

**GOVERNMENT RESPONSE TO THE REPORT OF THE
LEGISLATIVE COUNCIL STANDING COMMITTEE ON SOCIAL
ISSUES ON DRUG ABUSE AMONG YOUTH**

STANDING COMMITTEE RECOMMENDATION NO 1

That the Directorate of the Drug Offensive monitor and review all major drug reports issued in NSW, at the Federal level and elsewhere as appropriate, and prepare at least annually digests of these reports including assessments of the feasibility and cost implications of their recommendations, for the Ministerial Committee on Drug Strategy.

Government response to Recommendation No 1

Under consideration

The New South Wales Ministerial Committee on Drug Strategy (MCDS) is currently reviewing the policy, administrative arrangements and funding of the NSW drug strategy. Recommendations 1 to 5, and 8 and 9, will be considered in the light of the outcome of this review.

STANDING COMMITTEE RECOMMENDATION NO 2

- (a) That the Directorate of the Drug Offensive, in co-ordination with the area and regional health services and the network of alcohol and other drug agencies, investigate the full extent of drug strategies, programs and facilities for youth throughout NSW relating to both the government and non-government sectors, and the extent to which these are meeting the needs of youth;
- (b) That following this investigation, the Directorate, in conjunction with other relevant organisations, develop a body of drug policy guidelines specific to youth, for submission to the Ministerial Committee on Drug Strategy;
- (c) That agreed youth policy guidelines become an integral part of the on-going planning process and be disseminated to all relevant organisations throughout NSW.

Government response to Recommendation No 2

Under consideration

See comment on Recommendation 1.

STANDING COMMITTEE RECOMMENDATION NO 3

That the Drug Offensive Act 1987 be amended to empower the Directorate of the Drug Offensive to carry out its primary task of co-ordinating drug policies and programs throughout NSW.

Specifically, that:

- (a) The words "to the maximum practicable extent" be deleted from Section 10.(1);
- (b) Section 10(2) be amended in such a way as to oblige all Government organisations to consult with the Directorate prior to the provision of any drug services.
- (c) All such organisations be required to inform the Directorate if they are unwilling or unable to act on the Directorate's advice prior to the commencement of the services in question.

Government response to Recommendation No 3

Under consideration

See comment on Recommendation 1.

STANDING COMMITTEE RECOMMENDATION NO 4

That in accordance with the recommended enhanced role of the Directorate of the Drug Offensive, it resume its former responsibility for overseeing the accountability of recipients of drug offensive funding and monitoring their adherence to the standards which it has set.

Government response to Recommendation No 4

Under consideration

See comment on Recommendation 1.

STANDING COMMITTEE RECOMMENDATION NO 5

That in order to ensure area and regional drug and alcohol co-ordinators play a fully effective role in the provision of adequate drug services to all areas of NSW, the Directorate undertake a full review of the role, functions and training needs of the co-ordinators, and associated cost implications, for presentation to the Minister for Health.

Government response to Recommendation No 5

Under consideration

See comment on Recommendation 1

STANDING COMMITTEE RECOMMENDATION NO 6

That in accordance with the recommended enhancement of the Directorate's role and effectiveness, its status be upgraded to that of a separate division within the Department of Health reporting directly to the Minister.

Government response to Recommendation No 6

Supported

The Drug and Alcohol Directorate is a special division within the Department of Health, reporting directly to the Minister for Health (see Part 3, ss. 1 - 4 of the Drug Offensive Act 1987).

STANDING COMMITTEE RECOMMENDATION NO 7

That the title of the Directorate of the Drug Offensive be changed to "Drug Strategy Division".

Government response to Recommendation No 7

Partially supported

In May 1991 the Government changed the name of the Directorate of the Drug Offensive to the Drug and Alcohol Directorate.

STANDING COMMITTEE RECOMMENDATION NO 8

That the Directorate's staffing level be reviewed to ensure that it has adequate staffing resources.

Government response to Recommendation No 8

Under consideration

See comment on Recommendation 1.

STANDING COMMITTEE RECOMMENDATION NO 9

That the Directorate develop strategies and structures that will provide better linkage and support to drug workers, particularly those in regional areas who often have limited information and resources.

Government response to Recommendation No 9

Under consideration

See comment on Recommendation 1.

STANDING COMMITTEE RECOMMENDATION NO 10

That a person or persons be prohibited from the sale, display, importation or advertising of any product (not including cigarettes) which include a tobacco trademark, brand name or logo or part of a trademark, brand name or logo used by a tobacco company.

Government response to Recommendation No 10

Supported

The Tobacco Advertising Prohibition Act 1991 prohibits all tobacco advertising and sponsorship, except for:

- * advertising and sponsorship which is subject to a contract or arrangement entered into before 26 September 1991 - such advertising and sponsorship to be phased out by 26 September 1995; and,
- * Ministerial exemptions so as to facilitate the promotion and conduct of sporting, racing and arts events which are of national or international significance, or in any case of significant hardship to persons other than manufacturers or wholesalers of tobacco.

STANDING COMMITTEE RECOMMENDATION NO 11

The Committee recommends that no taxi be permitted to carry a tobacco advertisement.

Government response to Recommendation No 11

Supported

This proposal is covered by the Tobacco Advertising Prohibition Act (see comment on Recommendation 10).

STANDING COMMITTEE RECOMMENDATION NO 12

That billboard advertising of tobacco products be prohibited.

Government response to Recommendation No 12

Supported

This proposal is covered by the Tobacco Advertising Prohibition Act (see comment on Recommendation 10).

STANDING COMMITTEE RECOMMENDATION NO 13

- (a) That the minimum age at which cigarettes may be purchased be raised to 18.
- (b) That the proposed "proof-of-age" card or photographic drivers licence be acceptable evidence of age.
- (c) That a person who sells tobacco to a person who is under the age of 18 years is guilty of an offence with a maximum penalty of 50 penalty units.

Government response to Recommendation No 13

- (a) Supported
- (b) Supported in principle
- (c) Supported

- (a) The Government has increased the minimum age at which cigarettes may be purchased to 18 years. The relevant legislative amendment came into force on 18 November 1991.

- (b) Officers of the Chief Secretary's and Health Departments are liaising on the practical implementation aspects of purchasers using "proof of age" cards.
- (c) The Government has increased the maximum penalty applicable to the offence of selling tobacco to a person under 18 years of age to 50 penalty points. The relevant legislative amendment came into force on 18 November 1991.

STANDING COMMITTEE RECOMMENDATION NO 14

That as soon as practicable no sporting, cultural or artistic event in NSW may advertise or exhibit a tobacco brand name, logo or trademark in association with the name of that event.

Government response to Recommendation No 14

Supported

This proposal is covered by the Tobacco Advertising Prohibition Act (see comment on Recommendation 10).

STANDING COMMITTEE RECOMMENDATION NO 15

- (a) That one tobacco health warning, that relating to a reduction in fitness, be abolished and replaced with something more appropriate to the destructive effect of tobacco consumption;
- (b) that the tobacco warnings be increased in size from fifteen percent to twenty-five of the surface area of the packet, that they be moved from the bottom to the top of the packet and contrast with the background colour of the cigarette packet;
- (c) that these warnings no longer contain the postscript "HEALTH AUTHORITY WARNING"; and
- (d) that each cigarette packet contain a cardboard insert, inside the packet itself, of not less than six centimetres by four centimetres, which one side would contain a health warning and the "QUIT FOR LIFE" telephone number and on the other side list a selection of the worst carcinogens to be found in cigarettes.

Government response to Recommendation No 15(a), (b) and (c) supported in principle

These proposals are subject to national review by the Ministerial Council on Drug Strategy.

(d) partially supported

At its meeting on 15 April 1992, the Ministerial Council on Drug Strategy decided that health information about smoking and advice as to the availability of Quit Smoking programs would in future be placed on the back of every cigarette packet. This decision will result in a much more prominent display of information than the proposal of the Social Issues Committee that a cardboard insert be placed inside each cigarette packet.

The Ministerial Council considered that listing the worst carcinogens found in cigarettes on the side of each cigarette packet would not be helpful to the average cigarette smoker.

STANDING COMMITTEE RECOMMENDATION NO 16

That all advertising at point-of-sale and on public venues, ovals and sporting grounds, including brand names and trademarks and logos represented on the surface of such venues, be prohibited as soon as practicable.

Government response to Recommendation No 16Supported

This proposal is covered by the Tobacco Advertising Prohibition Act (see comment on Recommendation 10).

STANDING COMMITTEE RECOMMENDATION NO 17

That any film financially or administratively assisted by the NSW Film Corporation display no identifiable brand name of cigarettes or incidental advertising, unless it incorporates "file" footage and that no such film accept any form of payment or sponsorship from a tobacco company.

Government response to Recommendation No 17Supported

The NSW Film Corporation has been replaced by the Film and Television Office (FTO), which is not involved in film or television production investment. The FTO does, however, act as executive producer for Government films and videos. As such, it excludes cigarette smoking and alcohol consumption from all its programmes, except in relation to subjects such as drug abuse and young offenders where mock names and brands are used. No FTO programmes have been sponsored by tobacco or alcohol companies and every endeavour is made to remove brand names where film or stock footage is used. FTO has no knowledge that projects assisted by it have received investment from tobacco or alcohol companies.

STANDING COMMITTEE RECOMMENDATION NO 18

That all restaurants in NSW which seat in excess of 100 people must provide a "smoke-free" area.

Government response to Recommendation No 18

Supported in principle

The Government supports industry self-regulation in this area. The situation concerning smoking in public places, including restaurants, is also under review by the Workcover Authority in the light of recent court cases dealing with passive smoking.

STANDING COMMITTEE RECOMMENDATION NO 19

A further tax of ten percent on all tobacco products be instituted and channelled directly into the recommended health promotion foundation. This tax increase at the rate of one percent per year for the next five years until the total rate of state taxation reaches a figure of fifty percent.

Government response to Recommendation No 19

Partially supported

The Government has increased tobacco licence fees from 35% to 50% in 1991 in line with the National Health Strategy on Tobacco. In June 1992, the Government announced that tobacco licences fees would be increased further from 50% to 75%.

The establishment of a Health Promotion Foundation with dedicated funds is considered to be unnecessary.

STANDING COMMITTEE RECOMMENDATION NO 20

That the effectiveness of the enforcement of the various liquor control acts by police patrol commanders be reviewed when they have been in operation for twelve months and that the result of that review be made public.

Government response to Recommendation No 20Supported

The Police Service has designed an evaluation framework to determine the effectiveness of the enforcement of liquor control legislation by Patrol Commanders. A final report is expected by 31 December 1992.

STANDING COMMITTEE RECOMMENDATION NO 21

That financial penalties for offences under the liquor and registered clubs act by licensees, their employees or other adults in relation to under-age drinking, have a minimum limit of not less than half the maximum limit.

Government response to Recommendation No 21Not supported

Appropriate penalties are a matter for the discretion of the courts.

STANDING COMMITTEE RECOMMENDATION NO 22

That the registered clubs and liquor acts be amended so as to provide mandatory penalties for clubs or licensees convicted of offences relating to minors, as follows:

- two offences in a three year period - called upon to show cause why the certificate of registration or the licence as appropriate, should not be cancelled or suspended for a specific period;
- three offences in three year period - suspension of certificates of registration or licence for between six and twelve months;
- four or more offences in three year period - cancellation of certificate of registration or licence.

Government response to Recommendation No 22Not supported

The Government has given considerable attention to the underage provisions of the liquor legislation in recent years and considers that existing penalties are adequate. The legislation contains a range of disciplinary powers that may be exercised by the Licensing Court including: significant monetary penalties; reprimand; licence suspension; and licence cancellation.

STANDING COMMITTEE RECOMMENDATION NO 23

That in all cases in which minors are issued with infringement notices under section 117F of the Liquor Act or section 57A of the Registered Clubs Act.

- (a) Their parents or guardians must be informed; and
- (b) The issuing of the notice must be recorded by the Police Department.

Government response to Recommendation No 23(a) Not supported

It was considered appropriate to leave to the discretion of police the question of whether or not to notify a parent that an infringement notice has been issued in respect of his/her child. It was also considered that there was advantage in leaving it to police to determine whether to issue an infringement notice or proceed through the courts.

(b) Supported

The new infringement notice scheme came into effect on 1 September 1991 and the issuing of notices is recorded by police pursuant to the new scheme.

STANDING COMMITTEE RECOMMENDATION NO 24

That minors may receive only one infringement notice and that second and further offences automatically entail a court appearance.

Government response to Recommendation No 24Not supported

See comment on Recommendation 23.

STANDING COMMITTEE RECOMMENDATION NO 25

That warning be compulsorily included on all alcohol labelling and in every form of alcohol advertisement without exception, concerning the potential effects of excessive consumption.

That there be several different warnings displayed on a rotational basis.

Government response to Recommendation No 25Under consideration

This proposal is subject to national review by the Ministerial Council on Drug Strategy.

The National Food Authority is to develop a draft standard for alcohol content of alcoholic beverages, at the request of the Ministerial Council on Drug Strategy.

At its meeting on 15 April 1992, the Ministerial Council on Drug Strategy noted that the Commonwealth had asked the National Food Authority to delay its development of a draft standard pending receipt of advice from the Committee on Alcohol Advertising and Labelling.

STANDING COMMITTEE RECOMMENDATION NO 26

That the Government increase the liquor licensing fees from ten to eleven percent, and that the additional one percent be expressly allocated to the recommended health promotion foundation.

Government response to Recommendation No 26Partially supported

The Government supports differential liquor licensing fees favouring low alcohol strength beers. In June 1992, the Government announced an increase in the liquor tax from 10% to 13%; however, the tax on low alcohol liquor is to be reduced from 10% to 7%.

STANDING COMMITTEE RECOMMENDATION NO 27

That the following forms of alcohol advertising be banned:

- (a) on billboards;
- (b) on taxis and buses;
- (c) the imprinting of alcohol company logos or brand names on the surface of sports fields or stadiums;
- (d) on radio or television before 10 pm throughout the week, and during any programs at a later time which have a substantial youth audience, as a first step to total elimination; and
- (e) in magazines or special sections of newspapers and magazines which have a substantial youth readership.

That in addition, specific limitations be imposed on:

- (a) total alcohol advertising in all media; and
- (b) around the perimeters of sports fields and stadiums.

Government response to Recommendation No 27Under consideration

This proposal is subject to national review by the Ministerial Council on Drug Strategy.

At its meeting on 15 April 1992, the Ministerial Council on Drug Strategy agreed to a proposal put forward by alcohol manufacturers whereby they will establish a "pre-vetting" system for advertisements for a one-year trial period. The alcohol industry itself will assume responsibility for ensuring that its advertisements meet standards acceptable to the community.

A report will be made to the 1993 meeting of the Ministerial Council on Drug Strategy on the effectiveness of the pre-vetting system.

STANDING COMMITTEE RECOMMENDATION NO 28

That the system of self-regulation of alcohol advertising be replaced by a new system mandated by legislation, under which the current voluntary alcoholic beverages advertising code would be replaced by a mandatory code.

Government response to Recommendation No 28

Under consideration

This proposal is subject to national review by the Ministerial Council on Drug Strategy.

See comment on Recommendation 27.

STANDING COMMITTEE RECOMMENDATION NO 29

That the recommended mandatory code for alcohol advertising be replaced by a new system mandated by legislation, under which the current voluntary alcoholic beverages advertising code would be replaced by a mandatory code.

Government response to Recommendation No 29

Under consideration

This proposal is subject to national review by the Ministerial Council on Drug Strategy.

See comment on Recommendation 27.

STANDING COMMITTEE RECOMMENDATION NO 30

That the proposed NSW Health promotion foundation be funded by an extra tax on alcohol licence fees of one percent and on cigarettes of ten percent.

Government response to Recommendation No 30

Not supported

The Government does not support the establishment of a Health Promotion Foundation (see comment on Recommendation 19).

STANDING COMMITTEE RECOMMENDATION NO 31

That the legislation creating such a foundation would include a specific breakdown of spending covering areas such as:

- funding for tobacco sponsorship substitution;
- promotion of arts, cultural and sporting events;
- health promotion funding;
- education programmes (with particular emphasis on youth); and
- alcohol and drug research.

Government response to Recommendation No 31

Not supported

See comment on Recommendation 30.

STANDING COMMITTEE RECOMMENDATION NO 32

That the legislation contain clear guidelines relating to funding and be overseen by a management board comprising representatives of the Directorate of the Drug Offensive, sporting and arts officials, representations from the area of Health promotion, advertising and marketing and representatives of the major political parties, as in Victoria.

Government response to Recommendation No 32

Not supported

See comment on Recommendation 30.

STANDING COMMITTEE RECOMMENDATION NO 33

That individual committees be set up to establish guidelines and grants to specific areas ie tobacco replacement committee, sports sponsorship committee, arts and cultural activities committee as in the Victorian and South Australia models.

Government response to Recommendation No 33

Not supported

See comment on Recommendation 30.

STANDING COMMITTEE RECOMMENDATION NO 34

That the NSW Health Promotion Foundation be created as a statutory authority, under the administrative umbrella of the Department of Health.

Government response to Recommendation No 34

Not supported

See comment on Recommendation 30.

STANDING COMMITTEE RECOMMENDATION NO 35

That appropriate phase in/phase out arrangement relating to existing sponsorships being replaced by Health Promotion Foundation sponsorship, be provided for in legislation.

Government response to Recommendation No 35

Not supported

See comment on Recommendation 30.