown to be of limited effectiveness'.⁴⁴⁸ The Southern NSW Medicare Local & Eurobodalla Shire Council expressed similar sentiments:

The current school based alcohol education is based upon health information and harm minimisation and are not considered to have achieved great success. Many factors work against the alcohol health promotion messages such as the readily

⁴⁴⁴ Submission 49, The Royal Australasian College of Physicians, p 3.

⁴⁴⁵ Submission 15, St Vincent's Hospital, Inner City Health Program, Alcohol & Drug Service, p 3.

⁴⁴⁶ Submission 48, City of Sydney Council, p 2.

⁴⁴⁷ Professor Katherine Conigrave, Director, Foundation for Alcohol Research and Education, Evidence, 29 April 2013, p 33.

⁴⁴⁸ Submission 15, p 3.

availability of alcohol, the affordability, the promotion and advertising of alcohol and the related perceived social acceptability of alcohol.⁴⁴⁹

7.14 Jesuit Social Services also argued that schools-based programs may not be successful:

Despite their popularity, there is little evidence that school based educational programs influence the attitudes and behaviours of young people. In particular, educational initiatives focusing on the dangers of alcohol use and the promotion of personal development have not demonstrated an ability to change alcohol consumption patterns amongst young people.⁴⁵⁰

7.15 There was a call by some inquiry participants to change the current messages being advertised to children from one that focuses on fear and the negative impacts of alcohol consumption, to one of empowerment and choice where young people feel they do not need to drink to have fun. Professor Jones argued that the message targeted to young people should be positive, focussing on self-esteem and decision-making skills:

...education that would work would really be about self-esteem, resilience skills, decision-making skills. The Florida truth campaign about tobacco was around empowering young people to see how they are being manipulated by the tobacco industry. That was really effective. Those sorts of messages are far more likely to work for young people.⁴⁵¹

7.16 The Illawarra Shoalhaven Local Health District Drug and Alcohol Service asserted that the involvement of parents in school education was critical, as parental attitudes towards their children's drinking were a strong influence on young people's consumption:

Community education and awareness alone is insufficient as a preventative measure to reduce the supply of alcohol to minors. 82% of Australians believe it is harmful to give anyone under the age of 18years alcohol, however, young people's consumption of alcohol in the family home is often sanctioned by parents who believe that it is a relatively harmless practice or that it is beneficial in educating young people about alcohol ... School drug education has limited effectiveness unless this is coupled by supplementary strategies such as parental involvement (prevention risk, use and harm).⁴⁵²

Intervention and treatment of harmful drinking by young people

7.17 Some Inquiry participants noted that the intervention and treatment of young people who engage in harmful drinking can be an effective option to reduce the impacts of alcohol abuse. The Royal Australasian College of Physicians suggested that early interventions at a health treatment level can have a large impact on reducing the severity and costs associated with alcohol dependence.⁴⁵³ Such interventions, for example through emergency department presentations, can be effective at changing behaviour:

⁴⁴⁹ Submission 34, Southern NSW Medicare Local & Eurobodalla Shire Council, pp 2-3.

⁴⁵⁰ Submission 11, Jesuit Social Services, p 13.

⁴⁵¹ Professor Jones, Evidence, 6 May 2013, p 36.

⁴⁵² Submission 14, Illawarra Shoalhaven Local Health District Drug and Alcohol Service, pp 3-4.

⁴⁵³ Submission 49, The Royal Australasian College of Physicians, p 4; see also Submission 15, p 4.

There is good evidence that brief motivational interventions among young people who drink heavily or binge drink reduce alcohol consumption ... There is evidence that opportunistic screening and brief intervention, such as through Emergency Departments and primary care settings can be an effective strategy to identify harmful alcohol use, change drinking behaviour and link people into health treatment.⁴⁵⁴

- 7.18** The Illawarra Forum argued that the provision of treatment services, such as counselling and youth health services, can help prevent alcohol abuse from occurring, and hence keeping young people out of the health and justice system:

Investment in treatment services is the most cost-effective and efficient option to keep young people out of jail, out of hospital and in education or employment. Community-based youth health services - counselling, in-patient withdrawal management, out-patient detox – are examples of effective community-based options. Workers in these fields report that even one counselling session can prevent an admission to Accident & Emergency, thus reducing the resource demands on the already-strained hospital system; and reducing the physical and emotional strain on young people and their families.⁴⁵⁵

- 7.19** The Royal Australasian College of Physicians also suggested that intervention and treatment programs targeted at young people can reduce the impact of later alcohol dependence:

Young people are more affected by short term high risk drinking than dependence. Intervening early can have a large impact on reducing the severity and costs associated with alcohol dependence which requires many years of high volume drinking to develop.⁴⁵⁶

- 7.20** Jesuit Social Services, however, expressed concerns regarding the patchwork nature of treatment service delivery and services not being funded to reflect community needs. Jesuit Social Services advocated reforms to alcohol and drug treatment services to improve integration, coordination and client centred services.⁴⁵⁷

- 7.21** The Inner City Health Program Alcohol & Drug Service, St Vincent's Hospital, Sydney, also recommended that intervention services for young people be expanded:

... the ICHP ADS recommends expanding targeted and early intervention services to reduce the incidence and cost of high risk alcohol use by young people and the associated burden on the health system.⁴⁵⁸

The secondary supply of alcohol

- 7.22** Secondary supply refers to the provision of alcohol to minors by a third party. This includes parents providing alcohol to their children.

⁴⁵⁴ Submission 49, p 4.

⁴⁵⁵ Submission 43, Illawarra Forum, p 5.

⁴⁵⁶ Submission 49, p 4.

⁴⁵⁷ Submission 11, p 14.

⁴⁵⁸ Submission 15, p 4.

7.23 Section 117 of the Liquor Act 2007 governs provision of alcohol to minors. Under this section it is an offence to:

- sell liquor to a minor
- supply liquor to a minor on licensed premises
- supply liquor to a minor on premises other than licensed premises unless the person is the minor's parent or guardian—there is a defence against prosecution for a defendant who proves they were authorised to supply liquor to a minor by the minor's parent or guardian
- allow liquor to be sold or supplied to a minor on licensed premises—there is a defence against prosecution for licensees who take reasonable steps to prevent liquor being sold or supplied to a minor
- obtain liquor for a minor from licensed premises—there is a defence against prosecution for a defendant who proves they were authorised by the minor's parent or guardian to obtain liquor for the minor.

7.24 Breaches of the law can incur a maximum court imposed fine of \$11,000 and/or 12 months imprisonment, or an on-the-spot penalty of \$1,100 can be imposed on the licensee or responsible adult.⁴⁵⁹

7.25 The New South Wales School Students Health Behaviours Report 2011 found that of those students who had consumed alcohol in the last 7 days, the greatest proportion - 30.5 per cent, had obtained the alcohol from their parents, and 7.4 per cent had obtained it from a brother or sister. 23 per cent of students got alcohol from a friend, and the same proportion got someone to buy it for them.⁴⁶⁰

7.26 Ms Nicky Sloan, CEO, Illawarra Forum, suggested that the provision of alcohol to minors by parents is of increasing concern:

Certainly some people who have worked in youth services for a very long time seemed to think that the issue is definitely escalating. ...There seems to be some sense that more drinking is parent condoned. There was a lot of talk about parents sending kids off or dropping kids off at parties with sixpacks ...⁴⁶¹

7.27 The Liquor Stores Association NSW explained to the Committee that they have developed the 'Don't Buy It For Them' campaign to help inform parents and other adults about their responsibility to not purchase alcohol on behalf of minors.⁴⁶² However, the Association described how employees are often subject to aggressive and threatening behaviour from customers where service is refused:

⁴⁵⁹ NSW Office of Liquor, Gaming and Racing, *Fact sheet - Underage drinking laws*, accessed 28 October 2013, <http://www.olgr.nsw.gov.au/pdfs/L_FS_UDL.pdf>

⁴⁶⁰ New South Wales Health, *New South Wales School Students Health Behaviours Report 2011, Part 1: Nutrition, Physical Activity and Alcohol*, p 33.

⁴⁶¹ Ms Nicky Sloan, Chief Executive Officer, Illawarra Forum, Evidence, 6 May 2013, p 14.

⁴⁶² Submission 52, Liquor Stores Association NSW, p 3.

The issue of refusing service, particularly to parents, when our members believe secondary supply may take place is one of the biggest challenges liquor retailers and their employees face. Refusal often results in the employee being subjected to aggressive and threatening behaviour.⁴⁶³

- 7.28** Many Inquiry participants suggested that parents do not have a clear understanding of what is permitted under the Liquor Act with regard to the provision of alcohol to minors. Ms Ferguson, Resource and Advocacy Officer, Illawarra Forum, cautioned that there is a lot of ‘folk law’ regarding young people and alcohol:

There are parents who will cite laws to you that do not exist because that is what they have been told by another parent who got told that by another parent. There is a lot folk law around the law and there is folk law around children’s rights that is not real.⁴⁶⁴

- 7.29** The Legislative Assembly Social Policy Committee recently completed an Inquiry into the provision of alcohol to minors by parents and guardians. The Inquiry made three recommendations which are of relevance to this Inquiry, as outlined below:

RECOMMENDATION 5

The Committee recommends that the NSW Government deliver a public education campaign, using various forms of media, to accompany the recommended amendments to the Liquor Act 2007. The campaign should have a dual focus—to state clearly what is permitted under the law, and to highlight the health risks of alcohol consumption by minors, based on National Health and Medical Research Council guidelines.

RECOMMENDATION 6

The Committee recommends that, as part of a public education campaign, the NSW Government develop a dedicated website that provides clear, easily accessible information about legal responsibilities in relation to the provision of alcohol to minors. The website should include guidance for parents on how to talk to young people about the law and how to talk to other parents and adults about the legal and health consequences of supplying alcohol to minors.

RECOMMENDATION 7

The Committee recommends that the NSW Government make information available about the effects of alcohol consumption on young people’s health for parents attending early childhood health checks and other early childhood and parenting services.⁴⁶⁵

⁴⁶³ Submission 52, p 3.

⁴⁶⁴ Ms Monique Ferguson, Resource and Advocacy Officer, Illawarra Forum, Evidence, 6 May 2013, p 16.

⁴⁶⁵ NSW Legislative Assembly, Social Policy Committee, *Provision of Alcohol to Minors*, Report 2/55, September 2013, pp x-xi.

Committee comment

- 7.30** Effective education campaigns have an important role to play in addressing harmful drinking. It is essential that education programs, whether at the population, community, individual or school level, are properly evaluated to determine their effectiveness. Hence we recommend that any alcohol education programs developed by the Office of Liquor, Gaming and Racing or the Department of Education and Communities be evaluated and the results of that evaluation be published.

Recommendation 9

That any alcohol education programs developed by the NSW Office of Liquor, Gaming and Racing or the NSW Department of Education and Communities be evaluated and the results of that evaluation be published.

- 7.31** The Committee recognises the value of targeted interventions and treatment programs for young people who engage in harmful drinking. While we received only limited evidence on this issue, we note that some medical practitioners and social policy support groups recommended an increase in funding and resources for this area.
- 7.32** The Committee acknowledges concerns raised by participants in this and the recent Legislative Assembly inquiry regarding secondary supply of alcohol by parents to young people. The Committee welcomes and supports the recommendations of the Legislative Assembly Social Policy Committee report on this important issue.
- 7.33** The Committee acknowledges the potential harms from alcohol consumption among minors, and additional strategies are also needed to ensure that young people are not directly purchasing alcohol from licenced premises. Controlled purchase operations are one way in which the NSW Government can actively raise licensee awareness and compliance with “supply to minors” provisions in the Liquor Act.

Recommendation 10

That the NSW Government consider amendments to legislation to enable controlled purchase operations for alcohol.

Chapter 8 Drink driving

This Chapter focuses on the effectiveness of measures to reduce drink driving. It begins with an overview of the prevalence of drink driving in New South Wales, and the regulatory regime in place to address it. The Chapter also examines the success of current measures in reducing drink driving, and concludes with a discussion of two areas which require further work: drink driving among young people, and drink driving by repeat offenders.

Overview: Prevalence and regulation of drink driving in New South Wales

8.1 The statistics on drink driving offences provide an important picture of the costs associated with drink driving, in particular the injuries and fatalities attributable to drink driving. The data also indicated those areas in which drink driving offences is most likely to occur.

Prevalence and nature drink driving offences in New South Wales

8.2 Transport for NSW provided the Committee with a range of statistics on the prevalence and costs of drink driving in New South Wales.

8.3 They noted that in 2011, there were 364 fatalities and 26,366 injuries on NSW roads. Of these, 70 fatalities and 1,182 injuries resulted from crashes involving a driver/motorcycle rider with an illegal blood alcohol level.⁴⁶⁶

8.4 It was estimated that drink driving crashes cost the community \$550 million in 2011.⁴⁶⁷

8.5 In addition, the statistics provide a snapshot of those most likely to commit drink driving offences, where the offences are likely to occur, and the timing of those offences:

- An estimated 97 per cent of drink drivers in fatal crashes are men, with a substantial proportion of them being younger men.⁴⁶⁸
- Two thirds of fatalities from drinking driving in New South Wales occur in rural areas,⁴⁶⁹ with a notable number of fatalities also occurring on the outer urban fringes of metropolitan areas.⁴⁷⁰
- Drink driving offences often occur in evenings and early mornings, on the days of Thursday to Sunday.⁴⁷¹

⁴⁶⁶ Submission 31, Transport for NSW, p 4.

⁴⁶⁷ Submission 31, p 4.

⁴⁶⁸ Submission 31, p 4.

⁴⁶⁹ Ms Margaret Prendergast, General Manager, Centre for Road Safety, Transport for NSW, Evidence, 29 April 2013, p 3.

⁴⁷⁰ Ms Prendergast, Evidence, 29 April 2013, p 3.

⁴⁷¹ Ms Prendergast, Evidence, 29 April 2013, p 3.

8.6 Transport for NSW reported that there have been substantial reductions in drink driving harms in recent decades, with alcohol-related fatalities reducing from 389 in 1980 to an estimated 54 in 2012, a reduction of approximately 86 per cent.⁴⁷²

8.7 Figures 4 and 5 show the significant reductions in alcohol-related road traffic fatalities since 1980, including by age group.

Figure 4 Number of persons killed from alcohol-related crashes in NSW, 1980 – 2012⁴⁷³

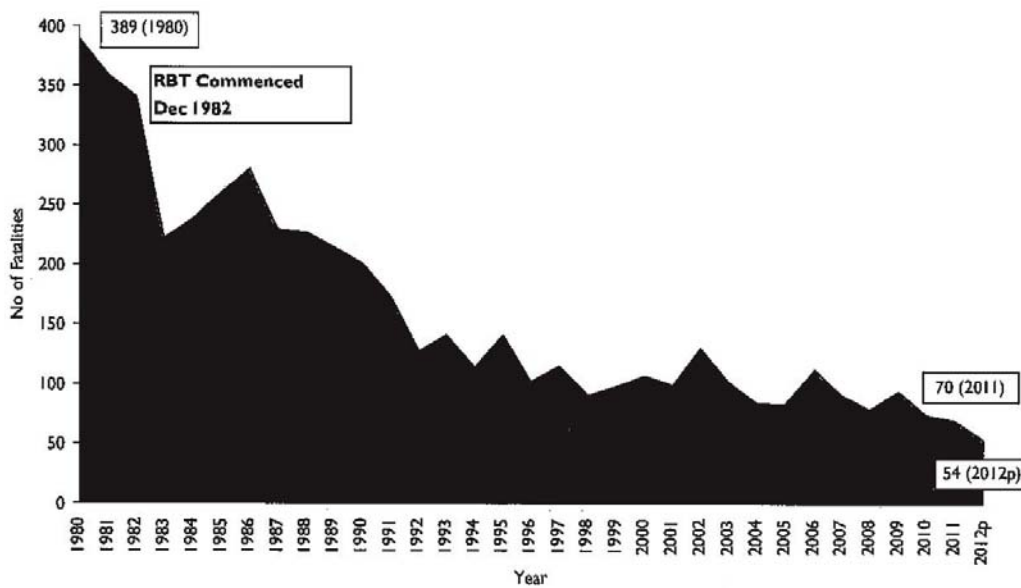
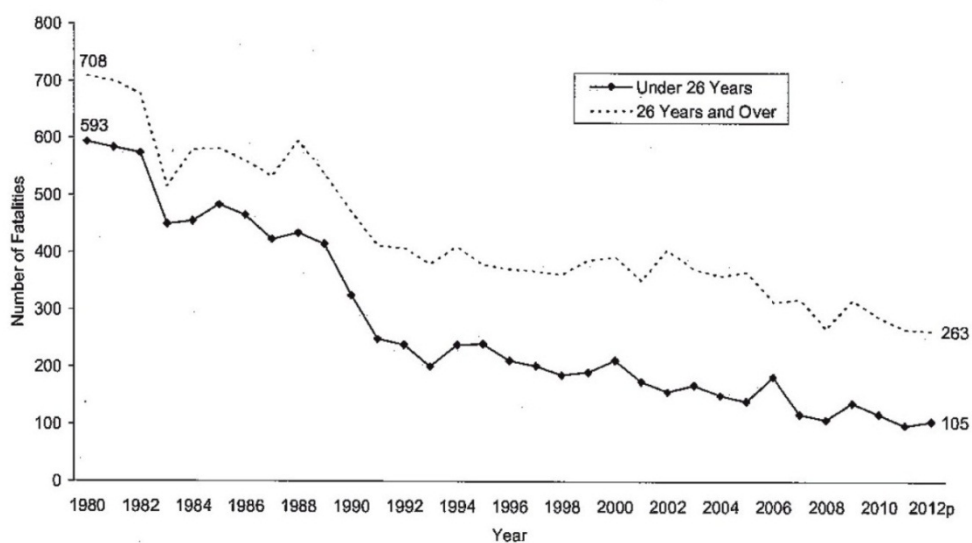


Figure 5 Road traffic fatalities in NSW since 1980 by age group⁴⁷⁴



⁴⁷² Submission 31, p 5.

⁴⁷³ Submission 31, p 6.

⁴⁷⁴ Submission 31, p 6.

Regulation of drink driving in New South Wales

- 8.8** A person's level of intoxication is measured through their Blood Alcohol Concentration (BAC). BAC is a measure of grams of alcohol per 100 millilitres (mL) of blood.⁴⁷⁵ The legal limit for a BAC level in New South Wales is 0.05 (that is, 50 milligrams of alcohol in every 100 millilitres of blood) for most drivers, and zero for learner or provisional drivers.
- 8.9** Transport for NSW advised that the different BAC limits reflect the greater detrimental effects of alcohol on young drivers:
- A legal BAC of 0.08 was introduced in December 1968 in NSW and reduced to 0.05 in December 1980. Additional changes to the law included reduced limits for learner and provisional licence holders. Research has shown that the detrimental effects of alcohol are increased with younger drivers, supporting the reduced BAC levels for learner and provisional drivers. For these groups, a BAC of 0.02 was introduced in April 1985 and was further reduced to zero in May 2004.⁴⁷⁶
- 8.10** In order to detect drivers who exceed the BAC limit, the NSW Government introduced Random Breath Testing (RBT) in 1982, and mobile RBT in 1987.⁴⁷⁷ Transport for NSW explained that since 'the mid 1980s the road toll has continued to improve and this improvement in part has been associated with improved RBT enforcement and public education campaigns'.⁴⁷⁸
- 8.11** Current penalties for alcohol-related offences vary depending on factors including the driver's BAC level. The penalties for drink driving range from fines of up to \$5,500, through to disqualification from driving or gaol terms of up to two years.⁴⁷⁹

Measures to reduce drink driving

- 8.12** Inquiry participants gave evidence that deterrence and education are the measures with the most success in reducing drink driving over the past four decades. Deterrence measures include random breath testing, enforcement and penalties, while education involves public education to deliver targeted messages. Despite the overall reduction in drink driving as a result of these measures, the Committee heard that challenges remain in addressing drink driving by two key groups: young people and repeat offenders.

Deterrence and education

- 8.13** Inquiry participants gave evidence on the importance of utilising a range of measures to combat drink driving, and highlighted the success achieved by combining both deterrence and education measures. This view was put forward by Ms Margaret Prendergast, General Manager, Centre for Road Safety, Transport for NSW, who advised that 'the combination of

⁴⁷⁵ Submission 13, Foundation for Alcohol Research and Education, p 18.

⁴⁷⁶ Submission 31, pp 10-11.

⁴⁷⁷ Submission 31, p 11.

⁴⁷⁸ Submission 31, p 11.

⁴⁷⁹ Submission 31, p 10.

enforcement, penalty regimes, education and behaviour has really achieved some success in this area'.⁴⁸⁰

8.14 In addition, Transport for NSW informed the Committee that New South Wales 'has traditionally had a strong focus on a combination of deterrence and public education'.⁴⁸¹ They further explained that the primary focus is on 'deterrence ... supported through laws, educational and behavioural programs'.⁴⁸²

8.15 Mr Robert Graham, Chair, Addiction Medicine Policy and Advocacy Committee, New South Wales Branch, Chapter of Addiction Medicine, Royal Australasian College of Physicians agreed that it was the combination of measures which lay behind the success in reducing drink driving:

... it is a combination of policy change, enforcement and targeted education at the same time. One could argue that that has indeed led to a change in drinking culture. There used to be a culture of drinking and driving: one for the road, the traveller. That culture has changed. But my point is that that culture change has been secondary to sensible regulation and legislation, not the other way round.⁴⁸³

8.16 A number of Inquiry participants including the Police Association of New South Wales noted the importance of enforcement mechanisms in addressing drink driving, such as Random Breath Testing (RBT) and the severity of the penalties imposed on drink drivers. The Police Association observed that:

The success of legislation as a deterrent, and reducing the incidence of drink-driving and its consequences, largely depends on its enforcement and the severity of penalties imposed on those caught driving over the limit. Consistent enforcement by the Police Force using random, targeted or selective breath-testing is essential and should be supported by sustained publicity and awareness campaigns.⁴⁸⁴

8.17 Lion remarked on how the detrimental impact of the potential penalties for drink driving on day to day activities has led to behavioural change:

Cultural attitudes to drink drivers has changed not just because of increased awareness of the death and injury toll caused by drink driving but because the risk of being caught has significantly increased and the penalties that apply often impact on an individual's ability to conduct a normal working and social life. People have been forced to consider the risk not only of being involved in an accident but to consider the real risks of being punished for drink driving. This has resulted in people both better regulating their own behaviour and influencing that of their family and friends.⁴⁸⁵

⁴⁸⁰ Ms Prendergast, Evidence, 29 April 2013, p 2.

⁴⁸¹ Submission 31, p 9.

⁴⁸² Submission 31, p 9.

⁴⁸³ Mr Robert Graham, Chair, Addiction Medicine Policy and Advocacy Committee, New South Wales Branch, Chapter of Addiction Medicine, Royal Australasian College of Physicians, Evidence, 29 April 2013, p 44.

⁴⁸⁴ Submission 29, Police Association of New South Wales, p 16.

⁴⁸⁵ Submission 37, Lion, p 10.

- 8.18** While the message of deterrence was acknowledged as an important factor in reducing drink driving, the Committee also heard that the message on drink driving was changing over time, and that the emphasis was now less on penalties and enforcement:

The first ads we ran were about the consequences of a dad hitting a young child. They moved to the paranoia series where you could see the police in the background and it played on guilt and the perception that they were everywhere, given that every police car is an RBT.

We have evolved to Plan B, which is more conversational, to work with youth and say, if you are planning a night out or if you are drinking and you have your car you really need a plan B because drink-driving is not an option.⁴⁸⁶

- 8.19** Mr Evan Walker, Principal Manager, Safer Systems, Centre for Road Safety, Transport for NSW explained that the evolving message was a response to the motivation of current drink drivers, who often did not intend to drink and drive. The Plan B campaign, he asserted, aims to give 'positive prevention' but also provides a reminder that RBT is there as 'a deterrent':

Most people who drink drove were people who made the initial decision to drive to wherever they were going, not necessarily with the intention of drink driving but they had had a couple of drinks and as people consume alcohol their decision-making gets a lot poorer ... For young drivers, having a zero BAC sends a really clear message that if you are going to have any alcohol at all you do not drive. That works really well as a message, but once people are able to think they have got one or two drinks that they can have it then puts them at risk of this issue around driving home.⁴⁸⁷

Measures to reduce drink driving among young people

- 8.20** While acknowledging the success of the measures implemented to date to reduce drinking driving among the general population, challenges remain. Transport for NSW explained that as the number of road injuries and fatalities reduces it becomes 'harder and harder to make further gains'.⁴⁸⁸
- 8.21** An area requiring further targeted efforts is drink driving among young people, with Transport for NSW giving evidence that drink driving by young people continues to be problematic, particularly with young male drivers.⁴⁸⁹
- 8.22** One solution put forward by Inquiry participants is to increase the age at which young people may consume alcohol and drive. FARE suggested that 'a sudden elevation in allowable BAC level from zero to 0.05' may contribute to the increased incidence of drink driving injuries of young people as they move from learner and provisional licenses to a full licence.⁴⁹⁰ FARE

⁴⁸⁶ Ms Prendergast, Evidence, 29 April 2013, p 3.

⁴⁸⁷ Mr Evan Walker, Principal Manager, Safer Systems, Centre for Road Safety, Transport for NSW, Evidence, 29 April 2013, p 9.

⁴⁸⁸ Ms Prendergast, Evidence, 29 April 2013, p 6.

⁴⁸⁹ Ms Prendergast, Evidence, 29 April 2013, p 2.

⁴⁹⁰ Submission 13, p 19.

therefore proposed that a possible solution would be to introduce ‘a zero blood alcohol concentration (BAC) limit for all drivers under 25 years regardless of their licence status’.⁴⁹¹

- 8.23** Associate Professor Anthony Shakeshaft, Deputy Director, National Drug and Alcohol Research Centre, University of New South Wales noted that in Victoria, there is a zero blood alcohol concentration up to the age of 21, and pointed to research indicating that ‘if that was implemented nationally it would save 17 lives every three years’.⁴⁹²
- 8.24** Commenting on the proposals for age-based restrictions on drivers’ alcohol consumption, Mr Riordon noted that ‘the L- and P-plater regimes were less focused on pure age’ and that Transport for NSW was ‘interested in their driving outcomes going through those graduations and how they develop’. He advised that the focus is on where the driver was ‘in that system regardless of their age’.⁴⁹³
- 8.25** Ms Prendergast informed the Committee that Transport for NSW was open to reviewing the legal BAC levels for drivers in New South Wales, and would look for national direction pending the outcomes of research commissioned by the National Road Safety Strategy:

We know that the strategy that we have in place of zero blood-alcohol content for learners and provisional licence holders is working. The National Road Safety Strategy is looking at that and the potential for reviewing the blood-alcohol content level for all drivers—youths, motorcyclists and other drivers. We will await the outcomes of that research. We are very comfortable with where we have come from in 1980 to 2012. We know there is still more to be done, but we look for national direction in that space.⁴⁹⁴

Measures to reduce drink driving among repeat offenders

- 8.26** In addition to the ongoing challenge presented by drink driving among young people, Transport for NSW highlighted the need to target repeat offenders. Ms Prendergast stated that one of the ‘biggest challenges’ for Transport for NSW is repeat offenders; that is, ‘the recalcitrant people, those who have been caught more than once and who probably take the risk on a number of occasions’.⁴⁹⁵
- 8.27** Mr Walker explained that although the majority of people do not repeat the offence after their first conviction, ‘one in six’ offenders will repeat within a five year period. Mr Walker emphasised that although the process of sending people to court works for most first-time offenders, strategies are needed to address those who re-offended within five years of their first offence:

We have also looked at recidivist behaviour more broadly and of 26,000 drink drive offenders each year around one in six will repeat in the following five-year period ...

⁴⁹¹ Submission 13, p 19.

⁴⁹² Associate Professor Anthony Shakeshaft, Deputy Director, National Drug and Alcohol Research Centre, University of New South Wales, Evidence, 29 April 2013, p 38.

⁴⁹³ Mr Tim Riordon, Deputy Director General, Policy and Regulation, Transport for NSW, Evidence, 29 April 2013, p 10.

⁴⁹⁴ Ms Prendergast, Evidence, 29 April 2013, p 10.

⁴⁹⁵ Ms Prendergast, Evidence, 29 April 2013, p 2.

If you look generally at people who go to court for a first time offence the current regime seems to be effective for the large majority, but there is definitely a group that is a lot harder nut to crack ... sending people to court for a first offence, seems to be working really well, because you do not have that strong level of recidivism. But then there are other strategies that need to be put in place for those people who do show up within the next five years.⁴⁹⁶

- 8.28** The Royal Australasian College of Physicians suggested that to address recidivism, the courts should look at linking repeat drink driving offenders to alcohol treatment services:

There is scope to reduce the number of people involved in drink driving offences through linking drink driving offenders to assessment and treatment interventions ... legal and clinical management should be integrated so that a high proportion of those with alcohol use disorders with drink-driving offences should be referred for assessment to treatment based on evidence of effectiveness, including fostering mandatory referral of severe or recurrent drink driving offenders to alcohol treatment services.⁴⁹⁷

- 8.29** An example of a treatment program for drink driving offenders is the Transport for NSW 'Sober Driving Program'. Mr Walker informed the Committee that the program had approximately a '40 per cent reduction in re-offending':

People who voluntarily take up programs such as the traffic offender programs are usually first-time offenders and it can be tied to the kind of sentence they might get in court. We know from our Sober Driver Program that there is about a 40 per cent reduction in re-offending. That is based on a number of evaluations since 2003. For the recalcitrant or repeat offenders the Sober Driver Program is providing a bit of an indicator about how these types of programs can be successful ... Typically the majority of first-time offenders do not re-offend once they have either received a punishment or been through a program like that.⁴⁹⁸

- 8.30** Another means for addressing repeat offending is the voluntary alcohol interlock scheme, which is already in place in New South Wales for repeat offenders. Mr Walker explained that a driver has to blow into the alcohol interlock device before they can start their car, and if alcohol was detected on the driver's breath, the car would not start.

- 8.31** Ms Prendergast argued that alcohol interlock devices present a 'technology solution' which may assist with recidivist drink drivers:

... we are advocating a technology solution, which is alcohol interlocks that will physically prevent somebody from getting from behind the wheel. We know how dangerous drink-driving is. We know the consequences. The changes we have made are stark ... We know recidivists are the issue. Therefore, a technology solution seems the way to go in that space.⁴⁹⁹

⁴⁹⁶ Mr Walker, Evidence, 29 April 2013, p 9.

⁴⁹⁷ Submission 49, The Royal Australasian College of Physicians, p 3.

⁴⁹⁸ Mr Walker, Evidence, 29 April 2013, p 2.

⁴⁹⁹ Ms Prendergast, Evidence, 29 April 2013, p 8.

8.32 Commenting on the effectiveness of alcohol interlock devices, Mr Walker advised that they should be used in conjunction with other interventions, such as education or behavioural programs:

All the best practice research shows that they [alcohol interlocks] are effective when they are in a vehicle. They are like a behavioural intervention; they stop someone driving because when they blow into the device the car will not start. In terms of reducing offending once the interlock is out of the car, they are less effective; they need to be coupled with a behavioural-type program, safer driver program or something like that. Research would show that many drink-drive reoffenders have alcohol dependency issues, so the interlock in the car is a really good device to reduce that risk of these people reoffending, but it needs to be coupled with other things.⁵⁰⁰

8.33 The alcohol interlock program in place in New South Wales for repeat offenders is voluntary and has around 700 users. In Victoria, where the program is mandatory, it has around 10,000 users.⁵⁰¹

8.34 Ms Prendergast observed that the comparatively low take-up of the alcohol interlock scheme in New South Wales is because the scheme is voluntary, adding that the ‘Government has us looking at repeat offenders and the use of alcohol interlocks’.⁵⁰² Ms Prendergast explained that Transport for NSW was exploring ‘a broader repeat offender strategy’ looking at ‘other options potentially to mandate for those repeat offenders’.⁵⁰³

8.35 Since this evidence to the Committee, the NSW Government announced in October 2013 that legislation would be introduced in 2014 which would make the alcohol interlock scheme compulsory for repeat offenders and those caught driving with very high levels of blood alcohol concentrations.⁵⁰⁴

Committee comment

8.36 The Committee acknowledges the continuing challenges in reducing drink driving rates among certain groups, in particular, young people and repeat offenders.

8.37 To address drink driving among young people, some Inquiry participants called for the zero BAC threshold to be applied on an age basis, with young drivers to be prevented from consuming alcohol up to the ages of either 21 or 25 years. The Committee notes the research being done at the national level via the National Road Safety Strategy in the area of BAC for all drivers, and believes that it would be prudent for New South Wales to await the outcomes of this research before considering age-based restrictions on drivers’ BAC level.

⁵⁰⁰ Mr Walker, Evidence, 29 April 2013, p 4.

⁵⁰¹ Mr Walker, Evidence, 29 April 2013, p 4.

⁵⁰² Ms Prendergast, Evidence, 29 April 2013, p 2.

⁵⁰³ Ms Prendergast, Evidence, 29 April 2013, p 4.

⁵⁰⁴ Transport for NSW, ‘Alcohol interlock program to be mandatory to target high risk and repeat drink drivers’, *Media release*, 30 October 2013, <<http://www.transport.nsw.gov.au/media-releases/alcohol-interlock-program-be-mandatory-target-high-risk-and-repeat-drink-drivers>>

- 8.38** In relation to repeat offending by drink drivers, the Committee believes that a technological solution may be effective in this area. The Committee calls for a much wider usage of alcohol interlock devices for repeat offenders in New South Wales, as is the case in Victoria where a mandatory alcohol interlock scheme is in place. The Committee welcomes the announcement by the NSW Government that it will introduce legislation in 2014 to make the alcohol interlock scheme mandatory for repeat offenders and those caught driving with very high BAC levels.

Appendix 1 Submissions

No	Author
1	Pedestrian Council of Australia
2	Mr Gary Chapman
3	National Drug Research Institute
4	Australian Hotels Association (NSW)
4a	Australian Hotels Association (NSW)
5	Department of Health, Central Coast Local Health District
6	Camden Youth Council
7	Murrumbidgee Local Health District - Drug and Alcohol Services
8	Burwood Council
9	The Alcohol Beverages Advertising (and Packaging) Code [ABAC] Scheme Limited
10	Advertising Standards Bureau
11	Jesuit Social Services
12	Faculty of Health Services, The University of Sydney
13	Foundation for Alcohol Research and Education
14	Illawarra Shoalhaven Local Health District Drug and Alcohol Service
15	St Vincent's Hospital, Inner City Health Program, Alcohol & Drug Service
16	Confidential
17	Confidential
18	Byron Youth Service
19	Name suppressed
20	Free TV Australia
21	National Drug and Alcohol Research Centre (NDARC), University of NSW
22	Association for Data-driven Marketing and Advertising (ADMA)
23	NSW Youth Health Council
24	Cancer Council NSW
25	Mr Jordan Howe
26	UntoXicated
27	Confidential
28	Broken Hill Community Drug Action Team
29	Police Association of New South Wales
30	Mr Phil O'Grady
31	Transport for NSW

No	Author
32	Byron Bay High School Captains and Vice Captains
33	Illawarra Legal Centre Inc
34	Southern NSW Medicare Local and Eurobodalla Shire Council
35	Tweed Shire Council
36	Leeton Shire Council
37	Lion
38	Manly Council
39	Brewers Association
40	Australian Association of National Advertisers
41	Diageo Australia
42	Distilled Spirits Industry Council of Australia
43	Illawarra Forum
44	YMCA NSW
45	ClubsNSW
46	Commission for Children and Young People
47	The Alcohol and Other Drugs Council of Australia (ADCA)
48	City of Sydney Council
49	The Royal Australasian College of Physicians
50	Sutherland Shire Council
51	Local Government NSW
52	Liquor Stores Association NSW
53	Last Drinks at 12
54	Ms Teresa Heal

Appendix 2 Witnesses at hearings and roundtable discussions

Date	Name	Position and Organisation
Monday 29 April 2013 Macquarie Room Parliament House	Ms Margaret Prendergast	General Manager, Centre for Road Safety, Transport for NSW
	Mr Tim Reardon	Deputy Director General Policy and Regulation, Transport for NSW
	Mr Evan Walker	Principal Manager, Safer Systems, Transport for NSW
	Ms Elizabeth Tydd	Executive Director, Office of Liquor, Gaming and Racing
	Mr Greg Chilvers	Director, Research and Resource Centre, Police Association of NSW
	Mr Peter Remfrey	Secretary, Police Association of NSW
	Mr Scott Weber	President, Police Association of NSW
	Professor Katherine Conigrave	Director, Foundation for Alcohol Research and Education
	Ms Caterina Giorgi	Manager, Policy and Research, Foundation for Alcohol Research and Education
	Associate Professor Anthony Shakeshaft	Deputy Director, National Drug and Alcohol Research Centre (NDARC), University of NSW
	Professor Michael Farrell	National Drug and Alcohol Research Centre, University of NSW
	Associate Professor Nadine Ezard	Clinical Director, St Vincent's Hospital, Inner City Health Program, Alcohol & Drug Service
	Dr Robert Graham	Chair, Addiction Medicine Policy and Advocacy Committee, NSW Branch, The Royal Australasian College of Physicians
	Mr David Greenhouse	Chief Executive, Independent Liquor and Gaming Authority, Department of Trade and Investment, Regional Infrastructure and Services
Mr Chris Sidoti	Chairperson, Independent Liquor and Gaming Authority	

Date	Name	Position and Organisation
Monday 6 May 2013 Macquarie Room Parliament House	Ms Monique Ferguson	Resource and Advocacy Officer, Illawarra Forum
	Ms Nicky Sloan	Chief Executive Officer, Illawarra Forum
	Councillor Julie Hegarty	Vice-President General, Local Government NSW
	Ms Leanne Martin	Community Safety Coordinator, Manly Council
	Professor Sandra Jones	Director, Centre for Health Initiatives, University of Wollongong
	Ms Alina Bain	Acting Chief Executive Officer, Australian Association of National Advertisers
	Ms Denita Wawn	Chair, The Alcohol Beverages Advertising (and Packaging) Code [ABAC] Scheme Limited
	Mr David Cass	Australian Hotels Association (NSW)
	Ms Meredythe Crane	Manager, Policy and Strategic Communications, The Alcohol and other Drugs Council of Australia
	Mr David Templeman	Chief Executive Officer, The Alcohol and Other Drugs Council of Australia
Mr Scott Hammond	Vice-President, Broken Hill Community Drug Action Team	
Ms Kelli Schultz	Secretary, Broken Hill Drug Action Team	

Date	Name	Position and Organisation
Monday 17 June 2013 Macquarie Room Parliament House	Mr Gregor Macfie	Director – Research, Commission for Children and Young People
	Ms Kerryn Boland	Acting Commissioner and Children’s Guardian, Commission for Children and Young People
	Ms Suellen Lembke	Director of Programs Branch, Department of Attorney-General and Justice
	Mr Geoff Wilkinson	Alcohol and Other Drugs Program Manager, Department of Attorney-General and Justice
	Mr Eamon Waterford	Director, Policy & Advocacy, Youth Action
	Mr Terry Mott	Chief Executive Officer, Liquor Stores Association of NSW
	Ms Julie Flynn	Chief Executive Officer, Free TV Australia
	Ms Clare O’Neil	Director of Legal, Free TV Australia
Tuesday 8 October 2013 Byron Regional Sport and Cultural Complex Multi-purpose Facility Byron Bay	Detective Superintendent Stuart Wilkins	Tweed Byron Local Area Command
	Ms Hannah Spalding	Executive Chairperson, Byron Bay Liquor Accord
	Mr Loren Nowland	Vice Chair, Byron Bay Liquor Accord
	Ms Di Mahoney	Director, Byron Youth Service
	Ms Deb Pearse	Youth Connections Co-ordinator, Byron Youth Service
	Dr Blake Eddington	Last Drinks at 12
	Dr Graham Truswell	Last Drinks at 12
	Cr Simon Richardson	Mayor, Byron Shire Council
	Mr Greg Ironfield	Manager, Sustainable Communities, Byron Shire Council
	Ms Sylvia Roylance	Community Development Officer – Youth, Tweed Shire Council
Ms Lizette Twisleton	Community Services Officer – Youth Development, Lismore City Council	

Date	Name	Position and Organisation
Tuesday 8 October 2013 Roundtable discussion Byron Bay	Mr Paul Phillips	Youth worker, Northern Rivers Social Development Council – Youth Council
	Mr Dusty McOnie	Youth worker, Northern Rivers Social Development Council – Youth Council
	Mr Steve Smith	Facilitator, Northern Rivers Social Development Council – Youth Council
	Young person 1	Northern Rivers Social Development Council – Youth Council
	Young person 2	Northern Rivers Social Development Council – Youth Council
	Young person 3	Northern Rivers Social Development Council – Youth Council
	Young person 4	Northern Rivers Social Development Council – Youth Council
	Young person 5	Northern Rivers Social Development Council – Youth Council
	Young person 6	Northern Rivers Social Development Council – Youth Council
	Young person 7	Northern Rivers Social Development Council – Youth Council
	Young person 8	Northern Rivers Social Development Council – Youth Council
Young person 9	Northern Rivers Social Development Council – Youth Council	
Young person 10	Northern Rivers Social Development Council – Youth Council	
Young person 11	Northern Rivers Social Development Council – Youth Council	

Appendix 3 Tabled documents

Monday 29 April 2013

Macquarie Room, Parliament House

1. Opening statement, tendered by Ms Elizabeth Tydd, Office of Liquor, Gaming and Racing
2. Foundation for Alcohol Research and Education, Annual alcohol poll: attitudes and behaviours, 2013, tendered by Ms Caterina Giorgi, Foundation for Alcohol Research and Education
3. Foundation for Alcohol Research and Education, 10 years on: An analysis of the progress made in preventing alcohol-related harms since the 2003 NSW Summit on Alcohol Abuse, tendered by Ms Caterina Giorgi, Foundation for Alcohol Research and Education
4. McCambridge, J., Hawkins, B. and Holden, C., Industry use of evidence to influence alcohol policy: a case study of submissions to the 2008 Scottish Government consultation, PLoS Med 10(4), pp 1-6., tendered by Professor Nadine Ezard, St Vincent's Hospital, Inner City Health Program, and
5. Consideration of social impact under Section 48(5) of the Liquor Act 2007 - Independent Liquor & Gaming Authority, tendered by Mr Chris Sidoti, Independent Liquor and Gaming Authority.

Monday 6 May 2013

Macquarie Room, Parliament House

6. Results of survey of expectations of school aged young people regarding drinking behaviours, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
7. Jones, S and Smith, K. 'The effect of point of sale promotions on the alcohol purchasing behaviour of young people in metropolitan, regional and rural Australia', Journal of Youth Studies, 14(8), 2011, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
8. Jones, S and Reis, S. 'Not just the taste: why adolescents drink alcopops', Health Education, 112(1), 2012, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
9. Jones, S., Gregory, P and Munro, G. 'Adolescent and young adult perceptions of Australian alcohol advertisements', Journal Of Substance Use, 14(6), 2009, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
10. Barrie, L., Jones, S., Chapman, M., and Corr, N. *Alcohol Advertising in Televised Broadcasts of Australian Football Finals Series – Final Research report*, Centre for Health Initiatives, University of Wollongong, 2013, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
11. Jones, S and Lynch, M. 'Non-advertising alcohol promotions in licensed premises: does the Code of Practice ensure responsible promotion of alcohol?', Drug and Alcohol Review, 26, 2007, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
12. Jones, S., Hall, D and Munro, G. 'How effective is the revised regulatory code for alcohol advertising in Australia?', Drug and Alcohol Review, 27, 2007, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong

13. Jones, S and Donovan, R. 'Self-regulation of alcohol advertising: Is it working for Australia?', *Journal of Public Affairs*, 2(3), 2002, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
14. Jones, S., Barrie, L., Robinson, L., Allsop, S and Chikritzhs, T. 'Point-of-sale alcohol promotions in the Perth and Sydney metropolitan areas', *Drug and Alcohol Review*, 31, 2012, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
15. Jones, S and Magee, C. 'Policy: Exposure to Alcohol Advertising and Alcohol Consumption among Australian Adolescents', *Alcohol and Alcoholism*, 46(5), 2011, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
16. Jones, S., Phillipson, L and Barrie, L. "Most men drink ... especially like when they play sports" – alcohol advertising during sporting broadcasts and the potential impact on child audiences', *Journal of Public Affairs*, 10, 2010, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
17. Jones, S and Barrie, L. 'RTDs in Australia: Expensive designer drinks or cheap rocket fuel?', *Drug and Alcohol Review*, 30, 2011, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
18. Jones, S., Barrie, L and Berry, N. 'Why (not) alcohol energy drinks? A qualitative study with Australian university students', *Drug and Alcohol Review*, 2011, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
19. Jones, S. 'When does alcohol sponsorship of sport become sports sponsorship of alcohol? A case study of developments in sport in Australia', *International Journal of Sports Marketing & Sponsorship*, 2010, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
20. Jones, S and Gregory, P. 'The impact of more visible standard drink labelling on youth alcohol consumption: Helping young people drink (ir)responsibly?', *Drug and Alcohol Review*, 28, 2009, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong
21. Jones, S and Lynch, M. 'A pilot study investigating of the nature of point-of-sale alcohol promotions in bottle shops in a large Australian regional city', *Australian and New Zealand Journal of Public Health*, 31(4), 2007, tendered by Professor Sandra Jones, Centre for Health Initiatives, University of Wollongong, and
22. Series of pictures depicting alcohol advertising during sporting occasions, tendered by Mr David Templeman, The Alcohol and Other Drugs Council of Australia.

Monday 17 June 2013**Macquarie Room, Parliament House**

23. Juvenile Justice 'Alcohol and Other Drug Treatment Pathway' program document, tendered by Ms Suellen Lembke, Department of Attorney-General and Justice
24. Juvenile Justice 'Drug Information and Harm Minimisation Skills' program booklet, tendered by Ms Suellen Lembke, Department of Attorney-General and Justice
25. '2009 Young People in Custody Health Survey Fact Sheets – Key Findings for Young Men, Aboriginal Young People and Young Women' documents, , tendered by Ms Suellen Lembke, Department of Attorney-General and Justice
26. 'X Roads' treatment program information binder and workbooks, tendered by Mr Geoff Wilkinson, Department of Attorney-General and Justice, and

27. Juvenile Justice 'Profile: Personal Review of Offences File: An evidence based, best practice motivational program for treatment resistant juveniles who present with substance misuse offending behaviour' booklet, tendered by Mr Geoff Wilkinson, Department of Attorney-General and Justice.

Tuesday 8 October 2013

Multi-Function Room Two, Byron Regional Sport and Cultural Complex Multi-purpose Facility, Byron Bay

28. Opening statement from Byron Youth Service, tendered by Ms Di Mahoney, Director, Byron Youth Service, and
29. Two slides containing text from the printed slides depicting alcohol-related injuries and statistics, tendered by Dr Blake Eddington, Last Drinks at 12.

Appendix 4 Answers to questions on notice

The Committee received answers to questions on notice and/or supplementary questions from:

- Transport for NSW
- Police Association of NSW
- Foundation for Alcohol Research and Education
- Associate Professor Anthony Shakeshaft, Deputy Director, National Drug and Alcohol Research Centre (NDARC), University of NSW
- Associate Professor Nadine Ezard, Clinical Director, St Vincent's Hospital, Inner City Health Program, Alcohol & Drug Service
- Broken Hill Community Drug Action Team
- Illawarra Forum
- Ms Leanne Martin, Community Safety Coordinator, Manly Council
- Cr Julie Hegarty, Local Government NSW
- Professor Sandra Jones, Director, Centre for Health Initiatives, University of Wollongong
- Australian Association of National Advertisers
- The Alcohol Beverages Advertising (and Packaging) Code [ABAC] Scheme Limited
- Advertising Standards Bureau
- Brewers Association of Australia and New Zealand
- Australian Hotels Association
- The Alcohol and other Drugs Council of Australia
- Commission for Children and Young People
- Juvenile Justice NSW, Department of Attorney General and Justice
- Youth Action
- Liquor Stores Association of New South Wales
- Free TV Australia
- Superintendent Detective Stuart Wilkins, Tweed Byron Local Area Command
- Mr Greg Ironfield, Manager, Sustainable Communities, Byron Shire Council.

Appendix 5 Minutes

Minutes No. 28

Thursday 15 November 2012

Standing Committee on Social Issues

Members Lounge, Parliament House at 12.56 pm

1. Members present

Mr Blair (*Chair*)

Ms Westwood (*Deputy Chair*)

Ms Cusack

Mr Donnelly

Ms Faehrmann

Mrs Maclaren-Jones

2. Apologies

Ms Cusack

3. Previous minutes

Resolved, on the motion of Ms Westwood: That draft Minutes No. 27 be confirmed.

4. Correspondence

The Committee noted the following items of correspondence received:

- ***
- ***
- 25 October 2012 – Letter from the Hon Kevin Humphries MP, Minister for Mental Health, Minister for Healthy Lifestyles and Minister for Western NSW – referring a new inquiry to the Committee.

5. Proposed terms of reference: Inquiry into strategies to reduce alcohol abuse among young people in NSW

The Chair tabled the following correspondence received from Minister Humphries MP on 31 October 2012, requesting the Committee to consider terms of reference for an inquiry into strategies to reduce alcohol abuse among young people in NSW, and in particular:

- a) the effect of alcohol advertisements and promotions on young people, including consideration of the need to further restrict alcohol advertising and promotion
- b) the effectiveness of alcohol harm minimisation strategies targeted at young people
- c) measures to minimise the impact of alcohol in the workplace
- d) the effectiveness of measures to reduce drink driving
- e) measures to reduce alcohol related violence, including in and around licensed venues
- f) measures to address the impact of alcohol abuse on the health system
- g) any other related matter.

Resolved, on the motion of Ms Faehrmann: That the Committee adopt the terms of reference from the Minister for Mental Health, Healthy Lifestyles and Western New South Wales to undertake an inquiry into strategies to reduce alcohol abuse among young people in NSW.

Resolved, on the motion of Ms Faehrmann: That under clause 5(2) of the resolution of the House establishing the Standing Committees dated 9 May 2011, the Chair inform the House of the receipt of terms of reference for an inquiry into strategies to reduce alcohol abuse among young people in NSW.

5.1 Advertising and call for submissions

Resolved, on the motion of Mrs Maclaren-Jones: That the inquiry call for submissions be advertised in major metropolitan newspapers in the week commencing Monday 26 November 2012.

Resolved, on the motion of Mrs Maclaren-Jones: That the closing date for submissions be Friday 1 March 2013.

Resolved, on the motion of Mrs Maclaren-Jones: That the Chair issue a media release announcing the establishment of the inquiry.

5.2 Invitations to stakeholders to make a submission

Resolved, on the motion of Mrs Maclaren-Jones: That the Committee write to the following stakeholders informing them of the inquiry and inviting them to make a submission:

Government

Ministry of Health NSW
Office of Liquor, Gaming and Racing
Department of Education & Communities
Community Relations Commission
NSW Police
NSW Juvenile Justice
NSW Commissioner for Children and Young People
NSW Fair Trading
Australian National Council on Drugs (ANCD)

Non-government organisations

The Alcohol and Other Drugs Council of Australia
Network of Alcohol and Drug Agencies (NADA)
Mental Health Coordinating Council (MHCC)
Reachout
Youth Action and Policy Association NSW (YAPA)
Youth off the Streets
Youth Justice Coalition
NSW Council of Social Services (NCOSS)
NSW Council for Civil Liberties
Catholic Care
Uniting Care
Mission Australia
Anglicare
Barnardo's
Salvation Army

Expert/Academic

Professor Gordian Fulde, Director Emergency Dept St Vincent's Hospital
Dr Alex Wodak AM, President, Australian Drug Law Reform Foundation
School of Health Sciences, University of Wollongong

Industry Groups/Associations

Clubs Australia, Clubs NSW
Australian Hotels Association
Brewers Association of Australia & New Zealand
Distilled Spirits Industry Council of Australia (DSICA)
Australian Liquor Stores Association (ALSA)
Winemakers' Federation of Australia
Liquor Merchants Association of Australia

Other/Advertising

Advertising Standards Bureau
Alcohol Beverages Advertising Code (ACAC).

Resolved, on the motion of Mrs Maclaren-Jones: That members notify the secretariat of any additional stakeholders they wish to be invited by COB Wednesday 21 November 2012.

5.3 Publishing submissions

Resolved, on the motion of Ms Westwood: That the Committee authorises the publication of all submissions to the inquiry into strategies to reduce alcohol abuse in young people in NSW, subject to the Committee Clerk checking for confidentiality, adverse mention and other issues. Submissions identified as containing confidentiality, adverse mention or other issues will then be considered by the Committee.

5.4 Possible hearing dates

Resolved, on the motion of Ms Westwood: That the Committee hold public hearings as part of the inquiry into strategies to reduce alcohol abuse among young people in NSW in the weeks beginning:

Monday 18 March 2013

Monday 29 April 2013

Monday 6 May 2013

Monday 17 June 2013 (reserve week).

5.5 Possible reporting date

The Committee noted that, depending on how the inquiry proceeds, the final report for the inquiry may be tabled in September 2013.

6. Adjournment

The Committee adjourned at 1.15 pm, *sine die*.

Stewart Smith

Clerk to the Committee

Minutes No. 31

Wednesday 6 March 2013

Standing Committee on Social Issues

Macquarie Room, Parliament House at 8.45 am

1. Members present

Mr Blair, *Chair*

Ms Westwood, *Deputy Chair*

Ms Barham (8.49 am)

Ms Cusack (9.06 am)

Mr Donnelly

Mrs Maclaren-Jones

2. Previous minutes

Resolved, on the motion of Mrs Maclaren-Jones: That draft Minutes No. 30 be confirmed.

3. ***

4. Inquiry into strategies to reduce alcohol abuse among young people in New South Wales

4.1 Submissions

The Committee noted that approximately 20 submissions had been received.

The Committee noted that the first hearing for this inquiry is 29 April 2013 and that the secretariat will distribute submissions to the Committee in the coming weeks.

5. ***

6. **Adjournment**

The committee adjourned at 1.30 pm until Friday 15 March 2013 at 9.15 am.

Stewart Smith
Clerk to the Committee

Minutes No. 32

Friday 15 March 2013

Standing Committee on Social Issues

Macquarie Room, Parliament House at 9.25 am

1. **Members present**

Mr Blair, *Chair*

Ms Westwood, *Deputy Chair*

Ms Barham

Ms Cusack (10.15 am)

Mr Donnelly

Mrs Maclaren-Jones

2. **Previous minutes**

Resolved, on the motion of Ms Barham: That draft Minutes No. 31 be confirmed.

3. **Inquiry into strategies to reduce alcohol abuse among young people in New South Wales**

The Committee noted that 43 submissions had been received, and with the exception of the submissions requesting confidentiality, these have been published under the authorisation of the Committee's resolution of 15 November 2012.

3.1.1 Partially confidential

Resolved, on the motion of Mrs Maclaren-Jones: That the Committee authorise the publication of Submission No. 19 with the exception of the name and other identifying details of the author, which are to remain confidential.

3.1.2 Confidential submissions

Resolved, on the motion of Mrs Maclaren-Jones: That Submission Nos. 16 and 27 remain confidential at the request of the authors.

4. ***

5. **Adjournment**

The Committee adjourned at 3.27 pm *sine die*.

Stewart Smith
Committee Clerk

Minutes No. 33

Monday 29 April 2013

Standing Committee on Social Issues

Macquarie Room, Parliament House, Sydney, 10.00 am

1. Members presentMr Blair, *Chair*Ms Westwood, *Deputy Chair*

Ms Barham

Ms Cusack

Mr Donnelly

Mrs Maclaren-Jones

2. Previous minutes

Resolved, on the motion of Mr Donnelly: That draft Minutes No. 32 be confirmed.

3. Correspondence

The Committee noted the following items of correspondence:

Received

- 8 March 2013 – Email from Ms Jane Tebbatt, Director, Performance Audit, The Audit Office of New South Wales providing information regarding the performance audit report on Reducing Alcohol Related Violence.
- 22 April 2013 – Email from Mr Gregor Macfie, Director, Policy and Research, Commission for Children and Young People declining the invitation to appear before the Committee at the 29 April hearing.

Sent

- 15 April 2013 – Letter from the Chair to Ms Elizabeth Tydd, Executive Director, Office of Liquor, Gaming and Racing inviting Ms Tydd to appear as a witness before the Committee at its public hearing for the Inquiry into strategies to reduce alcohol abuse among young people in NSW.
- 15 April 2013 – Letter from the Chair to Mr Chris Sidoti, Chair, Independent Liquor and Gaming Authority inviting Mr Sidoti to appear as a witness before the Committee at its public hearing for the Inquiry into strategies to reduce alcohol abuse among young people in NSW.

4. *****5. Inquiry into strategies to reduce alcohol abuse among young people in New South Wales****5.1 Submissions**

The Committee noted that submissions 44-52 were published by the Committee Clerk, with the exception of the submissions requesting confidentiality, under the authorisation of the Committee's resolution of 15 November 2012.

5.2. Confidential

Resolved, on the motion of Ms Westwood: That submission No. 18 remain confidential at the request of the author.

5.3 Confidential – distributed to members as public

Resolved, on the motion of Ms Westwood: That submission No. 17 remain confidential at the request of the author.

5.4 Supplementary questions

Resolved, on the motion of Ms Westwood: That for the duration of the inquiry into strategies to reduce alcohol abuse among young people in New South Wales supplementary questions may be lodged with the secretariat up to two days following the receipt of the hearing transcript.

Resolved, on the motion of Ms Westwood: That for the duration of the inquiry into strategies to reduce alcohol abuse among young people in New South Wales witnesses be requested to return answers to questions on notice and supplementary questions within 21 days of the date on which questions are forwarded to the witness.

Mr Donnelly left the meeting.

5.5 Public Hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other issues.

The following witnesses were sworn and examined:

- Mr Tim Reardon, Deputy Director General, Policy and Regulation, Transport for NSW
- Ms Margaret Prendergast, General Manager, Centre for Road Safety, Transport for NSW
- Mr Evan Walker, Principal Manager, Safer Systems, Centre for Road Safety, Transport for NSW.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Ms Elizabeth Tydd, Executive Director, Office of Liquor, Gaming and Racing.

Ms Tydd tendered the following document:

- Opening statement, Ms Tydd.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Scott Weber, President, Police Association of New South Wales
- Mr Peter Remfrey, Secretary, Police Association of New South Wales
- Mr Greg Chilvers, Director, Research and Resource Centre, Police Association of New South Wales.

The evidence concluded and the witnesses withdrew.

Ms Cusack left the meeting.

The following witnesses were sworn and examined:

- Ms Caterina Giorgi, Manager, Policy and Research, Foundation for Alcohol Research and Education
- Professor Katherine Conigrave, Director, Foundation for Alcohol Research and Education
- Professor Michael Farrell, Director, National Drug and Alcohol Research Centre, UNSW
- Associate Professor Anthony Shakeshaft, Deputy Director, National Drug and Alcohol Research Centre, UNSW.

Ms Giorgi tendered the following documents:

- Foundation for Alcohol Research and Education, *Annual alcohol poll: attitudes and behaviours*, 2013
- Foundation for Alcohol Research and Education, *10 years on: An analysis of the progress made in preventing alcohol-related harms since the 2003 NSW Summit on Alcohol Abuse*.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Associate Professor Nadine Ezard, Clinical Director, St Vincent's Hospital, Inner City Health Program, Alcohol & Drug Service
- Dr Robert Graham, Chair, Addiction Medicine Policy and Advocacy Committee, NSW Branch, The Royal Australasian College of Physicians.

Associate Professor Ezard tendered the following document:

- McCambridge, J., Hawkins, B. and Holden, C., *Industry use of evidence to influence alcohol policy: a case study of submissions to the 2008 Scottish Government consultation*, PLoS Med 10(4), pp 1-6.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Chris Sidoti, Chairperson, Independent Liquor and Gaming Authority
- Mr David Greenhouse, Chief Executive, Independent Liquor and Gaming Authority.

Mr Sidoti tendered the following document:

- Consideration of social impact under Section 48(5) of the Liquor Act 2007 - Independent Liquor & Gaming Authority.

The evidence concluded and the witnesses withdrew.

5.6 Tendered documents

Resolved, on the motion of Mrs Maclaren-Jones: That the Committee accept the following documents tendered during the public hearing:

- Opening statement, Ms Tydd
- Foundation for Alcohol Research and Education, Annual alcohol poll: attitudes and behaviours, 2013
- Foundation for Alcohol Research and Education, 10 years on: An analysis of the progress made in preventing alcohol-related harms since the 2003 NSW Summit on Alcohol Abuse.
- McCambridge, J., Hawkins, B. and Holden, C., *Industry use of evidence to influence alcohol policy: a case study of submissions to the 2008 Scottish Government consultation*, PLoS Med 10(4), pp 1-6.
- Consideration of social impact under Section 48(5) of the Liquor Act 2007 - Independent Liquor & Gaming Authority.

6. Other business

Resolved, on the motion of Mrs Maclaren-Jones: That the Committee write to the Commission for Children and Young People requesting their attendance at a future hearing.

7. Adjournment

The Committee adjourned at 5.06 pm until 9.20 am, Monday, 6 May 2013 at Parliament House, Sydney.

Ian Young
Clerk to the Committee

Minutes No. 34

Monday, 6 May 2013

Standing Committee on Social Issues

Macquarie Room, Parliament House, Sydney, 9.20 am

1. Members present

Mr Blair, *Chair*

Ms Westwood, *Deputy Chair*

Ms Barham

Ms Cusack

Mr Donnelly

Mrs Maclaren-Jones

2. Previous minutes

Resolved, on the motion of Ms Barham: That draft Minutes No. 33 be confirmed.

3. Inquiry into strategies to reduce alcohol abuse among young people in New South Wales

3.1 Discussion on future direction of Inquiry

Resolved, on the motion of Ms Barham: That the Committee conduct a site visit to the north coast of New South Wales at a date to be confirmed.

3.2 Public hearing

Mrs Maclaren-Jones joined the meeting.

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses appeared by teleconference and were sworn and examined:

- Mr Scott Hammond, Vice-President, Broken Hill Community Drug Action Team
- Ms Kelli Schultz, Secretary, Broken Hill Community Drug Action Team.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Nicky Sloan, Chief Executive Officer, Illawarra Forum
- Ms Monique Ferguson, Resource and Advocacy Officer, Illawarra Forum.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Cr Julie Hegarty, Vice-President General, Local Government NSW
- Ms Leanne Martin, Community Safety Coordinator, Manly Council.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Professor Sandra Jones, Director, Centre for Health Initiatives, University of Wollongong.

Professor Jones tendered the following documents:

- Results of survey of expectations of school aged young people regarding drinking behaviours.
- Jones, S and Smith, K. 'The effect of point of sale promotions on the alcohol purchasing behaviour of young people in metropolitan, regional and rural Australia', *Journal of Youth Studies*, 14(8), 2011.
- Jones, S and Reis, S. 'Not just the taste: why adolescents drink alcopops', *Health Education*, 112(1), 2012.
- Jones, S., Gregory, P and Munro, G. 'Adolescent and young adult perceptions of Australian alcohol advertisements', *Journal Of Substance Use*, 14(6), 2009.
- Barrie, L., Jones, S., Chapman, M., and Corr, N. *Alcohol Advertising in Televised Broadcasts of Australian Football Finals Series – Final Research report*, Centre for Health Initiatives, University of Wollongong, 2013.
- Jones, S and Lynch, M. 'Non-advertising alcohol promotions in licensed premises: does the Code of Practice ensure responsible promotion of alcohol?', *Drug and Alcohol Review*, 26, 2007.
- Jones, S., Hall, D and Munro, G. 'How effective is the revised regulatory code for alcohol advertising in Australia?', *Drug and Alcohol Review*, 27, 2007.

- Jones, S and Donovan, R. 'Self-regulation of alcohol advertising: Is it working for Australia?', *Journal of Public Affairs*, 2(3), 2002.
- Jones, S., Barrie, L., Robinson, L., Allsop, S and Chikritzhs, T. 'Point-of-sale alcohol promotions in the Perth and Sydney metropolitan areas', *Drug and Alcohol Review*, 31, 2012.
- Jones, S and Magee, C. 'Policy: Exposure to Alcohol Advertising and Alcohol Consumption among Australian Adolescents', *Alcohol and Alcoholism*, 46(5), 2011.
- Jones, S., Phillipson, L and Barrie, L. "Most men drink ... especially like when they play sports" – alcohol advertising during sporting broadcasts and the potential impact on child audiences', *Journal of Public Affairs*, 10, 2010.
- Jones, S and Barrie, L. 'RTDs in Australia: Expensive designer drinks or cheap rocket fuel?', *Drug and Alcohol Review*, 30, 2011.
- Jones, S., Barrie, L and Berry, N. 'Why (not) alcohol energy drinks? A qualitative study with Australian university students', *Drug and Alcohol Review*, 2011.
- Jones, S. 'When does alcohol sponsorship of sport become sports sponsorship of alcohol? A case study of developments in sport in Australia', *International Journal of Sports Marketing & Sponsorship*, 2010.
- Jones, S and Gregory, P. 'The impact of more visible standard drink labelling on youth alcohol consumption: Helping young people drink (ir)responsibly?', *Drug and Alcohol Review*, 28, 2009.
- Jones, S and Lynch, M. 'A pilot study investigating of the nature of point-of-sale alcohol promotions in bottle shops in a large Australian regional city', *Australian and New Zealand Journal of Public Health*, 31(4), 2007.

Professor Jones tendered the following documents and requested that they be kept confidential:

- Jones, S., Thom, J., Davoren, S and Barrie, L. *Internet filters and entry pages do not protect children from online alcohol marketing*, Centre for Health Initiatives University of Wollongong and Cancer Prevention Centre Cancer Council Victoria.
- Jones, S., *The influence of Point-of-Sale (POS) Promotions on Bottle Shop Purchases of Young Adults*, paper submitted to the *Medical Journal of Australia*.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Alina Bain, Acting Chief Executive Officer, Australian Association of National Advertisers
- Ms Denita Wawn, Chair, The Alcohol Beverages Advertising (and Packaging) Code [ABAC] Scheme Limited.

The evidence concluded and the witnesses withdrew.

Mr Blair left the meeting.

In the absence of the Chair, the Deputy Chair took the Chair for the purpose of the meeting.

The following witness was sworn and examined:

- Mr David Cass, Australian Hotels Association.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr David Templeman, Chief Executive Officer, The Alcohol and other Drugs Council of Australia
- Ms Meredith Crane, Manager, Policy and Strategic Communications, The Alcohol and other Drugs Council of Australia.

Mr Templeman tendered the following document:

- Series of pictures depicting alcohol advertising during sporting occasions.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.50 pm. The public and the media withdrew.

3.3 Tended documents

Resolved, on the motion of Ms Maclaren-Jones: That the Committee accept and publish the following documents tendered during the public hearing:

- Results of survey of expectations of school aged young people regarding drinking behaviours, tendered by Professor Sandra Jones.
- Jones, S and Smith, K. 'The effect of point of sale promotions on the alcohol purchasing behaviour of young people in metropolitan, regional and rural Australia', *Journal of Youth Studies*, 14(8), 2011, tendered by Professor Sandra Jones.
- Jones, S and Reis, S. 'Not just the taste: why adolescents drink alcopops', *Health Education*, 112(1), 2012, tendered by Professor Sandra Jones.
- Jones, S., Gregory, P and Munro, G. 'Adolescent and young adult perceptions of Australian alcohol advertisements', *Journal Of Substance Use*, 14(6), 2009, tendered by Professor Sandra Jones.
- Barrie, L., Jones, S., Chapman, M., and Corr, N. *Alcohol Advertising in Televised Broadcasts of Australian Football Finals Series – Final Research report*, Centre for Health Initiatives, University of Wollongong, 2013, tendered by Professor Sandra Jones.
- Jones, S and Lynch, M. 'Non-advertising alcohol promotions in licensed premises: does the Code of Practice ensure responsible promotion of alcohol?', *Drug and Alcohol Review*, 26, 2007, tendered by Professor Sandra Jones.
- Jones, S., Hall, D and Munro, G. 'How effective is the revised regulatory code for alcohol advertising in Australia?', *Drug and Alcohol Review*, 27, 2007, tendered by Professor Sandra Jones.
- Jones, S and Donovan, R. 'Self-regulation of alcohol advertising: Is it working for Australia?', *Journal of Public Affairs*, 2(3), 2002, tendered by Professor Sandra Jones.
- Jones, S., Barrie, L., Robinson, L., Allsop, S and Chikritzhs, T. 'Point-of-sale alcohol promotions in the Perth and Sydney metropolitan areas', *Drug and Alcohol Review*, 31, 2012, tendered by Professor Sandra Jones.
- Jones, S and Magee, C. 'Policy: Exposure to Alcohol Advertising and Alcohol Consumption among Australian Adolescents', *Alcohol and Alcoholism*, 46(5), 2011, tendered by Professor Sandra Jones.
- Jones, S., Phillipson, L and Barrie, L. "Most men drink ... especially like when they play sports" – alcohol advertising during sporting broadcasts and the potential impact on child audiences', *Journal of Public Affairs*, 10, 2010, tendered by Professor Sandra Jones.
- Jones, S and Barrie, L. 'RTDs in Australia: Expensive designer drinks or cheap rocket fuel?', *Drug and Alcohol Review*, 30, 2011, tendered by Professor Sandra Jones.
- Jones, S., Barrie, L and Berry, N. 'Why (not) alcohol energy drinks? A qualitative study with Australian university students', *Drug and Alcohol Review*, 2011, tendered by Professor Sandra Jones.
- Jones, S. 'When does alcohol sponsorship of sport become sports sponsorship of alcohol? A case study of developments in sport in Australia', *International Journal of Sports Marketing & Sponsorship*, 2010, tendered by Professor Sandra Jones.
- Jones, S and Gregory, P. 'The impact of more visible standard drink labelling on youth alcohol consumption: Helping young people drink (ir)responsibly?', *Drug and Alcohol Review*, 28, 2009, tendered by Professor Sandra Jones.

- Jones, S and Lynch, M. 'A pilot study investigating of the nature of point-of-sale alcohol promotions in bottle shops in a large Australian regional city', Australian and New Zealand Journal of Public Health, 31(4), 2007, tendered by Professor Sandra Jones.
- Series of pictures depicting alcohol advertising during sporting occasions, tendered by Mr David Templeman.

4. **Adjournment**

The Committee adjourned at 4.52 pm, *sine die*.

Stewart Smith

Clerk to the Committee

Minutes No. 35

Thursday, 9 May 2013

Standing Committee on Social Issues

Members' Lounge, Parliament House, Sydney, 1.00 pm

1. **Members present**

Mr Blair, *Chair*

Ms Barham

Mr Donnelly

Mrs Maclaren-Jones

2. **Apologies**

Ms Cusack

3. **Previous minutes**

Resolved, on the motion of Mr Donnelly: That draft Minutes No. 34 be confirmed.

4. **Inquiry into strategies to reduce alcohol abuse among young people in New South Wales**

4.1 **Further hearings and site visits**

Resolved, on the motion of Mrs Maclaren-Jones: That the Committee hold a half day hearing on Monday 17 June 2013, and that the following witnesses be invited to give evidence: Commission for Children and Young People, Youth Action, Attorney-General's Department.

The Committee also discussed the proposed site visit to Lismore and surrounds, and noted the desirability to engage with Southern Cross University and the Centre for Children and Young People, and prospectively a half day hearing to hear from relevant stakeholders.

4.2 **Tendered documents**

Resolved, on the motion of Mrs Maclaren-Jones: That the Committee accept the following documents tendered during the public hearing by Professor Jones and that these documents remain confidential:

- Jones, S., Thom, J., Davoren, S and Barrie, L. Internet filters and entry pages do not protect children from online alcohol marketing, Centre for Health Initiatives University of Wollongong and Cancer Prevention Centre Cancer Council Victoria.
- Jones, S., The influence of Point-of-Sale (POS) Promotions on Bottle Shop Purchases of Young Adults, paper submitted to the Medical Journal of Australia.

5. **Adjournment**

The Committee adjourned at 1.12 pm, *sine die*.

Stewart Smith
Clerk to the Committee

Minutes No. 36

Monday, 17 June 2013

Standing Committee on Social Issues

Macquarie Room, Parliament House, Sydney, 9.20 am

1. Members presentMr Blair, *Chair*Ms Westwood, *Deputy Chair*

Ms Barham

Ms Cusack (*via teleconference*) (from 11.00 am to 11.05 am)

Mr Donnelly

2. Apologies

Mrs Maclaren-Jones

3. Inquiry into strategies to reduce alcohol abuse among young people in New South Wales**3.1 Public hearing – meeting without a quorum**

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Ms Kerry Boland, Acting Commissioner and Children's Guardian, Commission for Children and Young People
- Mr Gregor Macfie, Director of Research, Commission for Children and Young People.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Suellen Lembke, Director of Programs Branch for Juvenile Justice, Department of Attorney-General and Justice
- Mr Geoff Wilkinson, Alcohol and Other Drugs Program Manager, Juvenile Justice NSW, Department of Attorney General and Justice.

Ms Lembke tendered the following documents:

- Juvenile Justice 'Alcohol and Other Drug Treatment Pathway' program document
- Juvenile Justice 'Drug Information and Harm Minimisation Skills' program booklet
- '2009 Young People in Custody Health Survey Fact Sheets – Key Findings for Young Men, Aboriginal Young People and Young Women' documents.

Mr Wilkinson tendered the following documents:

- 'X Roads' treatment program information binder and workbooks
- Juvenile Justice 'Profile: Personal Review of Offences File: An evidence based, best practice motivational program for treatment resistant juveniles who present with substance misuse offending behaviour' booklet.

The evidence concluded and the witnesses withdrew.

3.2 Deliberative meeting

The Chair advised that Ms Cusack would be participating via teleconference.

Resolved, on the motion of Ms Westwood: That the Committee appoint a sub-committee to conduct the public hearing on Monday 17 June 2013.

Resolved, on the motion of Mr Donnelly: That the Committee appoint the Hon Jan Barham, the Hon Niall Blair, the Hon Greg Donnelly and the Hon Helen Westwood as members of the sub-committee.

Resolved, on the motion of Ms Barham: That the Committee appoint the Hon Niall Blair to act as Chair of the sub-committee.

The Committee adjourned at 11.05 am.

The sub-committee noted that four members of the Committee, Mr Blair, Ms Westwood, Ms Barham and Mr Donnelly, attended a public hearing without a quorum and received evidence from representatives of the Commission for Children and Young People and Juvenile Justice NSW, Department of Attorney General and Justice.

Resolved, on the motion of Ms Westwood: That the sub-committee adopt the hearing transcript on the morning of Monday 17 June 2013 by witnesses from the Commission for Children and Young People and Juvenile Justice NSW, Department of Attorney General and Justice and authorise its publication as a part of the public hearing transcript for that day.

3.3 Public hearing – meeting as a sub-committee

The following witness was sworn and examined:

- Mr Eamon Waterford, Director of Policy and Advocacy, Youth Action.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Terry Mott, Chief Executive Officer, Liquor Stores Association of NSW.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Julie Flynn, Chief Executive Officer, Free TV Australia
- Ms Clare O'Neill, Director of Legal, Free TV Australia.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 1.30 pm. The public and the media withdrew.

Resolved, on the motion of Ms Barham: That the sub-committee accept and publish the following documents tendered during the public hearing:

- Juvenile Justice 'Alcohol and Other Drug Treatment Pathway' program document, tendered by Ms Lembke
- Juvenile Justice 'Drug Information and Harm Minimisation Skills' program booklet, tendered by Ms Lembke
- '2009 Young People in Custody Health Survey Fact Sheets – Key Findings for Young Men, Aboriginal Young People and Young Women' documents, , tendered by Ms Lembke
- 'X Roads' treatment program information binder and workbooks, tendered by Mr Wilkinson
- Juvenile Justice 'Profile: Personal Review of Offences File: An evidence based, best practice motivational program for treatment resistant juveniles who present with substance misuse offending behaviour' booklet, tendered by Mr Wilkinson.

4. Adjournment

The sub-committee adjourned at 1.35 pm *sine die*.

Stewart Smith
Clerk to the Committee

Minutes No. 37

Monday 22 July 2013

Standing Committee on Social Issues

Room 1153, Parliament House, Sydney, 10.06 am

1. Members present

Mr Blair, *Chair*

Ms Westwood, *Deputy Chair*

Ms Barham

Ms Cusack

Mr Donnelly

Mrs Maclaren-Jones

2. Previous minutes

Resolved, on the motion of Ms Westwood: That Draft Minutes No. 35 and No. 36 be confirmed.

3. Inquiry into strategies to reduce alcohol abuse among young people in New South Wales

3.1 Correspondence

Sent:

21 May 2013 – Letter from Chair to Mr Gregor Macfie, Director, Policy and Research, Commission for Children and Young People, inviting a representative from the Commission for Children and Young People to appear at a hearing on 17 June 2013 in relation to the inquiry into strategies to reduce alcohol abuse among young people in New South Wales.

3.2 Adoption of transcript from sub-committee hearing

Resolved, on the motion of Mrs Maclaren-Jones: That the Committee adopt the full transcript of evidence from the public hearing on 17 June 2013.

4. ***

5. Adjournment

The Committee adjourned at 4.40 pm until 2.00 pm on Tuesday 23 July 2013, Same-sex marriage law in New South Wales report deliberative.

Stewart Smith
Clerk to the Committee

Minutes No. 39

Thursday, 29 August 2013

Standing Committee on Social Issues

Members' Lounge, Parliament House, Sydney, 1.00 pm

1. Members present

Mr Blair, *Chair*

Ms Westwood, *Deputy Chair*

Ms Barham

Mr Donnelly

Mrs Maclaren-Jones

2. Apologies

Ms Cusack

3. Minutes

Resolved, on the motion of Mr Donnelly: That draft Minutes No. 37 and 38 be confirmed.

4. Inquiry into strategies to reduce alcohol abuse among young people in New South Wales**4.1 Supplementary submission**

The Committee noted that Submission No. 4a was published by the Committee Clerk under the authorisation of an earlier resolution.

4.2 Answers to questions on notice and supplementary questions

The Committee noted the following answers to questions on notice and supplementary questions were published by the Committee Clerk under the authorisation of an earlier resolution:

- Transport for NSW
- Police Association of NSW
- Foundation for Alcohol Research and Education
- St Vincent's Hospital, Inner City Health Program
- Broken Hill Community Drug Action Team
- Illawarra Forum
- Manly Council
- Local Government NSW
- Professor Sandra Jones, University of Wollongong
- Australian Association of National Advertisers
- The Alcohol and Beverages (and Packaging) Code (ABAC) Scheme Limited
- Australian Hotels Association
- The Alcohol and other Drugs Council of Australia
- Juvenile Justice NSW, Department of Attorney General and Justice
- Youth Action
- Liquor Stores Association of NSW
- Free TV Australia.

4.3 Site visit itinerary

The Committee considered the draft itinerary for the site visit to Byron Bay in October.

Resolved, on the motion of Ms Westwood: That the Committee approve the draft itinerary for the site visit to Byron Bay on Tuesday, 8 October 2013.

5. Adoption of interim social media guidelines

The Committee considered the interim social media guidelines agreed by the Chairs' Committee in May 2013.

Resolved, on the motion of Mrs Maclaren-Jones: That the Committee adopt the interim guidelines on the use of social media and electronic devices during committee proceedings.

6. Adjournment

The Committee adjourned at 1.12 pm until 9 am on Tuesday, 8 October 2013 at Sydney Domestic Airport for the site visit to Byron Bay.

Stewart Smith

Clerk to the Committee

Minutes No. 40

Tuesday 8 October 2013

Standing Committee on Social Issues

Multi-Function Room Two, Byron Regional Sport and Cultural Complex Multi-purpose Facility, Byron Bay, 1.15 pm

1. Members present

Mr Blair, *Chair*

Ms Westwood, *Deputy Chair*

Ms Barham

Mr Donnelly

Mrs Maclaren-Jones

2. Apologies

Ms Cusack

3. Previous minutes

Resolved, on the motion of Mrs Maclaren-Jones: That draft Minutes No. 39 be confirmed.

4. Inquiry into strategies to reduce alcohol abuse among young people in New South Wales**4.1 Correspondence**

The Committee noted the following items of correspondence:

Sent

- 9 September 2013 – Letter from the Chair to the Hon Donald Page, Member for Ballina, advising him of the Committee's public hearing in Byron Bay on Tuesday 8 October 2013.

4.2 Submission

The Committee noted that Submission No. 53 was published by the Committee Clerk under the authorisation of an earlier resolution.

4.3 Public hearing – Byron Bay

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

- Detective Superintendent Stuart Wilkins, Tweed Byron Local Area Command.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mrs Hannah Spalding, Executive Chairperson, Byron Bay Liquor Accord
- Mr Loren Nowland, Vice Chair, Byron Bay Liquor Accord.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Di Mahoney, Byron Youth Service
- Ms Deb Pearse, Byron Youth Service.

Ms Mahoney tendered the following document:

- Opening statement from Byron Youth Service.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Dr Blake Eddington, Last Drinks at 12
- Dr Graham Truswell, Last Drinks at 12.

Dr Eddington tendered the following document:

- Printed slides depicting alcohol related injuries and statistics.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Cr Simon Richardson, Mayor, Byron Shire Council
- Mr Greg Ironfield, Manager, Sustainable Communities, Byron Shire Council
- Ms Sylvia Roylance, Community Development Officer – Youth, Tweed Shire Council
- Ms Lizette Twisleton, Community Services Officer – Youth Development, Lismore City Council.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.30 pm. The public and the media withdrew.

Resolved, on the motion of Mrs Maclaren-Jones: That the Committee accept and publish the following documents tendered during the public hearing:

30. Opening statement from Byron Youth Service, tendered by Ms Di Mahoney, Director, Byron Youth Service.
31. Two slides containing text from the printed slides depicting alcohol related injuries and statistics, tendered by Dr Blake Eddington, Last Drinks at 12.

4.4 Roundtable discussion – representatives from the Northern Rivers Youth Council

Participants were admitted.

The Chair made an opening statement regarding the conduct of proceedings and other matters.

The roundtable concluded and the witnesses withdrew.

5. Adjournment

The Committee adjourned at 6.00 pm *sine die*.

Stewart Smith
Clerk to the Committee

Minutes No. 41

Thursday 24 October 2013

Standing Committee on Social Issues

Members' lounge, Parliament House, Sydney, 1.07 pm

1. Members present

Mr Blair, *Chair*

Ms Westwood, *Deputy Chair*

Ms Barham

Mr Donnelly

Mrs Maclaren-Jones

2. Apologies

Ms Cusack

3. Previous minutes

Resolved, on the motion of Mr Donnelly: That draft Minutes No. 40 be confirmed.

4. Inquiry into strategies to reduce alcohol abuse among young people in New South Wales

4.1 Correspondence

The Committee noted the following item of correspondence:

Sent

- 16 October 2013 – Letter from the Chair to Mr Steve Smith, Northern Rivers Social Development Council, thanking him and the young people for the roundtable on 8 October 2013.

4.2 Submission

The Committee noted that Submission No. 54 was published by the Committee Clerk under the authorisation of an earlier resolution.

4.3 Transcript of evidence – roundtable discussion

Resolved, on the motion of Ms Westwood: That the Committee authorises the publication of the transcript of evidence given during the roundtable discussion with members of the Northern Rivers Social Development Council's Youth Council on Tuesday 8 October 2013 with the exception of witness identifying information of youth members which is to remain confidential.

5. Adjournment

The Committee adjourned at 1.09 pm *sine die*.

Stewart Smith
Clerk to the Committee

Draft Minutes No. 42

Wednesday 4 December 2013

Standing Committee on Social Issues

Room 1153, Parliament House, Sydney, 10.35 am

1. Members present

Mr Blair, *Chair*

Ms Westwood, *Deputy Chair*
 Ms Barham
 Ms Cusack
 Mr Donnelly
 Mrs Maclaren-Jones

2. Previous minutes

Resolved, on the motion of Mrs Maclaren-Jones: That draft Minutes No. 41 be confirmed.

3. Inquiry into strategies to reduce alcohol abuse among young people

3.1 Answers to questions on notice and supplementary questions

The Committee noted receipt of answers to questions on notice and supplementary questions from:

- Superintendent Stuart Wilkins, Tweed Byron Local Area Command
- Mr Greg Ironfield, Manager Sustainable Communities, Byron Shire Council.

3.2 Consideration of Chair's draft report

The Chair submitted his draft report entitled *Strategies to reduce alcohol abuse among young people*, which, having been previously circulated, was taken as being read.

Chapter 1 read.

Chapter 2 read.

Resolved, on the motion of Mrs Maclaren-Jones: That a new section be inserted after paragraph 2.68 to read:

‘Personal responsibility

A number of Inquiry participants from the alcohol industry noted that individuals have a responsibility to behave in a way which does not lead to alcohol-related harms. For instance, the Liquor Stores Association NSW noted that while liquor outlets have a responsibility to minimise alcohol related harms, it argued that ‘alcohol consumption is ultimately an issue of individual responsibility’. Diageo Australia argued that promoting a culture of individual responsibility amongst young people through targeted education and enforcement was key to reducing harmful drinking and related harm amongst young people.

Other Inquiry participants disagreed with this view and argued that relying on personal responsibility would not be enough to resolve the problems created by harmful drinking. For example, Dr Graham, Royal Australasian College of Physicians, argued that debates around personal responsibility are ‘a form of air cover or diversionary tactics’ and that the policy focus should remain on ‘evidence based public health measures’. The Police Association agreed and suggested the arguments about personal responsibility were a ‘smoke screen’.

Chapter 3 read.

Resolved, on the motion of Mrs Maclaren-Jones: That a new paragraph be inserted after paragraph 3.6 to read ‘Juvenile Justice reported that for young people in custody lifetime experience with alcohol is close to universal. Almost two-thirds of young people in custody reported that they were drunk at least weekly in the year before coming into custody, with over a fifth reporting this daily or almost daily. Nearly 70 per cent were intoxicated at the time of their offence.’

Resolved, on the motion of Mrs Maclaren-Jones: That a new paragraph be inserted after paragraph 3.40 to read ‘Members of the Commission for Children and Young People’s Young People Advisory Group suggested a number of reasons for pre-loading, including cost, peer pressure, and the ability to be in control of what they were drinking. Minors in the Group also noted that alcohol may not be available at the venue to which they were going.’

Resolved, on the motion of Ms Cusack: That paragraph 3.43 be amended by omitting ‘Concerns were expressed throughout this Inquiry regarding specific behaviours relating to harmful drinking among young

people, including 'binge drinking', a predilection for shots and ready-to-drink beverages, and pre-loading, and in particular, the role of pre-loading in alcohol-related violence.' and inserting instead 'A culture of drinking to get drunk manifests itself in harmful drinking behaviours including preloading, 'binge drinking', a predilections for shots and ready-to-drink beverages.'

Resolved, on the motion of Ms Cusack: That a new paragraph be inserted after paragraph 3.43 to read 'The Committee expresses concern that these harmful drinking behaviours contribute to alcohol-related violence, risk taking behaviour and unsafe and unwanted sexual activity.'

Resolved, on the motion of Mrs Maclaren-Jones: That a new paragraph be inserted after paragraph 3.43 to read 'The Committee notes the increasing trend of pre-loading, and believes that this issue requires further research. Hence the Committee recommends that OLGR conduct further research into pre-loading, and publish a discussion paper which identifies the most effective policy responses to help reduce both its occurrence and impact.'

Resolved, on the motion of Ms Cusack: That a new recommendation be inserted after paragraph 3.43 to read 'That the NSW Government establish an inter-agency committee to coordinate research into the issue of pre-loading, and publish a discussion paper which identifies the most effective policy responses to help reduce its occurrence and impact.'

Resolved, on the motion of Mr Donnelly: That a new paragraph be inserted after paragraph 3.43 to read 'The Committee believes more data is required to determine a correlation between alcohol sales and alcohol related harm. The collection of data on alcohol sales would provide useful information on what the people of NSW drink and the harms associated with alcohol. This information would enable researchers and policy makers to develop, implement and track the progress of evidence based alcohol policies.'

Resolved, on the motion of Mr Donnelly: That a new recommendation be inserted after paragraph 3.43 to read 'That the NSW Government collect and report on alcohol sales data to help understand the true extent of alcohol related harm in NSW.'

Chapter 4 read.

Resolved, on the motion of Mrs Maclaren-Jones: That an additional paragraph be inserted after paragraph 4.27 to read 'The Alcohol and other Drugs Council of Australia saw some merit with the EVAT tool, especially the identification of risk and different outlets given different risk ratings. However, the Council expressed concern about the allocation of the risk ratings – such as bottle shops automatically receiving a low risk weighting. The Council recommended that the tool be developed further to take into consideration: the long term risk associated with alcohol consumption; and the high risk of pre-loading and domestic violence associated with bottle shops, particularly in suburban areas.'

Ms Barham moved: That a new paragraph be inserted after paragraph 4.50 to read 'The Committee noted the importance of up to date Social Profiles for Local Government areas in the assessment of potential social impact.'

Question put.

The Committee divided.

Ayes: Ms Barham, Mr Donnelly, Ms Westwood

Noes: Mr Blair, Ms Cusack, Mrs Maclaren-Jones.

Question resolved in the negative on the casting vote of the Chair.

Ms Barham moved: That a new recommendation be inserted after paragraph 4.50 to read 'That the funding of the updating of Social Profile data for local government areas be prioritised.'

Question put.

The Committee divided.

Ayes: Ms Barham, Mr Donnelly, Ms Westwood

Noes: Mr Blair, Ms Cusack, Mrs Maclaren-Jones.

Question resolved in the negative on the casting vote of the Chair.

Ms Barham moved: That a new paragraph be inserted after paragraph 4.49 to read ‘The Committee notes that there are contrasting views expressed by various stakeholders on this matter of alcohol density but significant concerns were raised about the impact.’

Question put.

The Committee divided.

Ayes: Ms Barham, Mr Donnelly, Ms Westwood

Noes: Mr Blair, Ms Cusack, Mrs Maclaren-Jones.

Question resolved in the negative on the casting vote of the Chair.

Chapter 5 read.

Ms Barham moved: That paragraph 5.95 be amended by omitting the words ‘The Committee did not receive enough evidence to reach a position as to the adequacy of self-regulation.’

Question put.

The Committee divided.

Ayes: Ms Barham, Mr Donnelly, Ms Westwood

Noes: Mr Blair, Ms Cusack, Mrs Maclaren-Jones.

Question resolved in the negative on the casting vote of the Chair.

Ms Barham moved: That paragraph 5.97 be amended by inserting at the end of the paragraph the words ‘The Committee believes that there should be restrictions placed on point-of-sale and cross-marketing of alcohol to non-related products.’

Question put.

The Committee divided.

Ayes: Ms Barham, Mr Donnelly, Ms Westwood

Noes: Mr Blair, Ms Cusack, Mrs Maclaren-Jones.

Question resolved in the negative on the casting vote of the Chair.

Ms Barham moved: That a new recommendation be inserted after paragraph 5.99 to read ‘That promotion of alcohol in association with sporting events be investigated.’

Question put.

The Committee divided.

Ayes: Ms Barham, Mr Donnelly, Ms Westwood

Noes: Mr Blair, Ms Cusack, Mrs Maclaren-Jones.

Question resolved in the negative on the casting vote of the Chair.

Ms Barham moved: That a new paragraph be inserted after paragraph 5.99 to read ‘That the committee notes that information regarding the complaints system regarding alcohol advertising be promoted.’

Question put.

The Committee divided.

Ayes: Ms Barham

Noes: Mr Blair, Ms Cusack, Mr Donnelly, Mrs Maclaren-Jones, Ms Westwood.

Question resolved in the negative.

Chapter 6 read.

Resolved, on the motion of Ms Barham: That paragraph 6.53 be moved and inserted after paragraph 3.41.

Resolved, on the motion of Mrs Maclaren-Jones: That a new paragraph be inserted after paragraph 6.69 to read:

‘The Australian Hotels Association also noted the effectiveness of patron identification scanning as a tool to reduce alcohol related violence. With particular reference to Newcastle, the Association noted that with the introduction of ID scanning and multi-venue barring, patron behaviour improved:

... Problematic patrons were removed and the behaviour of patrons – who realised their own actions determined what would occur next – also improved. People socialising in night-time Newcastle became responsible for their own actions – and there has been no need for extra sanctions. Targeting the troublemakers - through scanning and barring – is what has actually improved the Newcastle situation.

The AHA argued that the targeting of patron behaviour with ID scanning and multi-venue barring has been more effective in reducing alcohol related violence than the 2008 trading restrictions.’

Mr Donnelly moved: That paragraph 6.95 be omitted and replaced with a new paragraph and recommendation to read:

‘The Committee believes the evidence that the suite of measures implemented in the Newcastle trial were effective in reducing alcohol related harm. Therefore, the Committee believes the evidence presented is compelling enough to warrant the introduction of an 18 month trial of the Newcastle style licence restrictions in the Sydney CBD and Kings Cross. This should coincide with an independent study to measure the success of the policy in driving down alcohol related assaults.

The Committee recognises that there should be slight alterations to the measures appropriate to the Sydney CBD and Kings Cross. For instance, after 3:00am venues should be allowed to continue to trade (but not serve or sell alcohol) in order to stagger the flow of patrons leaving venues and avoid an influx of people onto the streets all at once. Venues should be able to remain open so that people can still have food or continue their night safely if they wish.

Recommendation

That the NSW Government conducts an 18 month trial to impose the strict restrictions on licensed venues in the Sydney CBD and Kings Cross including:

- Lock-outs at venues from 1.00 am;
- 3.00am ‘last drinks’ for all venues; and
- Restrictions on the sale of high-alcohol content drinks after 10.00pm.

Further, that the NSW Government conducts an independent study to measure the effect of the licence restrictions on reducing alcohol related harm and the impact of the restrictions on the night time economy.’

Resolved, on the motion of Ms Barham: That the motion of Mr Donnelly be amended by omitting the words ‘Sydney CBD and Kings Cross’ in the first paragraph, second paragraph and recommendation and inserting instead the words ‘Sydney CBD, Kings Cross and the town of Byron Bay’.

Original question, as amended, put.

The Committee divided.

Ayes: Ms Barham, Mr Donnelly, Ms Westwood

Noes: Mr Blair, Ms Cusack, Mrs Maclaren-Jones.

Question resolved in the negative on the casting vote of the Chair.

Resolved, on the motion of Ms Westwood: That paragraph 6.95 be amended by omitting the words ‘may be’ and inserting instead ‘was’ in first sentence.

Resolved, on the motion of Ms Barham: That paragraph 6.96 and Recommendation 5 be amended by omitting ‘including by providing’ in the second sentence and inserting instead ‘and providing legislative powers’.

Mr Donnelly moved: That a new paragraph and a new recommendation be inserted after paragraph 6.96 to read:

‘The Committee notes evidence presented by the City of Sydney that public space strategies can also reduce the opportunity for alcohol related violence. These strategies can include the installation of CCTV cameras in night-time entertainment precincts, improved availability of the public transport through-out the night and the deployment of police officers and ‘capable guardians’.

Recommendation

That the NSW Government introduces all night train services from Kings Cross and Sydney CBD to Greater Sydney on Friday and Saturday nights.

Further, that the NSW Government commits to providing more CCTV and more police in the state’s entertainment precincts.’

Question put.

The Committee divided.

Ayes: Ms Barham, Mr Donnelly, Ms Westwood

Noes: Mr Blair, Ms Cusack, Mrs Maclaren-Jones.

Question resolved in the negative on the casting vote of the Chair.

Mr Donnelly moved: That two new paragraphs and a new recommendation be inserted after paragraph 6.96 to read:

‘The Committee has heard evidence of the immediate and cumulative effects of alcohol. Of particular concern is the potential impact of harmful drinking on adolescent brain development. The NSW Audit Office estimated the total cost of alcohol-related abuse to be \$3.87 billion per year in 2010. Of this an estimated \$1.029 billion was the reported cost to NSW Government services.

Given the community’s concerns about alcohol related harm, the NSW Government’s liquor regulator should be working to reduce alcohol related harm as part of its strategic priorities. The regulator should be working with the NSW Police, NSW Health and other government agencies, industry stakeholders and non-government organisations impacted by alcohol related harm by sharing information and improving understanding of the issues faced.

Recommendation

The NSW Government should establish a new liquor regulator which is committed to minimising alcohol related harm as part of its strategic priorities.’

Question put.

The Committee divided.

Ayes: Ms Barham, Mr Donnelly, Ms Westwood

Noes: Mr Blair, Ms Cusack, Mrs Maclaren-Jones.

Question resolved in the negative on the casting vote of the Chair.

Resolved, on the motion of Mr Donnelly: That a new paragraph and a new recommendation be inserted after paragraph 6.96 to read:

‘Given we now know the financial impacts of alcohol abuse to the NSW Government, the NSW Government consider the merits of introducing a licensing structure which reflects a more proactive and preventative approach to alcohol related harm. This harm minimisation approach will help reduce alcohol related health, social and economic harm. Risk based licensing fees have been adopted in many jurisdictions in response to the harms which result from the increased availability of alcohol.

Recommendation

That the NSW Government consider the merits of introducing a risk based licensing fee system which provides licensees with financial incentives to reduce alcohol related harm and adopt more responsible business models.’

Chapter 7 read.

Resolved, on the motion of Ms Barham: That a new paragraph be inserted after paragraph 7.5 to read:

‘Byron Youth Service also highlighted their community based campaign ‘Cringe the Binge’ which seeks to reduce alcohol abuse among young people. Mr Simon Richardson, Mayor, Byron Shire Council, commented on the success of the campaign:

It is a wonderful program because rather than telling young people not to drink ...it reflects reality. The message is that if they drink, they should drink smarter It reflects what young people think and they are responding to it. It just won a Queensland advertising award for creativity.’

Ms Barham moved: That paragraph 7.29 be amended by inserting the words ‘The committee notes that peer education campaigns are effective’ at the end of the paragraph.

Question put.

The Committee divided.

Ayes: Ms Barham, Mr Donnelly, Ms Westwood

Noes: Mr Blair, Ms Cusack, Mrs Maclaren-Jones.

Question resolved in the negative on the casting vote of the Chair.

Ms Barham moved: That the last sentence in paragraph 7.29 and Recommendation 6 be amended by inserting the word ‘independently’ before the word ‘evaluated’.

Question put.

The Committee divided.

Ayes: Ms Barham, Mr Donnelly, Ms Westwood

Noes: Mr Blair, Ms Cusack, Mrs Maclaren-Jones.

Question resolved in the negative on the casting vote of the Chair.

Ms Barham moved: That a new recommendation be inserted to read ‘That additional support be provided for alcohol treatment programs for young people.’

Question put.

The Committee divided.

Ayes: Ms Barham, Mr Donnelly, Ms Westwood

Noes: Mr Blair, Ms Cusack, Mrs Maclaren-Jones.

Question resolved in the negative on the casting vote of the Chair.

Ms Barham moved: That a new recommendation be inserted to read ‘That funding support be provided for youth workers who provide alcohol related support and programs for young people.’

Question put.

The Committee divided.

Ayes: Ms Barham, Mr Donnelly, Ms Westwood

Noes: Mr Blair, Ms Cusack, Mrs Maclaren-Jones.

Question resolved in the negative on the casting vote of the Chair.

Resolved, on the motion of Mr Donnelly: That a new paragraph and a new recommendation be inserted after paragraph 7.31 to read:

“The Committee acknowledges the potential harms from alcohol consumption among minors, and additional strategies are also needed to ensure that young people are not directly purchasing alcohol from licenced premises. Controlled purchase operations are one way in which the NSW Government can actively raise licensee awareness and compliance with “supply to minors” provisions in the Liquor Act.

Recommendation

That the NSW Government consider amendments to legislation to enable controlled purchase operations for alcohol.’

Resolved, on the motion of Ms Cusack: That the draft report as amended be the report of the Committee and that the Committee present the report to the House;

That the transcripts of evidence, submissions, tabled documents, answers to questions on notice, minutes of proceedings and correspondence relating to the Inquiry be tabled in the House with the report; and That upon tabling, all transcripts of evidence, submissions, tabled documents, answers to questions on notice, minutes of proceedings and correspondence relating to the Inquiry not already made public, be made public by the Committee, except for those documents kept confidential by resolution of the Committee.

Resolved, on the motion of Mr Donnelly: That dissenting statements be submitted to the Secretariat within 24 hours of receipt of the minutes from this meeting.

4. **Adjournment**

The Committee adjourned at 1.23 pm *sine die*.

Stewart Smith
Clerk to the Committee

Appendix 6 Dissenting statements

Mr Greg Donnelly and Ms Helen Westwood, Australian Labor Party

As Opposition members on the Legislative Council's Standing Committee on Social Issues we wish to state that alcohol abuse and all its manifestly negative effects and consequences makes it perhaps the most urgent and challenging policy area requiring serious Government attention, not just in New South Wales but across Australia. This inquiry focuses on the issue of alcohol abuse among young people and has proposed some recommendations to Government for consideration. However, it is our view that it would not just be naive, but foolish to believe that the issue of tackling alcohol abuse by young people can be effectively addressed without facing up to what is in fact a societal and cultural problem. In saying this we do not imply that there is anything inherently wrong with the legal consumption of alcohol. People of legal age should be able to enjoy a drink. It is also true that most people enjoy alcohol responsibly. However, the health, social and economic burden caused by alcohol harm in New South Wales is substantial.

No government should fear that in taking strong and decisive steps to tackle alcohol abuse, they are somehow getting out in front of community sentiment or concerns. In fact, the opposite is the case. The majority of Australians (75 per cent) believe that as a society, we have a problem with excess drinking or alcohol abuse, and 74 per cent believe that more needs to be done to address alcohol harms.

It is our firm belief that the facing up to and addressing of this issue, given its dimensions and consequences, demands a non-partisan approach being taken by our elected representatives. Politicians from across the political spectrum should stand shoulder-to-shoulder and work co-operatively to develop and implement policies that will address what we all know is a serious problem.

In terms of the inquiry's report, we would like to acknowledge and thank our fellow committee members for supporting the proposal that became Recommendation 2. You cannot improve what you do not measure! The collection and analysis of accurate information regarding state-wide alcohol sales data is absolutely necessary if Government is to develop and implement effective policies to tackle alcohol abuse.

With respect to Recommendation 8, we submit that the Government should proceed with a risk based licensing fee system. The system acts as a motivational tool whereby licensees are encouraged with lower licence fees to reduce trading hours, adopt more responsible business models and take proactive measures to reduce alcohol related violence in and around their venues.

Reducing the harms associated with excessive alcohol consumption is not currently the objective of liquor licensing fees in New South Wales. Licensees currently only pay a one-off application fee for a licence granted in perpetuity.

According to the Auditor-General, the annual cost of alcohol abuse to the government in 2010 was \$1.029 billion. The total societal costs were greater, with the Auditor-General estimating it at \$3.87 billion per year, or \$1565 for every household in New South Wales.

In contrast, the Government collected just over \$1 million from liquor licensing fees in 2011-12, which pales in comparison when considering the \$1.029 billion costs incurred by the government.

Risk based licensing fee structures are currently adopted in the ACT, Queensland and Victoria. The fee structure provides a clear financial incentive for licenced premises to comply with the law and implement measures to reduce alcohol related violence.

Any additional revenue generated by risk based licensing fees could be put back into measures to tackle alcohol related harm, including more police, more public transport options, CCTV coverage in alcohol violence hotspots and education campaigns.

With respect to Recommendation 10, we submit that the Government should proceed and amend legislation to enable controlled purchased operations for alcohol.

Controlled purchase operations are covert sting operations involving supervised minors attempting to buy liquor from licensed premises to test compliance with alcohol supply laws.

Controlled purchase operations for responsible service of tobacco enforcement already occur in New South Wales, but not for enforcing responsible service of alcohol requirements.

Despite the sale of alcohol to persons under the age of 18 years being prohibited in New South Wales, in 2010 7.3% of 16-17 year olds purchased alcohol themselves according to the 2010 National Drug Strategy Household Survey.

Given that young people are at increased risk of alcohol-related harm, controlled purchase operations should be made legal for enforcing the legal drinking age for alcohol.

In the deliberative meeting held to finalise the inquiry's report we sought unsuccessfully to secure majority support for three further recommendations. They were:

Recommendation

That the NSW Government conducts an 18 month trial to impose the strict restrictions on licensed venues in the Sydney CBD and Kings Cross including:

- Lock-outs at venues from 1.00 am;
- 3.00am 'last drinks' for all venues; and
- Restrictions on the sale of high-alcohol content drinks after 10.00pm.

Further, that the NSW Government conducts an independent study to measure the effect of the licence restrictions on reducing alcohol related harm and the impact of the restrictions on the night time economy.

Recommendation

That the NSW Government introduces all night train services from the Sydney CBD and Kings Cross to Greater Sydney on Friday and Saturday nights.

Further, that the NSW Government commits to providing more CCTV and more police in the state's entertainment precincts.

Recommendation

The NSW Government should establish a new liquor regulator which is committed to minimising alcohol related harm as part of its strategic priorities.

We strongly believe that these proposals are worthy of support and implementation. A number of key stakeholder organisations that provided both submissions and oral evidence to this inquiry supported, or supported in principle, the logic and arguments that underpinned these three Recommendations. While they were not formally endorsed by the Committee, we encourage the Government not just to consider them, but implement them, as part of a comprehensive policy response to deal with a very pressing social issue.