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Bill introduced, and read a first time and ordered to be printed on motion by Reverend the Hon. Fred Nile.

Second Reading

Reverend the Hon. FRED NILE [12.04 p.m.]: I move:

That this bill be now read a second time.

The Alcoholic Beverages Advertising Prohibition Bill 2012 is a straightforward bill. It almost deserves no debate because there is widespread support for a prohibition on advertising alcoholic beverages across Australia. The object of the bill is to establish the Alcoholic Beverages Advertising Prohibition Act 2012 to limit the social and personal impacts of alcohol abuse in New South Wales. One only has to look at today's *Daily Telegraph*—we are approaching Father's Day—which contains literally pages of advertisements promoting alcohol as a way to have a happy Father's Day. The newspaper contains at least four pages of advertisements promoting alcohol, which confirms that this legislation is necessary. The purposes of the proposed Act, as set out in the bill, are:

- (a) the discouragement of alcohol consumption by:
 - (i) persuading young people not to drink and not to abuse alcoholic beverages,
 - (ii) limiting exposure of young people and children to persuasion to drink alcoholic beverages,
 - (iii) encouraging drinkers of other beverages not to start drinking alcoholic beverages,
 - (iv) assisting those who wish to limit or give up alcohol consumption,
- (b) the reduction of alcohol-related:
 - (i) domestic violence—

members are conscious of the level of domestic violence in the State; police officers are often involved in combating domestic violence, which is almost always fuelled by alcohol—

- (ii) death,
- (iii) road accidents,
- (iv) crimes and other violence,
- (c) the prevention of alcohol-related illnesses (such as cirrhosis of the liver),
- (d) the reduction of the harmful impact of alcohol in the home and in workplaces and industry generally.

Industry wants to undertake random alcohol testing, because it is clearly understood that workers who are influenced by alcohol can cause accidents and injuries to themselves and others. The NSW Commissioner of Police, Mr Scipione, has been speaking almost daily of his concern about the impact of alcohol in our society and the way it is fuelling the violence that occurs almost daily, particularly in but not limited to certain suburbs such as Kings Cross. The bill will prohibit advertising and other promotional activities aimed at assisting the sale of alcoholic beverages, and it will provide for the declaration of local option areas within which the purchase, sale or delivery, or the consumption in a public place of alcoholic beverages will be an offence.

The bill will establish an Alcohol Advertising Prohibition Committee, which will prepare a timetable for the removal of advertisements promoting alcoholic beverages and the termination of sponsorships related to the promotion of any such beverages, and provide for limited exemptions at the Minister's discretion. A timetable will be a requirement under the legislation, as happened with the Tobacco Advertising Prohibition Bill. I accept that a

timetable is needed to allow companies to respond to the legislation; a total ban cannot be imposed tomorrow. The Alcohol Advertising Prohibition Committee can develop such a timetable. To be fair, in some cases—I am not sure what they would be—the Minister could provide limited exemptions. Those cases may relate to international events or some other activity for which an argument can be made for an exemption.

The bill is straightforward and, I believe, will have the support of the Coalition and the Opposition, as well as The Greens and the Shooters and Fishers Party. When Labor was in government, a restriction on alcohol advertising was regularly the subject of discussion, much of it generated by the Hon. John Della Bosca when he was the Minister for Health. As the New South Wales representative at the Australian Health Ministers' Conference in Brisbane, he called for a stronger stance on the restriction of alcohol advertising. The Hon. John Della Bosca said:

The Garling report into acute health services across New South Wales ... advises that we need to focus on prevention when dealing with the health and well-being of children and young people.

He went on to say:

We need to avoid creating a new generation of binge drinkers and to do that we need to use preventative strategies such as restricting alcohol advertising.

The cost of alcohol abuse to the community nationally is estimated to be more than \$15 billion which is mostly made up of sickies, road accidents and healthcare.

The introduction of the Alcoholic Beverages Advertising Prohibition Bill 2012 is not an extreme course of action. The Hon. John Della Bosca called for restrictions on alcohol advertising, as have Coalition members over the years. It is estimated that a total advertising ban nationally would reduce drinking by 25 per cent and road fatalities by 30 per cent. It could also reduce the social cost of alcohol abuse by \$3.86 billion and the social cost of road accidents by at least \$960 million. Statistics by NSW Health show that since 2000 the greatest increase in alcohol-related emergency department admissions has been in the 18- to 24-year-old age group—up 130 per cent. Female admissions within that age group have risen by 200 per cent.

Restrictions on alcohol advertising have a great deal of community support. The 2007 National Drug Strategy Household Survey found that 72.2 per cent of people aged 14 or older supported a ban on alcohol advertisements before 9.30 p.m. and that 48.5 per cent of people supported banning alcohol company sponsorship of sporting events. There is no simple response in dealing with alcohol abuse because it is a complex area, but this legislation is a step in the right direction.

Alcohol advertising is one of the most sophisticated and persuasive types of advertising, and it is increasingly clear that alcohol companies are not prepared to take a responsible approach. It is time that we looked seriously at the influence alcohol advertising has on our young people, who are usually the targeted group. As I said, alcohol advertisements are being directed at the families of fathers to encourage wives and children to buy alcohol for Father's Day.

Members are aware that I was successful in having legislation banning cigarette advertising pass through both Houses of Parliament. It became law, but not without a bruising battle with the Tobacco Institute of Australia, which spent millions of dollars on advertisements in an attempt to stop that legislation. I assume, once my speech is concluded today, that interests representing alcohol will do all they can to prevent this legislation being enacted and they will put pressure on the Coalition Government not to support it. It will be a battle, and it will not be easy. But we won the battle on cigarette advertising and I believe we can win the battle on alcohol advertising.

I remember speaking to a prominent member and Minister of the former Labor Government—not the Hon. John Della Bosca—about this issue. Although he was sympathetic towards my proposal, he said something along the lines of, "We are prepared to support the ban on cigarette advertising but alcohol advertising is a different issue because the alcohol industry is so powerful." It will take some courage for the Government to stand up to that industry and support this legislation. Professor Michael Good, Director of the Queensland Institute of Medical Research and Chair of the National Health and Medical Research Council, stated:

Australians currently enjoy near the best health in the world. Furthermore, our life expectancy continues to increase. Averaged over the last 100 years, our life expectancy is increasing at three months per year. This rate of increase shows no sign of slowing and has come about in more recent times in large part because of the reduction in smoking rates for Australians, who are now near the lowest in the world—

it is down to 14.8 per cent—

However, other risk factors for chronic diseases in Australia are not improving relative to the rest of the world and these will slow any further gains in life expectancy and improved health.

Chief among these are overweight, obesity and alcohol consumption for which Australia ranks in the lowest and middle third of OECD countries, respectively.

The lessons from the successful anti-smoking campaign can be applied to both of these lifestyle risk factors, but it is alcohol abuse that most closely resembles smoking and for which the lessons are most easily translated. Both are addictive drugs derived from cultivated crops. Both have well accepted health-risk profiles.

While deaths and morbidity attributed to alcohol are not as high as those attributed to cigarette smoking, data nevertheless show that acute and chronic alcohol abuse account for 45,000 hospitalisations in Australia per year.

When the Government looks at ways to reduce the massive expenditure on health and reduce its Health budget, it should consider this proposed legislation, which would have a major impact on achieving empty beds in hospitals. Any member who is concerned about the health of Australians and the pressure on our public health systems should support this legislation because it will reduce the 45,000 admissions to our hospitals. Alcohol contributes to foetal growth retardation and can cause foetal alcohol syndrome. It is estimated that alcohol abuse costs the Australian community in excess of \$15 billion per annum. The Federal and State governments would like to have that money to spend in other areas. Professor Good, in his speech, posed this question: How can we diminish risky alcohol consumption? He said:

The factors that were most successful in reducing cigarette smoking included public education, "denormalisation" of smoking, taxes on cigarettes, graphic labelling and bans on smoking in public places. However, the policy that was most closely associated with the drop in smoking rates was the ban on smoking advertising.

Professor Good specifically referred to a ban on smoking advertising, with which I agree. He went on to say:

This history of risk factors associated with the decline in cigarette smoking is instructive and may provide the way to improve Australia's position in alcohol consumption from the middle third of the Organisation for Economic Co-operation and Development countries and consequently deliver Australians further gains in life expectancy, further improvements in quality of life and significantly reduced health expenditure.

If we do not learn from the past, we will squander a precious opportunity for the future. Professor Good concluded his remarks with a question, which I pose to all members of this House:

Those who may disagree with the idea of a ban on advertising [on alcohol] should ask themselves if they would support a reintroduction of smoking advertising. No single positive thing comes from advertising either cigarettes or alcohol.

The obvious answer to Professor Good's rhetorical question about the reintroduction of smoking advertising would be a resounding "no" by all members of this House.

The Hon. Dr Peter Phelps: Not by me.

Reverend the Hon. FRED NILE: That demonstrates how public opinion has changed and even the opinions of members of Parliament have changed over the years, even if there are some exceptions. A submission from the Alcohol and Other Drugs Council of Australia [ADCA] said, in part:

... the national peak body for the alcohol and other drugs sector, provides a voice for people working to reduce the harm caused by alcohol and other drugs.

The Alcohol and Other Drugs Council of Australia member organisations employ approximately 2,500 people working within the alcohol and other drugs sector. They include treatment and prevention agencies, law enforcement officers, research organisations and policy bodies. The council's statement on the harmful effects of alcohol continues:

It is estimated that in 1997-98 alone the misuse of alcohol resulted in 63,164 years of lost life (before 70 years), a total of approximately 3,290 premature deaths and over 400,000 hospital bed days ... Despite this, the alcohol industry has a privilege of almost complete self-regulation in regard to all forms of advertising and promotion. There is growing concern within both the health sector and the broader community about the sheer bulk of alcohol advertising around today and its appeal and effect on young people.

That organisation also has come out strongly calling for action. It is also very critical—and I believe the criticism is justified—of the Alcoholic Beverages Advertising Code. It said:

The only other advertising restrictions are through alcohol industry self-regulation—namely, the Alcoholic Beverages Advertising Code (ABAC)—and through the broad standards for all advertisements that are articulated in the Advertiser

Code of Ethics. The voluntary ABAC stipulates (among other things) that alcohol advertisement must not appeal to those under the age of 18 or associate alcohol with social, sporting or sexual success.

All members know that is exactly what alcohol advertisements do. That voluntary code is obviously being ignored. We cannot trust the liquor industry to regulate itself in advertising. The Alcohol and Other Drugs Council of Australia recommends that the New South Wales Government should support the development of a national regulatory framework for alcohol advertising and bring the other States on board. If this bill is passed by Parliament, it could become the national model—as has happened in many other areas where New South Wales has led the way, such as the cigarette advertising legislation. This bill could be accepted by the Commonwealth as a model for other States to adopt so there will be uniform legislation across Australia. The Faculty of Health and Behavioural Sciences of the University of Wollongong conducted research into the question: What does alcohol advertising tell young people about drinking? The research has proved that self-regulation does not work. The report on that research says:

Alcohol has long been known to be the cause of significant physical, emotional and social harm in our society. Given that the manufacture, distribution and sale of alcoholic products is big business all over the world, clearly the marketing, advertising and promotion of these products is essential. However, there is an ongoing debate regarding the relationship between advertising and alcohol consumption and, importantly, the influence of this advertising on harmful drinking patterns.

The report continues:

We found that the majority of adolescents believe alcohol advertisements often include several messages which breached the Alcoholic Beverages Advertising Code (ABAC), highlighting the ineffective nature of the self-regulatory scheme.

The research included surveys of both adults and young people. From May 2004 until March 2005 television and advertising campaigns, national and regional, were monitored for alcohol products. The alcohol industry is achieving its aims through advertising, as is shown by the research. No-one would spend millions of dollars on advertising if it did not produce results. As to the results of the surveys, the research paper states:

Perceived messages in the alcohol advertisements

There were some strong indications that respondents see several social benefits of consuming alcohol in general ... 74% of responses indicated that the advertisement contained the message that drinking the advertised product would make them more sociable and outgoing; 89.9% that the advertisement suggested that the product would help them have a great time; 69.8% that it would help them fit in; 64.9% that it would help them feel more confident; 58.9% that it would help them feel less nervous; 46.5% that it would help them succeed with the opposite sex—

that is an important motivation for young males—

and 42% that it would make them feel more attractive.

These are surveys of the impact of advertisements on adolescents' thinking. In other words, the advertisements are successful in conveying what are all false messages, but the adolescents believe them. Of course, that increases the sales of those products and increases alcohol consumption. These subliminal messages are deliberately planned by the advertising agencies on behalf of the liquor industry to reach out to young people. These survey results provide further evidence to prohibit advertising. They show that the liquor industry's advertisements are achieving their objectives, not our objectives. We must step in to protect the youth of our society from this manipulation by the liquor industry. The University of Wollongong Faculty of Health and Behavioural Sciences report also stated:

Results regarding the clearly demonstrated perceived social outcomes of consumption of alcoholic products are of particular importance. It must be noted that the respondents did not necessarily believe that consuming the product would lead to such social benefits, but rather (in most cases) the majority believed that the advertisement contained messages which inferred that such social benefits are likely. However, this is a very concerning finding, given that the ABAC [Alcoholic Beverages Advertising Code] states that alcohol advertisements must not suggest that consumption or presence of alcohol may create or contribute to a significant change in mood or environment.

That is exactly what these advertisements do, in a very clever way devised by the advertising agencies. These advertisements are breaking the industry's own Alcoholic Beverages Advertising Code. The intention of the advertisements is to suggest that alcohol may create or contribute to a significant change, and the liquor industry would not spend money on advertising if it did not produce the desired results. I commend the faculty's research paper to all members of the House. Many other organisations have called for a ban on alcohol advertising. The Alcohol Policy Coalition, a group of health agencies that include the Australian Drug Foundation and the Cancer

Council of Victoria, has demanded tougher rules for sponsorship of sporting events and teams in Australia. I am pleased that so many authoritative organisations have taken a strong stand. The Alcohol Policy Coalition, in a paper, praised the Rudd Government for many of its positive initiatives, but it went on to say that there were serious key gaps.

The Alcohol Policy Coalition criticised the Federal Government for failing to address the impact of alcohol advertising by continuing to trust the liquor industry voluntarily to protect young Australians from alcohol advertising. I could spend a great deal more time going through all the evidence I have collated on this issue, but I believe what I have presented to the House confirms the need for this legislation. I have additional surveys and background material if any members wish to investigate this issue seriously. I assume a lot of material will be available through Google and other sources. I call on each member to support the bill. I hope the Coalition Government will seriously consider it in a future Cabinet meeting and that the Labor Opposition will consider it in its shadow Cabinet. It is a simple, straightforward bill similar to the legislation prohibiting cigarette advertising. All members would acknowledge that the legislation prohibiting cigarette advertising has been successful and has dramatically reduced cigarette smoking rates in our State and Australia. I believe this bill will have the same effect and result in a far healthier society. I commend the bill to the House.